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 2011-2012 Grand Jury Final Report

Dear Judge Walton,

I have reviewed the Mariposa County Grand Jury's report for the year 2011-2012. The report makes four findings and one recommendation.

I agree with the first three findings; however the fourth finding needs clarification. As written it infers that the cost of detaining a minor in local facility is "nominal" and less than paying an "expensive per diem rate" to another county for the detention. That is not totally accurate. Cost is dependent on the number of minors being detained. Our county cost to staff the facility for one minor is the same as it is if you have two or more detainees. If only one minor is detained the per diem rate paid to another county would be less costly than what it would take to staff our local facility per day for the single detainee. Ultimately the number of minors being detained determines if there is a cost savings using local resources.

There was discussion with jury members as to the value of having a local facility to use for our less sophisticated youth that we would otherwise have to detain with more hardened criminals from urban communities. Perhaps the finding was meant to be interpreted that the cost is "nominal" compared to the benefit the community receives by having a local detention program that holds our youth accountable without exposing them to that sophisticated criminal population.

The report concludes with a single recommendation; that being the Juvenile Detention Facility remain in operation. To date the Board of Supervisors has provided the necessary funding to keep the facility open. The probation departments requested budget for 2012-13 includes ongoing operational funds for the purpose of operating and maintaining the facility. As noted in the report, the nature of part time staffing requires considerable effort to recruit and retain qualified staff. The department is currently advertising to hire more additional Part-Time Probation Corrections Officers to augment the available pool of on-call personnel needed for on-going staffing of the juvenile detention facility.

Sincerely,

Pete Judy
Chief Probation Officer

cc: Mary Hodson, Deputy County Administrative Officer

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 5th, 2012

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

Re: Response to Mariposa County 2011-2012 Grand Jury Final Report

Honorable Dana Walton,

I am in receipt of the 2011-2012 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 Oversight Report.

I have reviewed the findings and recommendations of the 2011-2012 Grand Jury Final Report regarding the Mariposa County Sheriff's Adult Detention Facility Oversight Report. I agree with the Findings, Conclusions and Recommendations of the Grand Jury. I would like to add the following comments;

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

I would also 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

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 2011-2012 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 Grand Jury supports the continued scrutiny of County agencies and departments by our Auditor. It is recommended that future Grand Juries make use of his financial expertise and that of his department.

Response
I concur with the recommendation of the Grand Jury.

Part I. Implemented. The Office of the Auditor will continue to oversee the financial activities of the agencies and departments within the County to the extent possible within any personnel and funding constraints.

Part II. Not Implemented. Any future Grand Jury will have to decide to what degree they wish to make use of the Auditor's office. However, all members of the Auditor's office will always be ready to provide whatever support possible to the Grand Jury.

Recommendation
R-2 It is recommended by the Grand Jury that funding be allocated to the County Auditor to hire an additional assistant who will perform on-site examinations of the finances of County departments and agencies.

Response
I concur with the recommendation of the Grand Jury. However, implementation of this recommendation would be at the discretion of the Board of Supervisors.

William E. Davis

William E. Davis

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

Empowering People
Mariposa County Human Services

MARIPOSA COUNTY
HUMAN SERVICES DEPARTMENT

James A. Rydingsword, Director
jrydings@mariposahsc.org
(209) 742-0892

CC: BOS
Judge Walt
Dep CAL
File

AUG 2 8 2012

August 27, 2012

Mariposa County Board of Supervisors
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

Members of the Board:

The Human Services Department has reviewed the findings and recommendations of the 2011-2012 Grand Jury Final Report. A copy of our response is attached.

Sincerely,

James A. Rydingsword
Director

Reviewed:
Honorable F. Dana Walton, Per PC933

Human Services

The 2011-2012 Grand Jury made an oversight visit to the Human Services Department on February 15, 2012.

Authorization for Oversight Penal Code, §925

The Grand Jury requested and received the following sets of documents for fiscal year 2011-2012 from Human Services beginning in December 2011:

- Questionnaires from the County Auditor and the Human Services Director
- Lease agreement for Human Services Building
- Human Services sub-lease agreements with Child Support Services and Mother Lode Job Training
- Estoppel certificate for acceptance of leased premises
- PG & E bills for 6/17/11 to 10/17/11
- Budget spreadsheets for the Human Services Department
- Mental Health Act components

Interviewed:

- Human Services Director
- Fiscal Officer of Human Services
- Human Services Dispatcher
- Human Services Staff Services Manager
- Human Services Office Technician
- County Auditor
- Interim Director of Public Works
- Public Works Facilities Manager

Introduction

The current Director of Human Services was hired four years ago by the Board of Supervisors.

Human Services is reimbursed by the Federal and State Governments for providing Federal and State programs to Mariposa County residents. There are up to 30 streams of funding.

There are eleven eligibility workers in Human Services who serve approximately 2500 residents in Mariposa County.

In June 2011 the new Human Services building brought under one roof departments that had been housed in various buildings throughout the county. The Recovery, Opportunity, and Development (R.O.A.D.) House is still on Jones Street.

The Human Services building operates under rules of confidentiality and Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Services

- Human Services Administration directs and accounts for all departments and programs administered by the Human Services Department.
- Social Services conducts a number of functions on behalf of the State and Federal governments including: Medi-Cal, County Medical Services Program (CMSP), general assistance, and food stamps; provisions of adult protective services; in-home supportive services; child welfare services and foster home licensing; Eligibility and employment functions.
- Behavioral Health offers short-term counseling with after-care groups to children, families, and adults. Case management and medication services are provided to the severely mentally ill. Child abuse treatment services in support of the Human Services Child Protective Services program are provided. Also provided is an American Indian mental health program.
- In 1997 Wraparound was established in California under SB 163. The purpose of this program is to return children and youth in group home care to their homes and communities.
- Alcohol and Drug Recovery Services include prevention, intervention, and treatment through individual, family and group counseling.
- The Energy Grant relates to Community Action's Energy Assistance grants for energy utility and weatherization assistance.
- The Community Action Agency (CAA) provides various low-income, family self-sufficiency and community development programs that include emergency shelter and food assistance.

Findings and Conclusions

Building Lease

F During the construction of the new Human Services building, over 20 local contractors, suppliers and businesses were employed. The yearly lease amount is $1,154,319 and is covered under the Human Services Administration operating budget.

There is conflicting information presented regarding how the Human Services building is funded. According to the Human Services Director, the building was constructed through a Federal grant under Housing Development. In addition, the Director asserts that the Federal government reimburses a large share of the operating cost.

F According to the Human Services Fiscal Officer, if there is a change in

operating costs from year to year of more than 15%. Human Services must file a written explanation. The State then adjusts the operating costs to reflect the new costs and the Human Services operating budgets are charged accordingly. Percentages go up for every department.
However, according to the County Auditor, the State of California reimburses the County for the operating costs. He states that although the lease amount did not increase from the previous year, the previous costs were about $280,000 per year and the current cost is over $1,100,000/year, an increase of more than $800,000. He claims, as a result, unattached State funds are being shifted from other services to the operating costs. The Auditor is not aware of any Federal grant money that is being used for the operating costs.

C There is a conflict in the information regarding from where the money for the operating cost is funded. We have concerns that the substantial rent increase for the new Human Services building has reduced funds available for department programs.

Noted: The financing of the building was done independently through DesCor, Inc. The building is then leased back to the County as an operational lease, which makes the monthly lease claimable for Federal and State funds. The increased cost of the building was covered by a reduction in staff not needed for department programs because of the consolidation of staff into one location.

Building Utilities
F The Human Services Facility was recently constructed in 2011. It is a large building, designed to accommodate most of this department's staff, plus additional agencies. The building relies on an electronic management system to control functions such as heating, air conditioning, and lighting. There are fifty zones within the building, each having independent control settings.

The management system uses environmental sensors and is designed to operate in compliance with occupant requirements. There are overrides, allowing system function such as lighting and heating whenever required. The system is designed to be state-of-the-art energy efficient.

Facility maintenance is provided by Mariposa County Public Works. Maintenance personnel work extended hours at the facility, mostly at night into early morning. It is reported that system overrides are used during maintenance work. It has not been clearly established if lighting and other systems are being restored to off or stand-by modes when maintenance work is completed.

C The facility environmental system is complex. After hours facility occupancy requires automated controls to be overridden. On weekdays, some of the upstairs lights may remain lit until early morning hours.

Noted: The Department continues to monitor and update the electronic management system for the highest possible use.

The Stroming Building
F The County's lease for 5037 Stroming Road is contracted until December 31,

2014. The building was vacated in June 2011. The National Park Service has now leased the building as of March 1, 2012. The State paid for the operating costs of the building while it was empty.

According to the Human Services Director, the State has not been informed that the building has been vacated. A cost report will be filed to show transition to the new tenant. He hopes that the County will not be charged.

According to the Fiscal Officer, the State requires the County to file a yearly cost report showing its operating costs. She states that Human Services' operating costs are within the State's limit. The State allows facilities to be empty for up to a year without penalty, when the vacancy is due to relocation. As a result, the Fiscal Officer believes there will be no repercussions to the County. The operating costs that the State has reimbursed for the building are part of Human Service's operating budget and are reabsorbed.

