

# Mariposa County



## Grand Jury Final Report

2014-  
2015

---

Pursuant to California Penal Code Sections 925 and 933(a), "each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year"

# Table of Contents

Table of Contents.....	i
Grand Jury Submission Letter.....	ii
Required Responses.....	iv
1. Mariposa County Fire Department Investigation.....	1
2. Mariposa County Landfill and Compost Facility Investigation.....	3
3. Complaint Regarding the Indemnification of the Lake Don Pedro Pedestrian..... & Equestrian Trails	19
4. Complaint of Mariposa County Public Asset Tracking .....	24
5. Complaint of the Emergency Exit at the Mariposa County Courthouse.....	25
6. Review of Correctional Facilities within Mariposa County.....	26
7. Investigation of the Mariposa County Department of Agriculture, Weights..... and Measures	31



**Superior Court of the State of California  
County of Mariposa**

June 23, 2015

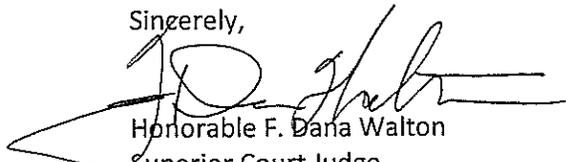
Jeanne-Ann Pine

Dear Ms. Pine:

I have read and reviewed the 2014-2015 Mariposa County Grand Jury Final Report.

At this time I wish to personally thank you and the other grand jurors for your work on behalf of the citizens of Mariposa County. Without the dedication of those like you this vital part of our system would certainly fail.

Sincerely,



Honorable F. Dana Walton  
Superior Court Judge

# GRAND JURY SUBMISSION LETTER

June 1, 2015

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

Dear Judge Walton:

On behalf of the 2014-2015 Mariposa County Grand Jury, we would like to thank you for the opportunity to serve our community. During the course of the year, we had two members resign and fortunately were able to identify two alternate members who were able to serve. This Grand Jury has worked together on seven complaints submitted by the public, two of which we determined not to look into, another was addressed via a letter referencing last year's report and the County Board of Supervisor's response to that report. The remaining four complaints were investigated. This Grand Jury also inspected the correctional facilities in the County, and investigated the Fire Department, Public Works Department, and the Department of Agriculture, Weights and Measures.

This Grand Jury must acknowledge that much of our success is due to the fact that you carried over two jurors from the 2013-2014 Grand Jury, and with their help and knowledge we were able to begin our workflow in a seamless manner. Our job was made easier because of the experience and dedication of these two individuals.

The Grand Jury would like to thank County Counsel Steve Dahlem for his legal guidance and his professionalism in interacting with the Grand Jury.

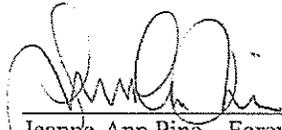
The Grand Jury interviewed many Department Heads during our investigations. We are grateful for their willingness to examine their own departments, offer insightful information, and to be transparent in the areas they see as needing improvement.

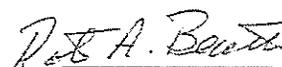
Lastly, the Grand Jury would like to thank you, Judge Walton, and your staff for your helpfulness and guidance during the 2014-2015 Grand Jury session.

Respectfully submitted,

2014-2015 Mariposa County Grand Jury

Members of the 2014-2015 Mariposa County Grand Jury

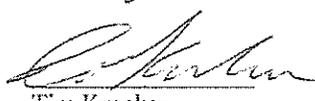
  
Jeanne-Ann Pine – Forewoman

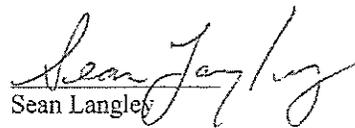
  
Robert Beattie

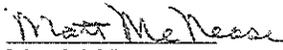
  
Stan Bissmeyer

  
Ron Iudice

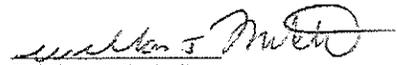
  
Kris Kirby

  
Tim Kroeker

  
Sean Langley

  
Matt McNease

  
Frank Milazzo

  
William Mitchell

  
Olga Rassau

## REQUIRED RESPONSES

The governing boards or elected officials who are the subjects of investigations included in the Grand Jury's Final Report are required, pursuant to California Penal Code Section 933, to respond to the relevant findings and recommendations. For their convenience, the Grand Jury has created the following list of boards and officials who are required to respond:

<b>Boards and Officials Required to Respond</b>	<b>Reports Requiring Responses</b>
<b>Board of Supervisors</b>	<b>Mariposa County Fire Department Investigation</b>
<b>Board of Supervisors</b>	<b>Report on the Status of the Mariposa County Landfill and Compost Facility</b>
<b>Board of Supervisors</b>	<b>Complaint Regarding the Indemnification of the Lake Don Pedro Pedestrian &amp; Equestrian Trails</b>

# **Mariposa County Fire Department Investigation**

## **INTRODUCTION**

The Grand Jury was interested in the cause of the turn-over of Mariposa County Fire Chiefs and concerned about underlying problems which might compromise the effectiveness of the Fire Department.

## **METHODOLOGY**

We interviewed paid Mariposa County Fire Department Staff and County volunteers, including the interim Fire Chief, Battalion Chief, Captains, Office of Emergency Services personnel and Mariposa Public Utility District (MPUD) Fire personnel.