Noted: The Department will review claims and the cost report for any issues that may arise, however, the cost of transition is expected to not be questioned.

Revenues

F Human Services has a $16,000,000 annual budget. Funds for all of the Human Services are from Federal and State agencies, grants and local funds. Federal funds filter down to the State which, in turn, filter down to the County. Local funds come from property taxes and sales taxes collected by the County. These local funds are handed over to the State and then returned as realignment funds for Mental Health and Social Services. In return, the State gives the County more latitude in how the funding will be implemented for local programs.

Noted: As the State shifts more revenue and more costs to local counties, the decision making for many of those programs will still be subject to Federal and State laws and guidelines.

Program Integrity Unit

F A new Program Integrity Unit (PIU) has been put into operation. Various Social Service programs receive allocations that include a program integrity and/or fraud component to which Program Integrity Unit staff will charge their time. Operational costs are driven by the time that staff spends doing work in each of the different programs. Between July 2011 and February 2012 there were 88 new referrals for investigation and there were 91 closed investigations.

Noted: The implementation of the Program Integrity Unit has given focus to welfare fraud, quality assurance and improvement, and staff training.

Audit Exceptions

F The County Auditor has found inconsistencies in Human Services funds. He called in auditors from the State. The State auditors acknowledged a problem. They suggested this issue be brought to the attention of auditors contracted by the County. The auditors found an exception, or potential problem, totaling $1,700,000.

The Human Services Department is audited by an outside source, yearly. This audit is for processes, only. If a discrepancy is found, an in depth audit will be done. According to the County Auditor, from 2008-2011 three specific programs funded by the state had issues. He believes that eligibility requirements were not met, because, beginning in 2009, funds earmarked for those three programs were used, instead, as expenditures for General Community Services. Based on the audits, the expenditures went on through 2011 and about $1,700,000 has been misspent since 2008 by Human Services. The audit revealed that $1,900,000 was issued by the State, and approximately $280,000 was actually spent correctly from 2008 to 2011.

According to the Auditor, in previous years, funds were sent to Human Services with the assumption that it would be spent appropriately. He believes that Human Services provided the previous Auditor a list of line items where the money was to be used and the Auditor approved it. No documentation was required to trace it. At the time of the implementation of the programs, the Fiscal Officer provided direction to the Auditor's Office with the approval of the Director of Human Services.

The current Auditor has put in a system of checks and balances. He has created oversight of all departments, including Human Services. When money passes through his office, and is received by a department, he contacts that department to determine whether money that is received is cash or reimbursement. If it is cash, it will remain on the balance sheet until the department provides the documentation showing that the mandated work has been performed, and at that point, the money is recognized as revenue. On the other hand, if the funding is for reimbursement, the department must present documentation showing what it is being reimbursed for. County departments must document all spending. Due to the creation and application of these new policies, all funds are traceable.

According to the Director, on February 15, 2012 there was an audit that had exceptions. He stated that to handle one of the exceptions, County Administration and the Board of Supervisors have to meet to rectify the issue, and that the item must be brought up on the Board of Supervisor's agenda by April 2012.

According to the Fiscal Officer, there was an audit on February 22, 2012 that exposed two exceptions. She says that generally, the audit is not made public until there is a plan of corrective action. One exception, she pointed out, was a major expense of about $300,000 for a program that had been developed but that could not yet be implemented, and, as a result, monies were rerouted until that program could be launched. To rectify the exception, the Fiscal Officer stated, Human Services administration and the Board of Supervisors will formulate a correction intended to reroute funds into next year's budget so the program may be implemented. She states that the other small exception will be corrected in the same manner. On the whole, according to the Fiscal Officer, exceptions are usually minor if there are any at all.

At a later date, the Fiscal Officer stated that Mental Health asked for and received money from the State to fund three projects and in 2008 there was a surplus. She claimed that some of this funding was diverted from those three projects to core Mental Health programs.

The Fiscal Officer asserts that all the requirements of the three programs were fulfilled. Her opinion is that the County Auditor does not truly understand how the funding is meant to work. She recognizes, however, that it is clear in the law that those mandated programs that are funded by the State, must be implemented as mandated, although the State does not specifically address what should be done if there is a surplus. This transfer of funds was approved by both the Fiscal Officer and the Director.

During a meeting with Board of Supervisors and County Administrators, information regarding the misspent funds was divulged. A consultant presented a corrective plan of action to the County Mental Health Board in May 2012 proposing the repayment by County Mental Health by deducting future revenues. The Mariposa County Mental Health Board approved the corrective plan of action. It will be presented to the Board of Supervisors, who may approve it and forward it to the State Oversight Commission for Mental Health for final approval. It is unknown what the State will decide.

C In prior years, Human Services has been operating without sufficient oversight by Mariposa County or the State. As a result, lax practices by several individuals have become habitual and money has not been spent as mandated. There may be some additional costs and considerable effort to enact the corrections. It is still unknown if there will be additional fiscal repercussions to the county as a result of misappropriated allocations by this department.

Noted: According to State law, the Board of Supervisors has approved the submission of a corrective action plan to the State.

Filing Reports to the State

F Currently, at the State level, Mental Health Services has been dismantled. Yearly plan updates and revenue reports must now be filed with the State Department of Health Care Services. The State has mandated that 80% of funds are to be used for core services and 20% for Prevention, Early Intervention (PEI). A program called Innovation would receive a total of 5% taken from both PEI and core services.

C The State will be handing over more funds to the County, which will have more latitude to spend. Appropriate allocation will become the responsibility of the Board of Supervisors, the local Mental Health Department, and the local Mental Health Board.

Noted: Procedures have been put into place to ensure that the Board of Supervisors, the local Mental Health Department, and the local Mental Health Board work more closely together as this shift in responsibility take place.

Time Study Reports

F The Social Services Department's time study reports are the accounting of employee time spent on specific activities. These are documents used by this department to receive reimbursement from the state. The state allocates funding to

specific programs. The Social Services Department is required to justify this funding by certifying that employees worked the hours listed on the reports.

Auditors hired by the county indicated that there have been inconsistencies in the time studies. The cause of these inconsistencies was unclear. The auditors concluded that time study documents may have been altered.

Human Services Fiscal Officer stated that time reports have not always been completed correctly or in a timely manner. She reports that employees have had confusion in filling out the reports and that some have been changed, after they have been submitted to the state. In her Grand Jury interview, she explained that the funds all come from the same general "pocket." Within that "pocket" there are smaller "pockets." Working with departmental supervisors and the Deputy Director, the time reports are reviewed. Sometimes changes have been made to reflect requirements to procure specific funding sources. If a change has been made, the employee who originally filed the time study report is notified.

The Grand Jury has been informed that new policy has been put in place. It requires all time study reports to be completed by employees and reviewed by their supervisors, in a timely manner.

C Time study reports were routinely inaccurate and frequently altered. Department management indicates that the issue has been rectified. Time study reports now reflect the actual manpower used for specific state programs.

Noted: Procedures have been put into place with the County Auditor's Office to provide closer controls on time study reports.

F According to auditors hired by the County, in the audit of the State Department of Community Services and Development contract reporting for the 2010-11 fiscal year, Mariposa County Human Services Department claimed expenditures $2,363 in excess of amounts shown on the County general ledger.

According to the County Auditor, Human Services has a computer system separate from the County's computer system. In the Human Services computer there are bookkeeping inaccuracies. As a result, if a claim is submitted based on their system rather than the County system, then that claim may be out of balance. The County computer system is the system used for accounting by all departments. All County expenditures are processed through this system. According to the Auditor, Human Services has sent inaccurate information to his office. The Auditor's office corrects the figures before inputting them into the County system. The figures were not necessarily changed on the Human Services system. This has created inconsistencies and may be why Human Service's books are out of balance.

C Budget discrepancies are apparent between the Human Services Department computer and the separate County computer. These discrepancies appear to be relatively minor and primarily a result of input error.

Noted: The Department supports any discussions within the county to upgrade and provide greater compatibility of the County's accounting systems.

Prudent Reserves

F Prudent reserves are moneys that are set aside to be used later when extra resources are needed. They must be established as part of the three-year plan. Human Services has funds set aside as prudent reserves within Mental Health Services. In 2011, the Human Services Department had $427,000 in prudent reserves. That same year, the Fiscal Officer allocated more than half of the prudent reserves, without filing a plan. Nevertheless, at the end of 2011, the Fiscal Officer submitted a new plan to use the total amount of prudent reserves of $427,000 in 2012 for other services where funding was going to be short. Contrary to what was stated in the new plan, at the end of 2011, the prudent reserves amounted to less than $200,000. Her alleged intent was to attempt to refill the $1,700,000 "bucket." The Fiscal Officer did not let the appropriate parties know. It was an oversight on her part, and the Director was also aware of it.

C More than half of the prudent reserves were spent in 2011, without a plan. The entire amount of prudent reserves, including the part that was already spent, was included in the 2012 plan. The Fiscal Officer intended to make partial repayment of the $1,700,000 exception generated by this department. This was a violation of Human Services policy and was allowed because of lax practices and no oversight.

Noted: As the Department moves forward with a corrective action plan and other measures of accountability we will re-visit the issue of prudent reserves. Again, the ability to accrue reserves has been positively impacted by 2011 Program Realignment.

Energy Grant

F The Energy Grant supports Community Action's Energy Assistance services for energy, utility, and weatherization. This program is generally first come first serve. There are up to 150 applicants waiting for assistance depending on grant money availability.

F The Energy Grant contract shows that employees receive benefits at 129% of their salary, much higher than the 62-65% benefits received by other Mariposa County employees.

The Director was asked about salary and benefits numbers being skewed. He answered that he would look into that and check with the Fiscal Officer.

The Fiscal Officer stated that because of State requirements, some of the salaries and materials costs are combined on the same budget line. After two Grand Jury requests for a budget breakdown, the Director provided information on April 9, 2012.

The Staff Services Manager runs the weatherization and utilities programs. She stated that there are no salaries on the addressed budget line. It is for the purchase of utilities and weatherization materials installed in homes. When the Staff Services Manager was told by the Grand Jury that the Fiscal Officer had stated that salaries were included on that budget line, she left the room. When she came

back, she stated that possibly $51,000 could be salaries and that she would talk with the Fiscal Officer and get back to the Grand Jury with an answer.

Since the meeting with the Staff Services Manager, the Fiscal Officer admitted she made a mistake and there are no salaries included in that line.

The Fiscal Officer reports there is a new budget that has mid-year corrections with more money added and another grant that was approved by the Board of Supervisors. Now the benefit to salary ratio in this budget is about 42%, much lower than the 62-65% usual benefits to salary ratio for other Mariposa County employees. According to the Fiscal Officer, this works because she makes appropriate changes based on the contract and the number of people who are working.

The Fiscal Officer, her staff, and the Director of Human Services all approved the budget spreadsheets. The Director of Human Services is aware of how the money is spent and he signs off on the budgets before they are sent out.

C There are concerns regarding conflicting information we received about budget items. There was a lack of clarity to address our questions about employee benefit to salary ratio. Answers to our concerns were inconsistent and not supported by documentation.

Noted: The Department recently went through an audit from the State Community Services Department and receives minor discrepancies.

"Ghost Account"

F The County Auditor discovered a "ghost account" that belonged to the Energy Grant Program. The function of the "ghost account" was to mask accounting irregularities. This account had been in place since 2008 and possibly as early as 2007. As a result of its discovery, in September 2011, the County had to pay back $134,000 to the State from the County general fund.

According to the Human Services Fiscal Officer, amounts allowed for salaries in the Energy Grant Program are not always sufficient and the unfunded parts would be recorded in a "ghost account." It was hoped that one day the State would provide a surplus of funds and the shortfall could be paid off. The Fiscal Officer states that over a 6-year period, the "ghost account" had built up to $134,000.

The Fiscal Officer states she was told by the previous Director and previous Deputy Director of Community Services to keep her hands out of these funds and she did not know why. When the previous Deputy Director of Community Services retired a year and a half ago, the Fiscal Officer was given responsibility for the "ghost account." The current Director of Human Services and the previous County Auditor were both aware of this account.

C The "ghost account" was not the creation of a single individual. There were numerous individuals, past and present, at the highest levels of the Human Services Department who were aware of this account. In addition, the previous

County Auditor knew of it.

Noted: The Board of Supervisors has taken action to resolve this issue.

Recommendations:

R Now that the State Mental Health Department has been dismantled and is part of the State Department of Health Care Services, Mariposa County will be more fully in control of dispensing programs to its citizens. There will still be some controls by the State that will have to be adhered to by AB100 and Prop 63 from 2004. It is now more important than ever that Human Services provide clear and correct information to the local Mental Health Board and the Board of Supervisors.

Response: We agree. Under 2011 Program Realignment the costs for the traditional Mental Health programs have shifted to the counties and it is more important that the local community, the Mental Health Board, and the Board of Supervisors be more involved in local decision-making on these programs.

R There needs to be strong oversight by the Auditor's office. The current Auditor has put in place a system of checks and balances that provide oversight of Human Services. Continued oversight is necessary, and should be consistently carried out by the Department of the County Auditor. In turn, the Auditor needs to work closely with Human Services, the local Mental Health Board, and the Board of Supervisors, so that everyone understands the finances and programs and that there is no mismanagement or misunderstanding.

Response: We agree. We believe that it is imperative for the Board of Supervisors, through the County Auditor, to provide continuing and consistent oversight and direction to all Departments.

R The Board of Supervisors has ultimate authority over Human Services. All members of the Board of Supervisors need to be aware of and to understand the decisions that are being made at Human Services. Human Services should not be a department that runs itself. In the last year, the County has paid back to the State $6,000 to a program in which the State found inconsistencies. The County paid $134,000 back to the State because of the "ghost account". County Mental Health in Human Services may be paying back over $1,200,000 from future County Mental Health budgets. If there are flaws in the repayment plan of action, it could cost the County untold amounts of money.

Response: We agree. The Board of Supervisors has ultimate authority over Human Services in the context of the various laws, rules, and regulations established by the State of California and the Federal funding agencies. With program realignment in California the Board of Supervisors will have a larger role in understanding and working with the community and the Department to manage in this new environment.

R The Board of Supervisors must make checks and balances permanent to ensure continued oversight, no matter who is elected to the position of County Auditor.

Response: We agree. We believe that it is imperative for the Board of Supervisors, through the County Auditor, to provide continuing and consistent oversight and direction to all Departments.

R There are many instances of questionable practices. This is not caused by just one person. Re-evaluations of employees of this department by the Board of Supervisors are necessary, starting with all members of top management.

Response: Noted. The evaluation and re-evaluation on employees in any County Department is conducted within guidelines established by the Board of Supervisors and as contained in negotiated agreements with Mariposa County employees.

MOTHER LODE Job TRAINING

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Mother Lode Job Training is an equal opportunity employer/service provider.

RECEIVED
AUG 02 2012
By

July 26, 2012

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

Re: Mariposa County 2011-2012 Grand Jury Final Report

Dear Honorable F. Dana Walton:

I am in receipt of the Court's letter, dated June 28, 2012, regarding the Mariposa County Grand Jury Final Report for 2011-2012. Please accept this letter in response to the report on behalf of Mother Lode Job Training.

In accordance with Penal Code 933.05 Mother Lode Job Training has reviewed the findings and recommendation of the 2011-2012 Grand Jury Final Report. We agree with the findings, conclusions and recommendation of the Grand Jury.

I would like to commend the Grand Jury members for their hard work, dedication of time, and commitment in fulfilling such a vital role in our county.

Sincerely,

Mary Jane Erickson

Mary Jane Erickson
Manager-Mother Lode Job Training

Reviewed:
Honorable F. Dana Walton, Per PC933

Cc: Mariposa County Board of Supervisors

TELEPHONE 209/966-3643 www.motherlodejobconnection.org FAX: 209/742-6792
• POST OFFICE BOX 1915 • MARIPOSA, CALIFORNIA 95338

CRS 711 Auxiliary aids and services are available upon request to individuals with disabilities.

COUNTY OF MARIPOSA
DEPARTMENT OF CHILD SUPPORT SERVICES

5632 Lemee Lane, PO Box 748, Mariposa, CA 95338 (209)742-0997 FAX (209) 966-3842

DEBRA A. WALTON
Director

FRANCIS W. MCNALLY
Child Support Attorney

July 16, 2012

TO: Honorable F. Dana Walton
Cc: Mariposa County Board of Supervisors

FROM: Debbie Walton, Director

RE: Response to the Grand Jury Final Report for 2011-2012 regarding Child Support Services

I agree with the findings and the conclusion of the Grand Jury regarding the operations of the Mariposa County Child Support Services Department.

Reviewed:
Honorable Wayne R. Parrish, per PC933

Robert M. Dowd*
Robert W. Gin*
Randy L. Edwards
Jim B. Lee
Jeffrey L. Levinson*
Raymond L. Carlson
Ty N. Mizuta*
Michael R. Johnson*
Steven S. Lias
Robin M. Hall
Marla U. Zamora
Laura A. Wolfe

*a Professional Corporation

Griswold LaSalle
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ATTORNEYS
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111 E. SEVENTH STREET
HANFORD, CA 93230

T (559) 584-6656 | F (559) 582-3106
www.griswoldlasalle.com

Lyman O. Griswold
(1914-2000)

Michael E. LaSalle
(Retired)

Steven W. Cobb
(1947-1993)

August 24, 2012

VIA FAX 209-742-6860 & U.S. MAIL
VIA NEXT DAY AIR
UPS TRACKING NO. 1Z F74 78R 9980 3434
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 Mariposa County Grand Jury 2011-2012 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 2011-2012 Final Report. At a special meeting on August 23, 2012, the District Board approved the responses and has authorized this office to forward them to the Court.