## **INVESTIGATION**

Our interviews with staff and volunteers were directed to understand circumstances within the Department which effect readiness, functionality, efficiency and the underlying root of problems which resulted in the resignation of the most recent chief and the high turn-over of chiefs in general. We were also interested in the structural and working relationships between the different units within the Mariposa Fire Department, MPUD Fire and Cal-Fire.

## **FINDINGS**

Our interviews uncovered multiple issues which contributed to the resignation of the former Fire Chief and designation of an interim chief. Disrespect for the former Fire Chief was apparent at all levels within the Department and was largely based on the feeling that he didn't know how to run a county fire department as opposed to a city fire department. Different staff members had a variety of opinions related to the plans they thought the Chief had proposed for the Department, indicating he either had a problem communicating or planning. Many upper management members of the Fire Department did not want to make changes in the way the Department was run. These factors resulted in Department Staff writing a letter to the Board of Supervisors requesting the removal of the Fire Chief. The Board of Supervisors requested his resignation.

Apart from conflicts between the former Fire Chief and staff there were several other problems within the Department which remained unresolved. Conflicts between staff at the Battalion Chief and Captain level has been a long term problem in the Department. The working relationship between Mariposa County Fire Department and Cal-Fire needs improvement. Background checks were not being conducted on volunteers. Further the Department has not updated Standard Operating Procedures or policy books. There are also pay issues resulting from mismanagement or lack of communication regarding the pay voucher system.

The Interim Fire Chief has developed and enacted a plan to resolve conflicts and make the Department more effective. Re-organization of County Fire includes: chain of command, an improved training regimen and certification, and updating policies and procedures. Further improvements include streamlined pay management and conducting background checks for volunteers. The Interim Fire Chief has also begun to improve cooperation with Cal-Fire and a work and training relationship is being developed.

MPUD Fire will not be part of the re-organization as they are a separate entity and it would cost money rather than save money to fold them into County Fire.

## **RECOMMENDATIONS**

1. Support the Interim Fire Chief as he continues to re- organize the County Fire Department.
2. Mandate periodic physical examinations and physical fitness certification as recommended by the County Health Officer.

## **RESPONSES**

We require the Mariposa County Board of Supervisors respond to all findings and recommendations.

# Report on the Status of the Mariposa County Landfill and Compost Facility



## **SUMMARY**

The Grand Jury conducted an overall review and evaluation of the Mariposa County Landfill and Compost Facility. This review was independently generated and examined the current operational status of the facility, as well as current and future issues Mariposa County will face regarding solid waste management.

The Grand Jury found the facility to be well managed and operating at a high level of efficiency considering the current state of equipment, staffing levels, and the regulatory mandates it must meet.

However, several serious issues involving the longevity of the Landfill, alternative plans for solid waste management, and the efficient operation of the Compost Facility currently face County management. Some of these issues require timely decision making and implementation for Mariposa County to meet state mandated requirements, to commit to advantageous economic offerings, and to ensure County residents are well served by their government.

## **GLOSSARY**

AB 939	The California Integrated Waste Management Act of 1989
ADC	Alternative Daily Cover (composted)
CalRecycle	The California Department of Resources Recycling and Recovery
DPW	Mariposa County Department of Public Works
MRF	Material Recovery Facility (commonly referred to as a “MuRF”)
SWRD	Solid Waste & Recycling Division

## **BACKGROUND**

The responsibility for the management of solid waste in Mariposa County belongs to the Mariposa County Department of Public Works (DPW) and its Solid Waste & Recycling Division (SWRD). SWRD operates the Landfill, Recycling Center, and Compost Facility, which are located on the same site approximately two miles west of the town of Mariposa on State Highway 49 North.

The outlying areas of the county are served by four transfer stations where citizens can take their household waste which is then transported to the single County landfill. Historically, Mariposa County has had up to eleven solid waste landfills in various areas of the County. Over time, and as state regulations and environmental concerns evolved, all but one of these landfills were closed. This single landfill, which began operation in the 1950's, serves not only the approximately 18,000 County residents but also upwards of 3-4 million annual visitors to Yosemite National Park.

Unlike other DPW functions which are far more visible and affect citizens on an almost daily basis, such as roads, county building maintenance, and parks and recreation, the SWRD operates quietly in the background of County government. Most citizens visit the Landfill once or twice a month, dump their trash, and drive off. Little thought is given to what happens to their garbage once they leave.

The Landfill does not only provide a place to dump your trash, it also serves a vital role in protecting the public's health and safety. As one can imagine, a plethora of diseases and health hazards can be brought into the Landfill or generated by the Landfill itself. Proper, competent, and professional management of the Landfill protects us all.

The Landfill is permitted by the State of California as a Solid Waste Disposal Site (Permit # 22-AA-0001). The area encompasses a total of 58 acres with 40 acres designated for use as disposal areas. The Landfill is permitted to accept mixed municipal waste, sludge (bio-solids), dead animals, construction and demolition debris, and tires. It was originally designed and engineered with five modules. Each module is an area where solid waste can be placed and its life span varies with the amount of trash flow. As the waste is placed in a module it is compacted and covered according to strict state regulations. When a module reaches capacity a new module is opened and the old one is permanently closed, again according to state regulations. Currently the Landfill is operating with two open modules. The state estimates that if all five modules are used, the Landfill would reach its maximum permitted capacity by the year 2065.