The Court's June 28, 2012 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 27, 2012 as determined under CCP §§ 12 and 12a(a). The District reserves the right to supplement this response up to 90 days after June 28, 2012, the time period provided in Penal Code § 933(c).

The Findings, Conclusions, and Recommendations in the Grand Jury Final Report are not numbered. In most cases, each Finding appears to have a corresponding Conclusion. Therefore, the Findings and their corresponding Conclusions have been copied from the Final Report and numbered as set out below. After each Finding and Conclusion, the District provides its Response. The Recommendations of the Grand Jury are also copied and numbered as set out below, with the District's response set out immediately after each Recommendation.

RESPONSES TO FINDINGS AND CONCLUSIONS

F-1 Credit Card Use: Credit cards intended only for official purchases were being used by individuals for personal spending. One card was used by mistake for Christmas shopping, but reported immediately. On another occasion, during a monthly audit, it was found that, a card was used by the spouse of an employee. Funds used unofficially were reimbursed by employees.

C-1 Credit Card Use: All official District credit cards were returned. They are now distributed only when needed.

RESPONSE: The District agrees with the finding and conclusion.

F-2 FOIA, (Freedom of Information Act) and CPIA [sic] (California Public Information Act [sic]), requests are submitted by form from the office or by email request. All requests are processed by the Financial Administrator in a timely manner. Requests range from copies of tapes of meetings to salaries of employees.

RESPONSE: The District agrees with the finding.

F-3 Billing Disputes: Billing disputes are settled by the Billing/Property Specialist. Disputes are usually submitted by phone. The problem is solved by an employee who re-reads the meter of the disputed bill, then checks for possible water leaks, indicated by unusually green plant growth in the area.

C-3 Billing Adjustments: Billing adjustments are made in a timely manner.

RESPONSE: The District agrees with the finding and conclusion.

F-4 Service Requests: Service requests, mostly water leaks, are usually submitted by phone. Repair is done by priority. Larger water leaks are fixed first.

C-4 Service Calls: Service calls are performed in a timely manner.

RESPONSE: The District agrees with the finding and conclusion.

F-5 Cash Handling: The cash drawer is used by two people at a time. Funds in the cash drawer are verified at closing by an employee other than the two using the drawer and stored in a fire proof cabinet overnight. Payments are posted as paid under secured name and password in computer system. Payments can be made through a "drive-up" drop box.

C-5 Cash Handling: There are no Cash Handling procedures in place.

RESPONSE: The District agrees with the finding and disagrees with the conclusion. According to the Billing/Property Specialist, there are cash handling procedures in place at this time.

F-6 District Vehicle Use: There are 4 district vehicles in use. Mileage logs, while once used, were discontinued in February of 2010. There are no log books for any vehicle.

C-6 District Vehicle Use: There are no vehicle and mileage logs in use.

RESONSE: The District agrees with the finding and conclusion. However, there is now a state-of-the-art real time vehicle tracking system in use, as described in more detail by the District's former IGM.

In December of 2011, the District contracted with FleetMatics. It is a four year contract. Fleetmatics is a web based program and provides the District management and staff with the capability to locate its vehicles at any time. The District pays approximately $43.00/Unit/Month for this tracking system. It is used on the six District vehicles.

This system allows the Districtr to monitor vehicle start/stops, fuel usages, speeds and mileages. Below are some of the features and advantages of the Fleetmatics system:

- Instantly flag movement of vehicles during non-working hours.
- Easily detect and confirm that planned stops were made.
- View and replay any journey made by any of the District's vehicles.
- Confirm that only District employees are driving District vehicles.
- Minimize wasted time on job sites.
- Reduce vehicle down time.
- Improve routing.
- Eliminate time sheet fraud with true start/finish times.
- Quickly detect excessive overtime hours.
- Daily actual start and finish times, hours worked, days worked, average daily hours and weekly totals.
- Eliminate prolonged stop times.
- The Hours Worked Report provides a summary of the actual hours worked for each vehicle and can be used as an electronic timesheet, if needed.
- Know the second a vehicle moves during non-working hours.
- Get fast recovery of stolen fleet vehicles.
- Reduce unauthorized fleet vehicle use.
- Curb unsafe driving habits.
- Quickly identify speed limit violations within the FleetMatics features – Reports, Alerts, and Live Fleet.
- Investigate violations in detail through Route Replay.
- With the Fleetmatics' feature "Speed Limits"; the District can get the most comprehensive source of speed limit information across all types of roads and geographies, including local and residential roads. The District can now improve driver performance through this fleet tracking system.

F-7 Employee On-Call Service: During off-hours, an employee is on-call, in case of service problems. There is policy dealing with off-hour calls, however, time cards are not filled out with the correct time, mileage or service. There is a "verbal" agreement between the Interim General Manager and employees about on call pay that overrides the written policy.

C-7 Policy is not being followed, and time, service and mileage is poorly documented.

RESPONSE: The District agrees with the finding and conclusion. Employees should follow policy.

F-8 Special District function: LDPCSD provides basic water services to the community. Operations are running adequately. The final product, potable water, meets legal standards and is delivered satisfactorily to customers.

C-8 Effective Interim General Manager: The IGM has been effective in running the daily operations of the LDPCSD. He has maintained required services while upgrading the plant

facilities and water delivery infrastructure. This was accomplished without an increase in staff and minimal support from the LDPCSD Board of Directors.

RESPONSE: The District agrees with the finding and conclusion.

F-9 District infrastructure and plant safety: The IGM, who has recently resigned, has implemented required safety procedures. Overall, facility operations have become more efficient and infrastructure has been repaired, reducing water loss. This has been accomplished without hiring additional employees.

C-9 Financial Concerns. Members of the Board of Directors have stated they were pleased about district finances because the previous budget shortage has been overcome. The Grand Jury has a different perspective. There are several issues that could negatively affect the district's finances. We believe the Board members are being short-sighted regarding upcoming events that may severely impact the district's bottom line.

RESPONSE: The District disagrees with the finding and disagrees with the conclusion since the upcoming events are not identified and two IGM's have recently resigned so it is not clear which one is referred to.

F-10 Board of directors; disharmony and dysfunction: This Grand jury received seven complaints targeting the lack of functionality of the members of the Board of Directors. The main thrust of the complaints involved infighting and dysfunction at Board meetings. Improper, self-serving political alliances between Board members, staff and certain citizens were also mentioned as problems, leading to stymied Board function. It is significant that several of the complaints were from past or current Board members. Most of the complainants can be clearly discerned as belonging to one side or another, and distrust between alliances is evident. Board meetings proceed slowly due to a long agenda of backlogged issues. Every meeting at some point disintegrates and meeting decorum is abandoned. Often it is the Board President and citizen attendees who make personal attacks or disrespectful comments. The disharmony at these meetings disrupts the already marginalized functionality of the Board. There is a distinct lack of unity within the Board. Frequently, issues are not resolved, so they become part of the backlogged agenda for the next meeting. With most Boards, background tasks are completed by committee and answers brought to Board meetings. In the LDPCSD, even that avenue is compromised. Committee participation is limited. One Board member openly refuses to work in the committee process at all.

C-10 Board of Directors, Disharmony and Dysfunction: This is an ongoing problem. Polarized political agendas permeate the community and the LDPCSD Board of Directors. One or more Board members have educated themselves regarding district issues and their responsibilities. Unfortunately, this has not helped to create a unified Board that efficiently and effectively administers its duties. The posturing and infighting that disrupt Board meetings continues to dominate. Negative interactions between Board members and citizens continue to bring discredit to the district. Board members not working with committees must be willing to make that commitment. All Board members must view LDPCSD concerns as their highest priority and put personal agendas aside.

RESPONSE: The District agrees with the finding and conclusion which recognizes community issues.

F-11 Compliance with Grand Jury Recommendations: The previous Grand Jury provided six recommendations. Because the Board was not working as a unified body, the use of a mediator was advised. The Board hired a mediator on a limited basis and has not proceeded with mediation. Knowing, following, and revising district policies was a second recommendation. In response, the IGM ordered policy to be revised. Other than some job description revisions, no new policy has been written or implemented. The previous Board President resigned, per the third recommendation of the Grand Jury. A fourth recommendation was that a permanent GM be appointed. That has not happened. The fifth recommendation stated that blogs by Board Members that do not support district interests need to stop. This blog activity continued well into the term of the current Grand Jury. A final recommendation advised that the Board members seek understanding of the LDPCSD's finances. This Grand Jury did not deem it necessary to question the ability of the Board members regarding daily operations. Financial concerns are apparent, they are listed in a later finding.

C-11 Grand Jury Recommendations: The 2010-2011 Grand jury put considerable thought into their recommendations. This Board has ignored some of those recommendations. If the Board had followed through with the mediator, the Grand Jury may not have received six complaints regarding Board conduct. If a permanent GM had been employed and supported by the Board, ongoing employee issues may have been circumvented. If blog postings by a Board member attacking citizens had stopped, fewer individuals may have had concerns about the competence of the Board. It would behoove the Board members of the LDPCSD to be receptive to the objective viewpoint that a Grand Jury provides.

RESPONSE: The District agrees with the finding and disagrees with the conclusion. The fire of February 27, 2012, that destroyed the administrative office disrupted intended progress on the recommendations. The "blog" issue is a non-issue because no one is forced to read the "blog," the "blog" is protected speech under the First Amendment to the United States Constitution and is also protected speech under the California Constitution, the phrase "blogs by Board Members that do not support district interests" is vague and ambiguous with respect to "district interests" [e.g., according to whom?], and the Grand Jury has no authority to interfere with the exercise of constitutional rights.

F-12 Financial Concerns: The district rate and fee structure may not be sustainable. Legal challenges may be forthcoming. A loss of revenue as well as legal costs to defend against challenges could be substantial. This district is also fighting three current lawsuits. Defense costs are ongoing and potential settlements could be crippling. Beyond that there are issues relevant to an aging infrastructure. No funds have been set aside to address future growth or major reconstruction.

RESPONSE: The District disagrees with the finding in that the Proposition 218 rate increase adopted in 2010 provides for a plan to have over $1 million in reserves for reconstruction and emergencies at the end of five years. The District is ahead of schedule in meeting this goal. The existing rates were adopted pursuant to the process required by Prop. 218, and no challenge was made to the rates. It is impossible to respond to a statement such as "Legal challenges may be forthcoming" because there is no foundation for such a statement, and the statement is, in fact, flatly contradicted by the fact that no lawsuits have been filed over the District's water rates. The statement "This district is also fighting three current lawsuits" is

incorrect. There are two pending lawsuits against the District brought by the former general manager and treasurer of the District and neither lawsuit involves the District's water rates. The statment "Defense costs are ongoing and potential settlements could be crippling" is opinion and speculation and therefore no response is needed. The District agrees with the statement "there are issues relevant to an aging infrastructure." The District disagrees with the statement that "No funds have been set aside to address future growth or major reconstruction." As explained above the 2010 rate increase was designed to build a reserve of $1 million for reconstruction and emergencies at the end of five years.

F-13 Legal Representation: One law firm provides most of the legal representation for the LDPCSD. Members of the Board of Directors and district management rely on continual input. In this fiscal year, the Board found it necessary to have an attorney at many of their meetings. The attorney is also consulted regularly regarding employee and policy issues. He was used by management staff regarding a personnel grievance and by the Board to answer Grand Jury recommendations. The same law firm provides representation in one of two unresolved lawsuits against the LDPCSD. The cost of legal representation is substantial.

C-13 Legal Representation: The Board of Directors relies heavily on input from its contracted legal advisers. It appears that Board members have become too comfortable with counsel making decisions for them.

RESPONSE: The District agrees with the finding in part and disagrees with the conclusion. Relying on legal counsel reduces District liability in regard to lawsuits and compliance with the law. If the Board makes decisions without the benefit of legal counsel, they may assume personal responsibility if decisions result in litigation or imposition of liability. Further, the County Board of Supervisors always has County Counsel in attendance at all its regular Board meetings. The District likewise has a right to counsel. The County also engages outside counsel for litigation or for other matters. The District legal counsel provides both litigation and non-litigation services on a wide range of subject matters. This acutally is more cost efficient because the District does not have to hire additional outside counsel who then must spend time becoming familiar with the matter referred to it. Rather, the Distict can get its legal needs met under one roof. The District disagrees with the remark that "the Board found it necessary to have an attorney at many of their meetings." The statement is simply incorrect. In FY 2010-2011, the Board can recall only two meetings at which counsel was present, one in July 2011 and one in October 2011. To economize, District legal counsel seldom attends meetings in person and only on specific request by the District is available by telephone conference for some closed session items. District legal counsel does not make decisions but provides input as requested. Cost of legal counsel is a transactinal cost of the Ditrict in part determined by means not wholly in the control of the District. For example, in the past fiscal year the District responded to corresondence from the District Attorney sent on behalf of one or more unidentified District property owners. The District was surprised that the District Attorney's office was representing undisclosed private parties in private civil matters between these persons and the District. The District necessarily incurred the cost of the responses. The statement "[District legal counsel] was used . . . by the Board to answer Grand Jury recommendations" is not correct. The Board met and voted to direct legal counsel to draft responses to the

2010-2011 Grand Jury Final Report. At a subsequent meeting, after receiving the draft proposed response, the Board voted to approve it with some changes which the Board delegated to staff to co-ordinate with legal counsel in making and then finalizing and transmitting the District's response to the Superior Court. The District's response to the 2010-2011 Final Report was an act of the Board.

RESPONSES TO RECOMMENDATIONS

1. Credit Card Use Policy: Require signature of employee when card is received and returned. Keep record of times and purchase receipts of use, and check against employee signature.

RESPONSE: Recommendation implemented.

2. Cash Handling Procedures: Have documentation and procedures for cash drawer funds. Maintain a log for receiving cash through the drop box, verified by 2 employees.

RESPONSE: Recommendation implemented.

3. District Vehicle Use: Mileage and vehicle logs for each vehicle must be reinstated, to prevent abuse.

RESPONSE: Recommendation implemented. The District now contracts with FleetMatics for a vehicle tracking system.

4. Employee On-Call Service: Policy for on-call pay must be followed, if available or rewritten where needed. Time cards and logs must be reinstated to better calculate employee pay.

RESPONSE: Recommendation will be implemented within six months, as soon as staff vacancies are filled.

5. District Policy: The previous Grand Jury recommended that the LDPCSD Board of Directors review, revise and follow existing policy. We concur. Creating and updating policy is a primary function of the Board. It is far overdue.

RESPONSE: Recommendation will be implemented within six months, as soon as staff vacancies are filled. Also the District currently is contracted with the California Employers Association (CEA) to assist in personnel policy review and formation. It is anticipated consultation with CEA will greatly assist the District in getting its human resource maeterials in better order by addressing employee handbooks and policies and procedures. CEA also has webinars and training sessions that can benefit the Board of Directors in handling heated issues in a public meeting environment. The District has signed up for the Premier Membership with CEA, which is a full service plan and provides unlimited HR information onsite, by telephone, or email and access to the CEA website, forms and labor law library. They can provide assistance in investigations and representation in Unemployment Insurance Hearings, Labor Commissioner Hearings and DFEH claims.

6. Board Unity: Often, to work with others requires compromise and humility. These traits seem to be in short supply within the ranks of the LDPCSD Board of Directors. We urge

the citizens of this district to select individuals who will set aside personal agendas in order to work in unity with other Board members.

RESPONSE: This Recommendation seems to be directed towards the ratepayers and voters.

7. Board Training: All Board members must attend ethics training before being seated on the Board.

RESPONSE: This Recommendation is not consistent with applicable law. Government Code § 53235.1(b) states that each local agency official who commences service with a local agency on or after January 1, 2006, shall receive the training no later than one year from the first day of service with the local agency. Thereafter, each official shall receive the training at least once every two years. All Board members are in compliance with this law.

8. Legal Representation: It is incumbent upon the Board of Directors to evaluate the need and cost of their legal representation. Over-reliance on legal counsel in district affairs is problematic.

RESPONSE: The Recommended action is not clear. The District is entitled to counsel as any other citizen or body.

9. Board of Directors, Dysfunction: There is no reason for Board members to act with disrespect. Blogs or other communications that do not promote district interests must stop. Directors who will not join committees or work with others to resolve issues must go. These are some identified reasons that define this Board of Directors as being dysfunctional. If Board members are unwilling to take corrective action for the greater good of the district they serve, then they need to resign.

RESPONSE: No directors have resigned. All directors are now serving on at least one committee.

The Board is committed to providing excellence in legislative leadership that results in providing good quality services to the community. There are times when previous employees or a few upset customers rile one or more of the Directors, but as a whole and without the instigators, the Board works well. Some of the Directors do not always totally agree with the others, but their concerns deserve the utmost of respect and should be heard. Differing viewpoints are healthy in these types of environments and decision making processes.

Very truly yours,

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

By: Raymond L. Carlson
RAYMOND L. CARLSON

cc: Board of Supervisors
LSPCSD c/o S. Marchesiello
C:\RLC\LDPCSD\LETTERS\Walton 8 24 12.wpd

Reviewed: F. Dana Walton
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

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www.mariposacounty.org/board

October 2, 2012

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

RE: Revised Response to the Mariposa Grand Jury

Dear Judge Walton:

Enclosed is the revised response of the Mariposa County Board of Supervisors to the 2011-2012 Mariposa County Grand Jury Final Report. This supersedes the response attached to my letter dated September 18, 2012.

Upon review, I have found that the document originally sent does not accurately reflect the response approved by the Board at their meeting on September 18, 2012. There is one change in the response. In the section regarding oversight of the Human Services Department, the first paragraph regarding the building lease should have been deleted and has been from this revised response. The paragraph inadvertently remained from an earlier draft.

This revision is the County's official response to the Grand Jury. I apologize for any inconvenience this change may have caused.