The California Environmental Protection Agency, through the Department of Resources Recycling and Recovery (CalRecycle), has ultimate regulatory authority over all solid waste landfills in the state. In recent years California has trended towards the elimination of small landfills with a preference for large capacity regional landfills that are lined to prevent environmental contamination. The Merced County Landfill on Highway 59 and the Fairmead Landfill in Madera County are examples of such regional landfills.

The Mariposa Landfill is a small capacity, unlined landfill. As such, the state has given direction to Mariposa County to revitalize the remaining Landfill modules by lining them or to close the Landfill altogether.

In 1989 the state passed AB 939 which mandated local jurisdictions to meet solid waste diversion goals of 25 percent by 1995 and 50 percent by 2000. Due to poor governing and decision making, Mariposa County delayed the planning and implementation of any solid waste reduction program and, as a result, failed to meet the 1995 and 2000 mandates. After receiving many time extensions from the state, the county ultimately decided to purchase a composting system for installation at the Landfill to meet the state mandates. In 2006 the County acquired the necessary state permit (Permit # 22-AA-0013) and began operating the Compost Facility.

The type of composter the county settled on is called a stationary in-vessel composter or an SV Composter. At the time Mariposa committed to this type of system, only West Yellowstone, Montana had an identical system from the same company, Engineered Compost Systems, Inc. in Seattle, Washington. That composter began operating in 2003.

The Composting Facility was, and still is, a subject of great debate and skepticism by county residents. This skepticism is not without its reasons. The Composting Facility was mismanaged from the beginning. There was a great deal of criticism and debate within the community that this type of composter was too costly, was untested, and its overall efficiency questioned.

The project was poorly marketed to County residents who generally believe the County did not get what it paid for. This was partly due to a misconception citizens had about the functioning and purpose of the Compost Facility. Poor management and poor public marketing, combined with a high price tag and many mechanical failures, resulted in a public perception that the Compost Facility was a waste of taxpayer dollars.

Furthermore, Yosemite National Park provided a substantial amount of the funding, approximately \$1 million, needed to purchase and construct the Compost Facility. It is widely accepted that because of the delays, mechanical failures, and the overall inefficiency of the Compost Facility, as well as being charged an exorbitant amount for their trash considering their contribution, the Park was generally dissatisfied with the project and their investment.

The Composting Facility was subject to two previous Grand Jury Reports. The 2007-2008 and 2009-2010 Grand Jury Reports discussed different aspects of the facility and the decision making process that went into its planning and development.

## METHODOLOGY

The Grand Jury conducted interviews with DPW and SWRD staff, and with current and former County supervisors. Additionally, the Grand Jury toured both the Landfill and Composting Facility.

Publicly accessible documents and web sites were also reviewed. Information sources included:

1. CalRecycle  
<http://www.calrecycle.ca.gov>
2. Mariposa County Compost Facility Permit and Information  
<http://www.calrecycle.ca.gov/SWFacilities/Directory/22-AA-0013/Detail/>
3. Mariposa County Landfill Permit and Information  
<http://www.calrecycle.ca.gov/SWFacilities/Directory/22-AA-0001/Detail/>
4. Mariposa County Budget FY 14-15  
<http://www.mariposacounty.org/DocumentCenter/View/36296>
5. Engineered Compost Systems, Inc.  
<http://www.compostsystems.com/>

## DISCUSSION

### General

The Landfill operates as an Enterprise Fund within the county budget. As an Enterprise Fund, the operation of the Landfill is generally self-supporting, generating its revenue mainly through the collection of tipping fees and the bulk sale of recyclable goods. Little, if any, General Fund money supports Landfill operations. Because of poor supervision and mismanagement the Landfill has a history of accumulating severe budget deficits.

However, recent positive management changes and wise decision making by the current SWRD Manager, have allowed the Landfill to run significant budget surpluses for the past two years. The budget surplus in 2013 was \$200,000. In 2014 the Landfill had a budget surplus of \$400,000.

During the 2012-13 Mid-Year Budget review a new fund, The Solid Waste Fund, was established where these budget surpluses would be deposited. This dedicated fund is used primarily for the purchase and replacement of equipment at the Landfill.

It is important to note that, despite the significant budget surpluses generated during his tenure, the SWRD Manager remains one of the lowest paid solid waste managers in the state. Fair and appropriate compensation should be reflective of, and commensurate with, the experience, knowledge, and management skills of any County program manager.

## Landfill

The lifespan and long-term functioning of the Landfill is of significant concern for Mariposa County as a whole. The State of California and its regulators foresee small municipal landfills, such as the Mariposa Landfill, closing in the next few decades, if not sooner. Political, environmental, and regulatory pressure is being placed on the managers of these small landfills to submit long-term plans in a short amount of time. Mariposa is now at a crossroads as to the future of the Landfill.

As stated earlier, the Landfill consists of five modules for the placement of mixed municipal waste (essentially household garbage). None of the five modules are lined to prevent contamination. Modules 1 and 2 are currently being used and have an estimated remaining life span of 7-10 years. This, of course, depends on the volume of the incoming trash stream, the compaction of the trash, the required air space between trash layers, and the efficient removal of recyclables.