Sincerely,

Richard J. Benson
County Administrative Officer

Reviewed:
Honorable F. Dana Walton, Per PC 933

RB/mbh
Enclosure

cc: Board of Supervisors
Affected Department Heads
Keith Williams, County Clerk
2012-2013 Grand Jury
Margie Williams, Clerk of the Board

REVISED – October 1, 2012

Mariposa County Board of Supervisors
Response to the 2011-2012 Mariposa County Grand Jury Final Report

Oversight – Probation
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Pete Judy, Chief Probation Officer, received August 2, 2012, 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 5, 2012, and concurs with his response with the following comments.

- R-1: In June 2012, the Board of Supervisors approved a reorganization that was recommended by the Sheriff. This reorganization resulted in two additional Jail Officer positions being allocated to the Jail. It is believed that this reorganization will help to alleviate understaffing concerns.
- R-2: During the Fiscal Year 2012-2013 Final Budget Hearings the Board of Supervisors approved the Sheriff's request to purchase Catastrophic Medical Insurance (CMI) for inmates. This insurance will lessen the impact of medical costs associated with caring for the inmates housed in Adult Detention Facility.

Oversight – Mount Bullion Conservation Camp
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mount Bullion Conservation Camp.

Oversight – Auditor
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from William Davis, Auditor, received September 6, 2012, and concurs with his response, with the following comment.

- R-2: A re-classification within the Auditor's department was implemented July 1, 2012. To date, no formal request from the Auditor has been received regarding allocating additional employees to this department.

Oversight – Human Services
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Jim Rydingsword, Human Services Director, dated August 27, 2012, and concurs with his response, with the following comments.

- Board will monitor program and financial account recommendations by the Auditor, Human Services Director, Mental Health Governing Board, and the State. Services will be adjusted in accordance with statute, funding, public comment, recommendations of the Mental Health Governing Board, and the Corrective Action Plan.
- In accordance with Mental Health Governing Board's recommendation, the Corrective Action Plan was submitted to the State for comments and pre-approval, prior to final adoption by the Mental Health Governing Board, a public hearing, and the Board of Supervisors.

Oversight – Mother Lode Job Training
The Mariposa County Board of Supervisors has no authority or jurisdiction over Mother Lode Job Training. Their response is included only for informational purposes.

Oversight – Child Support Services
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Debra Walton, Child Support Services Director, dated July 16, 2012, and concurs with her response.

Oversight – Mariposa Public Utilities District
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa Public Utilities District.

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.

Complaint 1 – 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.

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

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

Complaint 4 – 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.

Complaint 5 – Planning Department and Board of Supervisors/Administration
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Sarah Williams, Planning Director, dated August 14, 2012, and the response of the Board of Supervisors, dated August 14, 2012, and concurs with these responses.

Complaint 6 – 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.

Complaint 7 – 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.

Complaint 8 – 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.

Complaint 9 – Human Services/Public Works-Solid Waste
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report; no findings or recommendations were made.

Complaint 10
This complaint was forwarded to the 2012-2013 Grand Jury for investigation.

Complaint 11 – 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.

Complaint 12 – California State Personnel Board
The Grand Jury does not have investigative jurisdiction in this matter.

Mariposa County
Board of Supervisors

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September 18, 2012

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 2011-2012 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 2012-2013 Grand Jury.

We at the County appreciate the quality of the 2012-2013 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
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Margie Williams, Clerk of the Board

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- R-2: A re-classification within the Auditor's department was implemented July 1, 2012. To date, no formal request from the Auditor has been received regarding allocating additional employees to this department.

Oversight – Human Services
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Jim Rydingsword, Human Services Director, dated August 27, 2012, with the following comments.

- Building Lease – Conclusion: To date no services provided to the public through the Human Services have been curtailed or reduced.
- Board will monitor program and financial account recommendations by the Auditor, Human Services Director, Mental Health Governing Board, and the State. Services will be adjusted in accordance with statute, funding, public comment, recommendations of the Mental Health Governing Board, and the Corrective Action Plan.
- In accordance with Mental Health Governing Board's recommendation, the Corrective Action Plan was submitted to the State for comments and pre-approval, prior to final adoption by the Mental Health Governing Board, a public hearing, and the Board of Supervisors.

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Mariposa County
Board of Supervisors

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District 3 ..... JANET BIBBY
District 4 ..... KEVIN CANN
District 5 ..... JIM ALLEN

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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 14, 2012

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

Dear Judge Walton:

Enclosed are the Board of Supervisors comments to the 2011-2012 Mariposa County Grand Jury Report that pertain to the Board of Supervisors. The Board of Supervisors wishes to acknowledge the hard work and dedication of the members of the Grand Jury in fulfilling their responsibilities. Please contact me if you have any questions or desire additional information.

Sincerely,

JANET BIBBY
Chairman

JB/mbh
Enclosure

Reviewed:
Honorable F. Dana Walton, Per PC933

Complaint 5

Date Received: September 20, 2011

Complaint

This complaint was received by the 2010-2011 Grand Jury on 3/11/2011. The complainant alleged that a use permit application for an approval of a church at 5180 Highway 140 was not acted upon and that complainant was owed $14,400 in lost revenue. Complaint included letters and emails back and forth between the complainant, the previous Grand Jury foreman, Mariposa Planning Department, the District IV Mariposa County Supervisor, and County Counsel.

Authority for Investigation

Penal Code, §925, §933.5

Assigned Committee

County Administration

Avenues of Investigation

1. Review of complainant documents
2. Phone interview with Planning Department Director
3. Site visit at the Planning Department

Findings

F 6/12/09: Complainant had a conversation with the Director of the Planning Department, who stated there would be no reason his request would not be granted and it would take about one week.

F 6/18/2009: On behalf of his client, the complainant requested from the Mariposa County Planning Department a determination for a compatible and allowable use of the property at 5180 Highway 140, for a church.

F 8/21/2009: Complainant had contacted the Planning Department by email and phone on numerous occasions. He was told that the person he needed to deal with was on vacation and the case had been given to another employee.

F 2/2010: Complainant reported that he was approached by a second potential client regarding renting the property at 5180 Highway 140. This client was turned away because property zoning had not been determined.

F 8/19/2010: Complainant sent an invoice for $12,600 to the Board of Supervisors and Mariposa Planning Department, claiming that the County was responsible for lost rent starting 7/1/2009.

F 8/21/2010: Complainant emailed the Board of Supervisors complaining that there was no action being taken by the Planning Department concerning his request.

F 10/26/2010: Planning Department acknowledged, in a letter, complainant's invoice and requested it be sent to the Board of Supervisors. In the letter, they apologized for their late response.

F 10/29/2010: Complainant sent another invoice for $14,400 adding two more months of rent along with a complaint form to the Board of Supervisors.

F 11/3/2010: Complainant received a letter from County Counsel stating that complainant's claim was not presented within 6 months after the event and that no action would be taken.

F 11/16/2010: Complainant emailed his County Supervisor asking for help, claiming he had lost 2 clients because of the lack of action by the Planning Department.

F 11/16/2010: Complainant received a response from the County Supervisor stating he would help and that the response from County Counsel was unacceptable. Complainant requested a meeting with the County Supervisor. The grand jury does not know whether or not the requested meeting occurred with the County Supervisor.

F 3/11/2011: Complainant submitted a complaint form to the 2010-2011 Grand Jury.

F 5/20/2011: 2010-2011 Grand Jury Foreman acknowledged complaint in a letter to the complainant asking for more information as to what transpired between complainant and the County Supervisor. Grand Jury had insufficient time to respond to complaint, recommending that it be submitted to 2011-2012 Grand Jury.

F 09/20/2011: 2011-2012 Grand Jury receives complaint.

F 1/6/2012: 2011-2012 Grand Jury members visited the Planning Department to discuss the complaint. It was the opinion of the Planning Department that because the complainant and his client received a Conditional Use Permit in the Mountain Home Zone area for the client's church, that the matter was no longer relevant. This permit was for a second property the client rented because the Planning Department never replied regarding the property at 5180 Highway 140. The Planning Department would continue developing their General Plan/Zone Amendment 2011-24 in which churches, among other types of structures, would be allowed in the Mariposa Town Planning Area Specific Plan.

Conclusions

C The Mariposa Planning Department received a valid request from the complainant regarding a zoning issue. Even with numerous follow-up contacts by the complainant, the department's personnel never responded within an acceptable time period. Due primarily to this department's inaction, the complainant lost two potential clients.

C The monetary claim by complainant has validity. Inaction by the Planning Department made the building offered by the complainant unrentable to his clients.

Recommendations

It is a necessity that the Planning Department reply in a timely and responsible manner to all requests for their services.

Mariposa County Board of Supervisors
Response to 2011-2012 Mariposa County Grand Jury Final Report

This is in response to the findings contained in Complaint 5.

Findings:

- F-8/19/2010
  Staff partially disagrees with this finding. The Department has no record of the Board of Supervisors receiving an invoice from the complainant in the amount of $12,600. The Department has a copy of a letter from the Planning Department acknowledging receipt of the invoice for $12,600 and advising the complainant that the invoice needs to be submitted to the Board of Supervisors on the appropriate claim form.