The Composting Facility was constructed on top of module 5 leaving it unusable. It is unknown whether this was an engineering oversight or was purposefully done. Most of the individuals who were closely involved in the construction of the Composting Facility no longer work for Mariposa County. Nevertheless, this left the Landfill with two remaining unused modules for future use.

Modules 3 and 4 are unused at this time. Opening and using these modules would extend the total lifespan of the landfill approximately 40 years. However, current regulations would require that each newly opened module be lined with a contamination barrier before it could begin operation. The estimated cost of lining both of these modules is \$10 million. Mariposa County does not have the funding to invest in a landfill the state desires to close.

For a County of roughly 18,000 citizens, the decision making process for County managers regarding the Landfill may not seem to be a pressing matter. In fact, as in the case of the Composting Facility, County government tends to procrastinate in making these types of decisions. Short-term decision making is easier and politically more palatable than those that may not come to fruition until decades later.

But Mariposa County is unique amongst most counties in California. As the "Home of Yosemite" it is not just the County residents that are generating a trash flow, it is also the nearly 4 million visitors to one of the crown jewels of the National Park System, Yosemite National Park. This one factor alone places both the County and the Landfill in a very precarious position. Mariposa County depends on the vitality of the tourist industry to Yosemite. However, the waste stream generated by the tourists creates enormous pressure on the Landfill, as well as the entire infrastructure of the County.

The state regulates landfills based on population. The diversion mandates, meaning what can be separated from the waste stream and recycled from that which requires burial, is generally based on the number of residents of each county. The state calculates a daily value of trash which is theoretically generated by each resident. In 2013 (the most current data available) the statewide

disposal rate was determined to be 4.4 pounds/person/day (ppd). AB 939 mandates a 50% reduction, meaning Mariposa County's diversion goal is 2.2 ppd. Mariposa County is currently at 3.4 ppd (down from 3.7 ppd).

With only its 18,000 residents using the Landfill, Mariposa County would likely meet the 2.2 ppd goal. However, with the addition of the millions of Yosemite tourists, meeting those mandates is an incredibly difficult task, one which has yet to be accomplished. The state has been made well aware of this issue. So far, state regulators have refused or are reluctant to take into consideration the impact the Yosemite waste stream has on the County Landfill. Because of this, the per capita diversion mandate for Mariposa County has not been adjusted accordingly. As a result, the state is requiring the County to meet a legislated goal that it simply cannot meet at this time.

For now, the state has granted Mariposa County "Good Faith Effort" status and has not been punitive towards the County for not meeting the diversion goal. However, as time goes on, it is likely state regulators will become less forgiving if they perceive inaction and procrastination on the part of the County to meet the diversion goal. If this occurs the County may face harsh penalties and sanctions by the state. For this reason it is imperative the Board of Supervisors prioritize their decision making on this issue.

Viable solutions to this problem, which are both cost effective and result driven, are elusive but available and achievable.

One alternative that has been widely discussed and actively pursued is the exportation of waste material to one of the regional landfills. There are many advantages to this alternative, but in order for it to be the most advantageous for the County, some infrastructure changes may need to be made. For example, in order to reduce the overall amount of trash to be transported, and thus lower its costs, it would be wise to separate all recyclable material and only transport that waste which needs to be buried. On its face, it seems like a simple proposition, but the implementation would require a commitment and an investment by County managers.

The County basically has three options for the Landfill. The first option is to line the two available modules at a cost of about \$10 million and hope for a life expectancy of maybe 40 years. This option would go against the long-term plans of California regulators and assumes regulatory approval would even be granted.

Secondly, the County could close the Landfill altogether and export all of its waste to a nearby regional landfill. Closing a landfill is a complicated and long-term process and the estimated cost would be roughly \$5-10 million and take 3-5 years to complete. Closing the Landfill would render the Composting Facility obsolete.

The third option would be to keep the Landfill open and invest in equipment to more effectively and efficiently sort and separate the incoming trash into recyclables and compostable material. It would also require negotiation and agreement with a regional landfill to accept waste that requires burial.

State regulations place limits on the amount of trash that can be exported from one landfill to another. This sliding scale of percentage of exported trash over time is termed “trickling”. This “trickling” requirement complicates the decision making and planning process. County managers would need to strike a balance between complying with the “trickling” regulations, meeting diversion mandates, and the demands of the regional landfills during any negotiations.

The Fairmead and Merced Landfills are the two closest regional landfills to Mariposa County. The distances from Mariposa to either facility are essentially equal. This means transportation costs would be fairly similar. Presently, both landfills do not have an adequate inflow of waste to meet their goals or business models. The sheer size and massive capacity of these landfills require huge amounts of incoming trash. Simply stated, both regional landfills are looking for more trash. However, in order to satisfy their needs, it is generally an “all or nothing” proposition for them.

Combining all of these factors places Mariposa County in a delicate position. There are competing factors applying pressure from all sides. Assertive, yet flexible, negotiation tactics are imperative to best serve Mariposa County and its residents.

Using a simple “supply and demand” principle places Mariposa County in a unique and advantageous position for negotiations. In fact, County managers have been in informal negotiations with one or both of these landfills. A low cost, long-term agreement with either is a definite possibility. But again, time is of the essence when making these decisions and entering into agreements.

Presently, the cost and terms of such an agreement favor Mariposa County. But management priorities change and economic conditions constantly fluctuate. Delay and procrastination in decision making by County managers may lead to the equation reversing leaving Mariposa County with the disadvantage.

### **Compost Facility**

The Compost Facility suffers from an identity crisis. The problem essentially lies in the word “compost”. When it was first proposed, then through its planning, construction, and finally operation, the public’s perception of what the facility would do was far from what it was designed to do.

Most people identify the word “compost” as being an organic, rich, fertile, and clean soil amendment for use in home gardens and flower beds. The idea of producing such a product from garbage at the Landfill, and made available to the public, is a wonderfully appealing and worthwhile pursuit by the government. However, in the solid waste management world, the word “compost” has an entirely different meaning.

To a landfill manager compost is cover material. More specifically, the end product is termed composted Alternative Daily Cover (ADC). Regulations, which are strictly enforced, require that the working face of a landfill be adequately covered when the landfill is not operating. The working face is the area where the garbage is actively being dumped. The requirement to cover

an open trash pit is extremely important not only for a landfill but for the surrounding community. Covering reduces odor emissions, disease vectors, scavenging by animals, and trash from being blown or washed out of the landfill.

The sole purpose of the Compost Facility is to provide usable cover material for the landfill. The theory behind landfill composting is fairly straightforward. Garbage comes in to a sorting area where recyclables and large, bulky inorganic items are removed. The material is then processed by the sorting machinery where metal, plastic, and other unwanted material is sorted out either manually or mechanically.

What's left is mainly organic material, such as food and green waste (plants), and some smaller inorganic items that could not be removed during the initial sorting process. This material is then loaded into the eight composting vessels. The vessels are heated to the appropriate temperature where the natural decomposition process takes place at an accelerated rate. Once the process is complete the ADC is removed from the vessels and processed through a trommel with a one inch square screen. The larger pieces of plastic, metal, wood, and other items are separated out and the usable ADC falls through the screen. This is the end product of the composting process. This ADC, which is sometimes mixed with dirt or straw, can now be used as landfill cover.

The final product is not suitable for use by the homeowner in their garden or flower bed. The "compost" still contains small amounts of glass, plastic, metal, etc. While not for the home garden, it is ideal for covering landfill garbage. It reduces what goes into the Landfill and produces a product necessary for the Landfill to operate.

Besides being required to comply with the AB 939 mandates, the Compost Facility, in theory, would reduce the amount of outside material brought into the Landfill for cover material. If proper cover material wasn't available at no cost from contractors or other government entities, it would need to be purchased. In 2014, \$17,416 was spent on acquiring cover material.

It should be noted that the Ferguson Rockslide Project has provided Mariposa with a unique, and free, source of cover material. The rockslide material is being transported by truck from the project location to the Landfill. On-site machinery is then crushing the large rocks and boulders into a size and composition that can be used as cover material. The material will be stockpiled and used as needed. Having this available will provide adequate cover material for 4-8 years, saving Mariposa County upwards of \$900,000.

As Mariposa County found out, what works in theory doesn't always translate to reality. The composter that the County purchased operates most efficiently when the incoming trash stream is mostly food and green waste. The study that was conducted to support this type of composter assumed a 70% stream of food and green waste. With a 70% organic waste stream entering the facility, sorting and separating non-compostable items is not an overwhelming task for the workers and equipment.

However, the organic waste stream is actually approximately 20-25% of the incoming trash. With such a low level of organic waste, the task of sorting and separating is labor

intensive, time consuming, and not at all an efficient way to operate the composter. The result is a poor end product, many mechanical failures, and an inadequate amount of product being produced.

The Mariposa Compost Facility is good in theory and poor in practice. When trash arrives it is placed on the tipping floor inside the building. When the composter is operating the trash is placed on a conveyor belt leading to separating machinery. Worker's must manually open bags of trash and begin the initial sorting process. The trash then passes through a series of stations that are designed to separate plastics, metal, glass, and plastic shopping bags. When working properly the system is fairly efficient, but inadequate.

One of the biggest problems the system has had was in the separation of plastic shopping bags. The machinery that did this was not very efficient and was prone to breakdowns. When breakdowns occur the entire system ceases to function. Having plastic bags in the final compost product was not acceptable. Recently, the magnetic belt that pulls metal from the waste stream was not functioning. Because of these and other maintenance and equipment problems the Compost Facility was not in operation for most of 2014.

The consensus among Landfill staff is that the composter is in need of upgrade or replacement. Retrofitting parts on an as needed basis is an option, but is not economically sound. The cost of upgrading the sorting and composting system as a whole is estimated at being approximately \$3 million and would likely increase the recovery rate of recyclables 20-30%.

The technologies to optimize, modernize, and bring into compliance the entire solid waste issue facing the county exists. But, as stated above, a solid commitment by the Board of Supervisors to fund and follow through with their decisions is required.

There are two pieces of equipment that would significantly increase the efficiency of both the Landfill and the Compost Facility. Acquisitions of both pieces of machinery are stated as goals for the SWRD in their 2014-15 budget which was approved by the Board of Supervisors.