- F-8/21/2010
  Staff cannot agree or disagree with this finding as individual emails to Board of Supervisor members are not filed.

- F-10/29/2010
  Staff agrees with this finding.

- F-11/3/2010
  Staff partially disagrees with this finding. The letter was from the County Administrative Officer, not County Counsel.

- F-11/16/2010
  Staff agrees with this finding.

- F-11/16/10
  Staff partially agrees with this finding. The County Supervisor responded to the complainant and stated he would look into the matter. Staff does not believe the statement attributed to the County Supervisor regarding the comment that the "... response from County Counsel was unacceptable" is accurate. The response was from the County Administrative Officer per the November 16, 2010, email from the complainant. The County Supervisor did contact the Planning Director and received assurances that there was a straightforward fix for the complainant's concern and that it would be corrected.

MARIPOSA COUNTY UNIFIED SCHOOL DISTRICT

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

Aaron N. Rosander
Superintendent

July 16, 2012

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

Dear Judge Walton:

This letter and the enclosed documents will follow up on the District's response to the Mariposa County 2010-2011 Grand Jury Final Report.

As you may recall, the District committed to collaborate with the Building Department and Assessor's Office in the development of a public information document that describes the construction process in detail with a point of contact at each step. This document has been completed, and is enclosed for your reference.

In addition, the District made a commitment to create a public information document that provided examples of different developer fee exemptions. To satisfy this commitment, the District has revised its "Frequently Asked Questions About Developer Fees" document to include this information. A copy of the revised document is enclosed for your reference.

As you can see by the enclosed letter to the Building Department and Assessor's Office, both of these documents in both hard copy and digital form have been provided to the involved County agencies.

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

Sincerely,

Aaron N. Rosander
Superintendent of Schools

Reviewed: F. Dana Walton
Honorable F. Dana Walton, Per PC93

/vb
Enclosures

cc: Mariposa County Board of Supervisors

MARIPOSA COUNTY BOARD OF EDUCATION AND TRUSTEES

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

MARIPOSA COUNTY UNIFIED SCHOOL DISTRICT

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

Aaron N. Rosander
Superintendent

July 16, 2012

Becky Crafts, Assessor/Recorder
County of Mariposa
P.O. Box 35
Mariposa, CA 95338

Michael Kinslow, Building Department Director
County of Mariposa
P.O. Box 1268
Mariposa, CA 95338

RE: 2010-2011 GRAND JURY REPORT RECOMMENDATIONS

Dear Ms. Crafts and Mr. Kinslow:

Allow me to take this opportunity to thank you and your staff for assisting in the development of a new communication tool for the citizens of Mariposa County. You will recall that, in response to a complaint filed against Mariposa County Unified School District (MCUSD) regarding the assessment and collection of developer fees, the 2010-2011 Mariposa County Grand Jury recommended that a "public information document" be created by the involved county agencies. After gathering input from members of your respective staffs, we are pleased to present the final product, the enclosed "Homeowner's Guide to the Construction Process in Mariposa County."

As part of this process, we have also updated our "Frequently Asked Questions About Developer Fees" flyer (enclosed). Per the Grand Jury's recommendations, please make copies of these documents available in or near your offices. In addition, we will provide digital copies to you for posting to the County's web site, and for the production of additional copies when needed.

Again, thank you for your help in responding to the Grand Jury's recommendations, and in improving service to our county's citizens.

Sincerely,

Aaron N. Rosander

Aaron N. Rosander, Superintendent of Schools

ANR/vb
Enclosures

cc: Brent Joseph, County of Mariposa Assessor's Office
Debbie Willis, County of Mariposa Building Department

MARIPOSA COUNTY BOARD OF EDUCATION AND TRUSTEES

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

Homeowner's Guide
to the Construction Process in Mariposa County

Get zoning and property information from Building Department and Planning Department.

Design your project and draw plans. If you intend to alter an existing structure (involving demolition, addition of square footage, etc.), your project may qualify for a full or partial exemption from Developer fees - contact the School District for more information.

If property on which new construction is to take place has never before had an address assigned to it, obtain property address from the Assessor's Office.

Submit plans to Building Department, pay Plan Check fee, and complete a permit application. If applicable, you will be provided with a list of agencies (i.e., County Fire Department, Road Department, Nat'l Park Service, etc.) you must contact to obtain approval(s).

After Plan Check is complete, and permit is ready to issue, the Building Department will provide you with a "Certification of Payment of Developer Fees" form.

If needed for an application for exemption from developer fees (for example, when replacing an existing mobile home), obtain proof of prior dwelling on property from Assessor's Office.

Present "Certification of Payment of Developer Fees" form to School District, along with associated payment or completed exemption application. Exemption applications are available upon request at the School District office.

Provide proof of payment or exemption of school fees to Building Department

Once plans are reviewed and approved, the Building Department will issue the permit upon payment of permit fee.

Construction can begin, with inspections conducted periodically as appropriate.

At the conclusion of construction, the Building Department will conduct a final inspection. When all finals are received, the Building Department will issue a certificate of occupancy.

Key:

- Mariposa County Building Dept.
- Owner
- Mariposa County Assessor's Office
- Mariposa County Unified School District *(Depending upon the specific location of the property, you might be directed to contact Yosemite Unified School District in Oakhurst)*

Please note that this document is intended as a guide only; it is not all-inclusive.

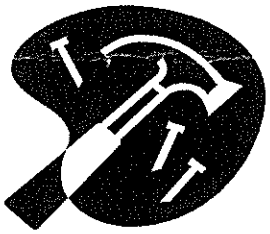
MCUSD – 7/2012

Frequently Asked Questions about Developer Fees - *Residential*

Revised July 2012

What are developer fees?

Developer fees are also known as School Impact Fees or School Facility Fees. Education Code Section 17620 allows school districts to impose developer fees on "construction" occurring within its boundaries.



"Construction" is defined to include "new construction and reconstruction of existing buildings for residential, commercial, or industrial" use (Government Code section 65995(d)).

Developer fees shall be paid on any structure, including a mobile or manufactured home, which is primarily used or intended for human habitation, as defined by the Uniform Building Code, as revised.

Current Residential Developer Fee Rate:

For residential construction, the current rate charged by Mariposa County Unified School District (MCUSD) is $2.97 per square foot.

The following dwellings are considered Residential Development:

- Single Family Residences
- Apartments and Condominiums
- Manufactured and Mobile Homes

What is 'assessable space' and how is it calculated?

Government Code Section 65995(b) (1) states that the 'assessable space' includes all of the square footage within the perimeter of a structure.

Residential Exclusions:

- Carports
- Detached accessory structures
- Garages
- Overhangs
- Walkways
- Patios

In the event that multiple permits for the same address are issued, and where any project for which a permit has been issued and construction has not been completed (i.e., final inspection made), the project shall be considered on going and the square footage of all permits or applications for permit will be added together. If the cumulative total of square footage exceeds five-hundred (500) square feet, developer fees will be due on the entire project.

The county identifies the type of structure and calculates the assessable square footage. The assessable square footage is multiplied by the applicable developer fee to calculate the total developer fee amount due.

I am remodeling or adding on to my house. What do I have to pay?

Remodeled residential development will be charged a developer fee for the increased 'assessable space' only if the net increase in the square footage within the perimeter of the existing residence is more than 500 square feet. Any developer fees charged, in the event that the net increase is more than 500 square feet, will be on the entire net increase in square footage. Pursuant to Education Code Section 17620, any residential remodeling addition of 500 square feet or less of assessable space is exempt from developer fees. (Education Code section 17620(a)(1)(C)(i).

MARIPOSA PLANNING

COUNTY OF MARIPOSA
5100 BULLION STREET • POST OFFICE BOX 2039
MARIPOSA, CALIFORNIA 95338–2039
209 . 742 . 1215 • FAX 209 . 742 . 5024

Sarah Williams, Director
swilliams@mariposacounty.org

August 14, 2012

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

RE: Response to Mariposa County 2011-2012 Grand Jury Final Report; Complaint 5

Honorable F. Dana Walton,

I have reviewed Complaint 5 from the 2011-2012 Grand Jury Final Report, Penal Code § 933.05, and your letter dated June 28, 2012. This correspondence is my response to Complaint 5 pursuant to Penal Code §933.05.

Complaint 5

Complaint 5 was received by the 2010-2011 Grand Jury on 3/11/2011. The complainant alleged that a use permit application for an approval of a church at 5180 Highway 140 was not acted upon and that complainant was owed $14,400 in lost revenue. Complaint 5 included letters and emails back and forth between the complainant, the previous Grand Jury foreman, Mariposa Planning Department, the District IV Mariposa County Supervisor, and County Counsel.

Clarification regarding description of Complaint 5

The text above refers to a "use permit application for an approval of a church". A use permit application (otherwise referred to as a Conditional Use Permit application) was not submitted to the Planning Department for processing by the complainant. Rather, the complainant submitted a written request for a similar use determination (zoning ordinance interpretation), asking that the Planning Director find a church would be similar to a listed permitted use in the General Commercial Zone. The General Commercial Zone, Section 17.320.020.A.1.c allows: "Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses."