The first recommended piece of equipment is a Materials Recovery Facility (MRF – pronounced MuRF). A MRF is a processing facility that receives and sorts through municipal waste to recover recyclable materials, including wood, metal, plastic, glass, and paper materials. What's left over is taken to the landfill. The configuration of the MRF depends on the needs and expectations of the user.

The most efficient types of MRF's are the Single Stream and the Source Separated. Although very similar in design and function they rely on the pre-sorting of recyclables from other trash by residents. This requires the use of separate trash and recycling bins, and generally curbside pick-up. As a rural county with little to no curbside trash collection, these MRF's would not be practical for Mariposa County.

A mixed-waste MRF, sometimes referred to as a "dirty MRF", is suitable for Mariposa County. In this type of MRF unsegregated mixed waste is processed using various technologies to separate mixed recyclable materials from waste.

The conversion of the composting facility to a MRF has significant advantages over the current process. The MRF is an automated system that begins by breaking open the trash bag. As the trash moves along, bulky items, contaminants, or items that could damage downstream equipment are manually removed. The material continues through a series of sorters and separators to remove any recyclables. The remaining product can then be placed in a landfill. In the case of Mariposa the resulting organic material can then be processed through the existing composting vessels to produce cover material for the landfill. The recyclables that would be more efficiently removed could then be sold adding to that which is already being sold.

The MRF is a highly efficient system and is used by many municipalities to reduce their waste stream into landfills. The cost of converting the current system to a MRF is estimated to be at least \$3 million.

The second recommended piece of equipment is a baling system for recyclables. Having an adequate baling system would greatly enhance the operation of the Landfill. When a citizen brings recyclables to the Recycling Center, whether it be aluminum cans, plastic bottles or cardboard, all of the recyclables are re-sold in bulk to various buyers. The money from the bulk sale goes back into the operation of the facility as a function of the Enterprise Fund.

Without a baling system to consolidate or densify the recyclable commodities into rectangular cubes called bales, the materials are shipped loose and sold at a much lower rate. Baling the aluminum, cardboard, or plastic improves transportation efficiency and is a more desirable commodity to buyers. As such, the price paid for the material is much higher. It is estimated that a proper baling system would save the County upwards of \$40,000 per year in transportation costs and increase the resale value of the recyclables approximately 25%.

A baling system that would meet the long-term needs for the County would cost approximately \$200,000. With the higher bulk sale rates the system could pay for itself in five years and have an estimated lifespan of 30 years.

## **FINDINGS**

1. Mariposa County is near critical mass in the decision making process for the Landfill.
2. State laws and regulations do not favor long term operation of a landfill within Mariposa County.
3. The Compost Facility is inadequate for the waste stream the County produces. Investment in equipment and upgrades at both the Landfill and Compost Facility is needed to meet state mandates and to better serve the County.
4. Current conditions favor Mariposa County in negotiations regarding waste exportation.
5. The newly hired DPW Director and the current SWRD Manager are well aware of, and thoroughly understand, the issues discussed in this report. Both are highly

knowledgeable, experienced, and forward thinking in the field of solid waste management.

## **RECOMMENDATIONS**

1. The Board of Supervisors and other County managers should prioritize the decision making process regarding the Landfill. The County should learn from past mistakes and not delay in determining which direction is most favorable for the County and its residents. Solid commitments and long-term follow through should be part of any decision making.
2. The Board of Supervisors need to take serious notice that state regulations and trending management priorities regarding landfills and waste diversion will only become stricter, less flexible, and punitive action a possibility. Being proactive would benefit the County and its residents.
3. The Board of Supervisors should seriously consider investing in the conversion of the Compost Facility to a much more efficient MRF system as well as in a proper baling system.
4. The Board of Supervisors should not delay in any negotiations with a regional landfill for waste exportation. To do so could lead to the County paying excessive costs which may be avoidable by timely decision making.
5. The Board of Supervisors should place a high value on the expertise, ideas, plans, and recommendations proposed by the DPW Director and the SWRD Manager regarding the Landfill and Compost Facility.

## **UPDATE**

At its May 12, 2015 meeting the Board of Supervisors approved a resolution authorizing the Department of Public Works to enter into a Lease/Purchase Agreement for a Baler and Conveyor System for use at the landfill. We applaud the Board for its approval of the purchase. We also commend DPW and SWRD staff for their continued efforts to improve the facilities at the Landfill.