Findings

The findings for Complaint 5 are:

F-1 6/12/09: Complainant had a conversation with the Director of the Planning Department, who stated there would be no reason his request would not be granted and it would take about one week.

Response: I do not have personal knowledge of this finding.

The Planning Director on 6/12/09 (Kris Schenk) does not remember having any conversation as described above with Tolley Gorham. It is possible that the complainant had a conversation with a staff person at the Planning Department responsible for assisting with counter inquiries and phone calls from the public.

F-2 6/18/09: On behalf of his client, the complainant requested from the Mariposa County Planning Department a determination for a compatible and allowable use of the property at 5180 Highway 140, for a church.

Response: I agree with this finding. While the complainant's written request had some misinformation in it regarding zoning, the request was essentially for the Planning Director to make a similar use finding – finding that a church is similar to a lodge hall. The General Commercial Zone, Section 17.320.020.A.1.c allows as permitted uses: "Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses". The written request from the complainant specifically acknowledges that "There is no permitted or conditional use for a church allowed in 17.320.020."

F-3 6/21/09: Complainant had contacted the Planning Department by email and phone on numerous occasions. He was told that the person he needed to deal with was on vacation and the case was given to another employee.

Response: I agree with portions of this finding.

There is evidence in the Planning Department file (hereinafter referred to as "file") that the complainant contacted the Planning Department on numerous occasions in June and July of 2009 regarding the Similar Use Determination request. There is no evidence in the file of communications regarding the request for a Similar Use Determination after August 2009 (after the last communication about the Similar Use Determination, there is a Conditional Use Permit application submitted by Applicant: Richard or Kenette Beck, and Agent: Tolley Gorham, The Rental Network. The Conditional Use Permit Application is for a church and child care center on property outside of the Mariposa TPA at 3567 Highway 140.)

The Planning Director was out on vacation at the end of June and early July, 2009. Only the Planning Director has the authority to make Similar Use Determinations, so he couldn't have assigned his responsibility to another employee. Prior to the vacation, the Planning Director indicated he wanted to review the request with County Counsel before making a conclusion.

F-4 2/10: Complainant reported that he was approached by a second potential client regarding renting the property at 5180 Highway 140. The client was turned away because property zoning had not been determined.

Response: I do not have personal knowledge of this finding. There is no information in the file regarding this finding.

I would, however, offer the following technical correction regarding the words, "because property zoning had not been determined".

The zoning for the parcel at 5180 Highway 140 is General Commercial, established by Chapter 17.320, Mariposa County Code:

http://ca-mariposacounty.civicplus.com/DocumentView.aspx?DID=9231

A property owner is entitled to any listed "permitted use" in the applicable zone as a matter of right.

A property owner may submit a Conditional Use Permit application for any listed "conditional use" in the applicable zone.

Any use which is not listed as a permitted or conditional use by the General Commercial zone is a prohibited use.

F-5 8/19/10: Complainant sent an invoice for $12,600 to the Board of Supervisors and Mariposa Planning Department, claiming that the County was responsible for lost rent starting 7/1/2009.

Response: I agree with this finding.

F-6 8/21/10: Complainant emailed the Board of Supervisors complaining that there was no action being taken by the Planning Department concerning his request.

Response: I do not have personal knowledge of this finding. There is no evidence in the file regarding this finding. There is a copy of an e-mail correspondence from the complainant to Supervisor Cann dated 8/21/09 (one year different date from Finding).

F-7 10/26/10: Planning Department acknowledged, in a letter, complainant's invoice and requested it be sent to the Board of Supervisors. In the letter, they apologized for their late response.

Response: I agree with this finding.

F-8 10/29/10: Complainant sent another invoice for $14,400 adding two more months of rent along with a complaint form to the Board of Supervisors.

Response: I do not have personal knowledge of this finding. There is no evidence in the file regarding this finding.

F-9 11/3/10: Complainant received a letter from County Counsel stating that complainant's claim was not presented within 6 months after the event and that no action would be taken.

Response: I do not have personal knowledge of this finding. There is no evidence in the file regarding this finding.

F-10 11/16/10: Complainant emailed his County Supervisor asking for help, claiming he had lost 2 clients because of the lack of action by the Planning Department.

Response: I do not have personal knowledge of this finding. There is no evidence in the file regarding this finding.

F-11 11/16/10: Complainant received a response from the County Supervisor stating he would help and that the response from County Counsel was unacceptable. Complainant requested a meeting with the County Supervisor. The grand jury does not know whether or not the requested meeting occurred with the County Supervisor.

Response: I do not have personal knowledge of this finding. There is no evidence in the file regarding this finding.

F-12 3/11/11: Complainant submitted a complaint form to the 2010-2011 Grand Jury.

Response: I agree with this finding.

F-13 5/20/11: Grand Jury Foreman acknowledged complaint in a letter to the complainant asking for more information as to what transpired between complainant and the County Supervisor. Grand Jury had insufficient time to respond to complaint, recommending that it be submitted to 2011-2012 Grand Jury.

Response: I do not have personal knowledge of this finding. There is no evidence in the file regarding this finding.

F-14 9/20/11: 2011-2012 Grand Jury receives complaint.

Response: I agree with this finding.

F-15 1/6/12: 2011-2012 Grand Jury members visited the Planning Department to discuss the complaint. It was the opinion of the Planning Department that because the complainant and his client received a Conditional Use Permit in the Mountain Home Zone area for the client's church, that the matter was no longer relevant. This permit was for a second property the client rented because the Planning Department never replied regarding the property at 5180 Highway 140. The Planning Department would continue development their General Plan/Zone Amendment 2011-24 in which churches, among other types of structures, would be allowed in the Mariposa Town Planning Area Specific Plan.

Response: I agree with portions of this finding; in particular the first and last sentences.

The 2011-2012 Grand Jury members did visit the Planning Department to discuss the complaint. Discussion was with the Planning Director (Kris Schenk) and the Deputy Planning Director (me). The Planning Department did process a General Plan/Zoning Ordinance (GP/ZA) amendment to allow churches and religious assembly as a permitted use in the General Commercial zone of the Town of Mariposa. The GP/ZA was initiated the

10th day of September 2010 by Planning Commission Resolution No. 10-19. Ordinance No. 1087 was adopted by the Board of Supervisors on January 17, 2012 to include "churches and religious assembly" as a listed permitted use in the General Commercial Zone of Mariposa (17.320.020.A.1).

I do not agree with the second sentence as worded above. With regard to this sentence, the Planning Department worked with both the complainant and Richard Beck as clients. Once Richard Beck submitted his application for the Conditional Use Permit for another parcel, the matter was deferrable – but certainly still relevant. The Planning Department did take follow-up action taken to amend the Mariposa Town Plan and Zoning Ordinance to clarify the Board of Supervisors' position regarding the allowance of churches in the General Commercial Zone.

I do not have personal knowledge regarding the third sentence as worded above. The Planning Department staff person who worked with Mr. Beck said, "I did have several conservations with Richard Beck at the front counter...At some point during the following couple of weeks [July 2009], Mr. Beck informed me that we no longer needed to pursue the possibility of the Church at Tolley's site. He had rented John Hertle's property located at the corner of Mt. Bullion Cut-off and Highway 140, APN 011-280-011. This property is in the Mountain Home Zone and churches are a listed conditional use. Mr. Beck and I then proceeded to have a number of discussions regarding the steps necessary in order to establish a Church at the new location."

Recommendations:

The recommendations are:

It is a necessity that the Planning Department replay in a timely and responsible manner to all requests for their services.

Response:

I agree with this recommendation of the 2011-2012 Grand Jury.

Implementation:

The recommendation has been implemented by the following:

1. Effective August 2012, Mariposa Planning has implemented a Department Procedures Manual. Within the manual, Section 27 Public Communications establishes:

    - That all written correspondence requesting information or a determination (including e-mail) must be responded to in writing, and
    - Appropriate time frames for responses, depending on the complexity of request.

2. Effective July 2012, Mariposa Planning has established a Current Project Log, which is updated regularly and reviewed at weekly staff meetings. On the Log, each

request (including written requests for information or a written requests for a Planning Director determination) and each application is tracked by the date the application/request was received, the date agency comments were requested (if applicable), and the date the application was deemed complete (if no additional information is required from the applicant / project proponent). Other information is tracked as well. This will ensure that a request for a determination is able to be readily tracked, for timely response.

3. Effective July 2012, Mariposa Planning is conducting regular weekly staff meetings. One of the purposes of the meetings is to:

    - Regularly update and review the Current Project Log.

Please let me know if you have questions regarding this information. 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 this complaint.

Sincerely,

Sarah Williams
Director

Cc: Board of Supervisors
Margie Williams, Clerk of the Board of Supervisors
Steve Dahlem, County Counsel
Rick Benson, County Administrative Officer
Mary Hodson, Deputy County Administrative Officer

Reviewed:
Honorable F. Dana Walton, Per PC933