## **RESPONSES**

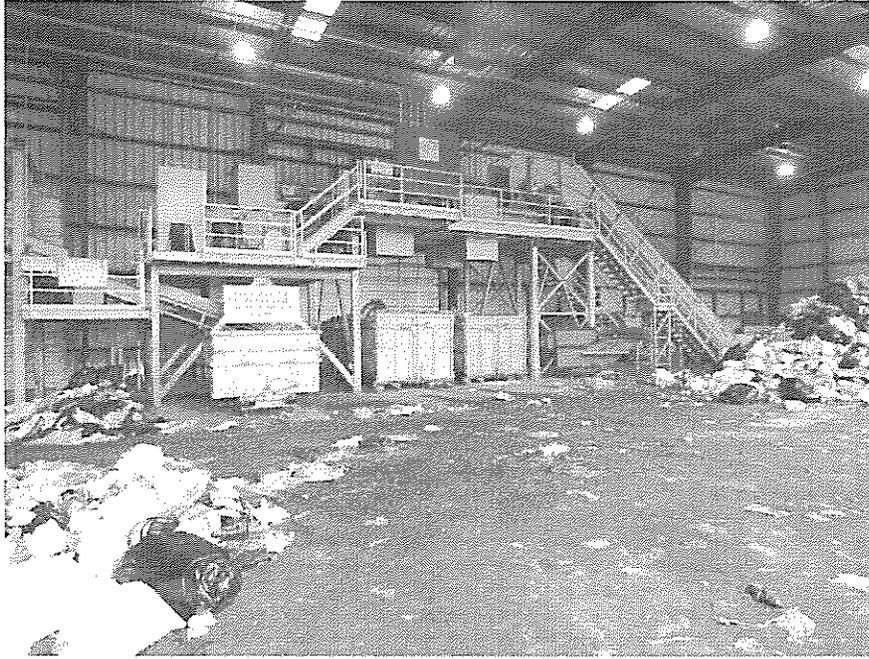
The Grand Jury requests responses to this report from the Board of Supervisors.



Main Office and Composting Facility



Tipping floor where trash is dumped. Conveyor belt to sorting machine in the background



Sorting machine where bulky items, plastic, wood, metal, and other materials are removed



Composting Vessels



Alternative Daily Cover after composting. Trommel is in the top left corner.



Close-up of ADC after composting



Finished product of ADC



Close-up of finished product of ADC



Active working face of the Landfill requiring daily cover material



Crushing and stockpiling Ferguson Rockslide material

# **Complaint Regarding the Indemnification of the Lake Don Pedro Pedestrian & Equestrian Trails**

## **INTRODUCTION**

The Grand Jury responded to a complaint alleging that the Board of Supervisors, and in particular one Supervisor, has ignored Lake Don Pedro (LDP) property owner's requests of assurance that the County will indemnify the owners of any future claims in relation to the LDP Pedestrian and Equestrian (P&E) Trail System. According to the complaint there has been inaction by one Supervisor, despite petitions, letters and public comment requesting indemnity since October 14, 2013. The complaint requests Mariposa County to give assurance to LDP property owners of the indemnification of the P&E Trail System.

## **METHODOLOGY**

After reviewing documentation provided by the complainant, the Grand Jury obtained further documentation from the LDP Home Owners Association and Mariposa County Public Works. The Grand Jury interviewed County Counsel, Risk Management, Public Works, one former Board Supervisor, and one current Board Supervisor.

## **INVESTIGATION**

The investigation produced minutes from a Board of Supervisors meeting in May 1969. These minutes stated the Board "accepted" the easements for public utilities and storm drainage and the P&E Trail System. Then, in the 1980's, the issue of County indemnification of the P&E Trail System was in question again. Former County Counsel stated in a letter, written in 1989, that the County "accepted" the P&E Trail System but the Trail System was not accepted by the County into the "County System" and also was not owned by the County. The same County Counsel wrote a letter in 1992 to the Board of Supervisors stating the County will indemnify in regards to the P&E Trail System. In January, 1995, minutes from the Board stated that the County will develop and maintain recreational areas Countywide.

Current County Counsel wrote a letter on November 26, 2013, stating that the County will not indemnify in regards to the P&E Trail System. The Grand Jury questioned County Counsel about the discrepancy between his letter and the 1992 letter written by former County Counsel. Current County Counsel stated it was a difference in the interpretation of language.

The Grand Jury learned that the developer of LDP gave the County money to maintain the recreational areas, including the P&E Trail System, for many years. Once funds ran out, maintenance of the Trail System ceased. The County had not budgeted for this maintenance, and continues not to budget for it.

The County expressed concern for the potential long term disability payments that the County would be liable for if the County were to indemnify the Trail System. If this were to occur, the County believes it would have to cut budgets on other programs to fund the payments. The current District II Supervisor stated on January 10, 2015, at a LDP Homeowners Association meeting that he supported indemnification. The same Supervisor wrote in the February 2014 edition of the *Foothill Express* newspaper "*Liability insurance is available if a property owner wants to take an extra step in protection, but to ask all the people of the county to take another extra step to pay for an indemnity policy for a few would seem unfair.*"

Presently, the Board of Supervisors is waiting to make a decision on confirming or denying indemnification of the Trail System. The Board stated on August 6, 2014 that they were waiting for a recommendation from the Trail Advisory Board. At the time of the Grand Jury's investigation no Trail Advisory Board existed. As of August 2014, County Counsel has been tasked with forming the Trail Advisory Board, but to date no action has been taken of which the Grand Jury is aware.

## **FINDINGS**

1. The 1969 Board of Supervisors accepted the responsibility and liability of the P&E Trail System in the Lake Don Pedro Sub-Division.
2. From the 1980's to present day the issue of indemnification of the P&E Trail System has come up routinely.
3. The present Board of Supervisors was requested by a citizen to make a final determination of the indemnification issue on October 14, 2013. To date, no decision has been made.
4. Mariposa County does not currently allocate funds for the continued maintenance of the P&E Trail System.

## **RECOMMENDATIONS**

1. Mariposa County Board of Supervisors add an action item to their agenda to confirm or deny indemnification of the Lake Don Pedro Pedestrian and Equestrian Trail System.

## **RESPONSES**

We require the Mariposa County Board of Supervisors to respond to all findings and recommendations.

JEFFREY G. GREEN  
County Counsel  
(209) 966-3625



County Courthouse  
P. O. Box 189  
Mariposa, CA 95338

The County Counsel  
MARIPOSA COUNTY

March 17, 1989

[REDACTED]  
Modesto, CA 95351

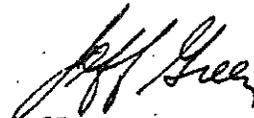
Dear Mr. [REDACTED]:

I have received information from Mariposa County's Public Works Department relative to the equestrian trails and have the following information for you:

The equestrian trails in the Lake Don Pedro Subdivision were in fact accepted by the County for public use, but were not accepted by the County into the County system nor are they owned by the County. Additionally, the County does not perform any maintenance on the equestrian trails.

It is unclear as to whether or not the County would have liability for the trails unless it actually maintains the trails. Should the County actually maintain the trails then the County would assume liability for those trails.

Very truly yours,



Jeffrey G. Green  
County Counsel

cb

cc: Supervisor Sally Punte

**JEFFREY G. GREEN**  
County Counsel  
(209) 966-3625



County Courthouse  
P. O. Box 189  
Mariposa, CA 95338

**The County Counsel**  
MARIPOSA COUNTY

October 5, 1992

[REDACTED]  
La Grange, CA 95329

Re: Lake Don Pedro Equestrian Trails

Dear Mr. [REDACTED]

This is a follow-up of my letter to you of September 11, 1992. Subsequent to my letter, you and I discussed this matter over the telephone and you indicated to me that you are not particularly interested in having the County respond to you relative to your letter to the editor of the Yosemite Highway Herald, but that you would like the County to respond in some way to the public to the questions in your letter.

In that regard, I have received the information from our Public Works Department. There were apparently three phases of the Lake Don Pedro Subdivision. During each phase at the map recordation stage, the developers offered to the County of Mariposa an easement dedicated for public use for the equestrian trails. Those easements were formally accepted by the Board of Supervisors in each case.

The legal ramifications of that acceptance are that the County has accepted full responsibility and liability for the operation of those trails and has additionally assumed the responsibility for keeping the trails open for pedestrian and equestrian uses. The law is very clear that the County does in fact have the right to preclude any private landowner from obstructing those trails.

Should you desire any additional information regarding this matter, please feel free to contact the undersigned.

Very truly yours,



Jeffrey G. Green  
County Counsel

sa

cc: Supervisor Sally Punte

Steven W. Dahlem  
County Counsel  
(209) 966-3222

OFFICE OF



P.O. Box 189  
Mariposa, CA 95338  
Fax (209) 966-5147  
E-mail: sdahlem@mariposacounty.org

The County Counsel  
MARIPOSA COUNTY  
November 26, 2013



La Grange, CA 95329

Re: Lake Don Pedro Equestrian & Pedestrian Trails

Dear Mr. [REDACTED]

This responds to your letter dated October 18, 2013, requesting clarity on indemnity for the Lake Don Pedro Equestrian & Pedestrian Trails.

Please accept this as confirmation that Mariposa County does not provide indemnification for property owners whose property is encumbered by trails.

Very truly yours,

Steven W. Dahlem  
Mariposa County Counsel

IS

27

# **Complaint of Mariposa County** **Public Asset Tracking**

## **INTRODUCTION**

The Grand Jury received a complaint by a citizen stating that they were unable to obtain a list of County owned assets after making the request of a County Supervisor.

## **FACTS**

The Grand Jury was able to obtain a list of all County owned real property. The County considers any property with a value at or above \$5,000 to be an asset and is recorded as such. Any property with less than a \$5,000 value is considered an expenditure.

## **FINDINGS**

County assets of \$5,000 and above are tracked by the County Assessor and Recorder's Office. This information is readily available upon request.

## **RECOMMENDATIONS**

Any citizen interested in seeing these documents may request them from the Assessor's office.

## **RESPONSES**

We do not request any response.

# **Complaint of the Emergency Exit at the Mariposa County Courthouse**

## **INTRODUCTION**

The Grand Jury received a complaint about doors at the Mariposa County Courthouse being locked, thus preventing egress in an emergency. The complaint was that the signs saying “**FIRE EXIT**” were placed over a locked door in the upstairs Superior Courtroom.

## **INVESTIGATION**

Five Grand Jurors toured the Courthouse and spoke with the Bailiff on duty. We observed the sign and saw that the door was locked. The Bailiff explained that the door is always unlocked when Court is in session.

## **FINDINGS**

The Grand Jury concludes that there is no danger present when court is in session.

# Review of Correctional Facilities Within Mariposa County

## INTRODUCTION

California Penal Code Section 919(b) instructs grand juries to “inquire into the condition and management of the public prisons within the county.” There are four correctional facilities in Mariposa County. Grand Jury members visited three during October and November 2014. We did not visit the Federal holding facility in Yosemite National Park.

## FACTS

### Mariposa County Adult Detention Center

October 2, 2014

- The cell blocks are designated as follows:
  - A = low security
  - B = pretrial or in trial
  - C = maximum security
  - D = women
  - E = protective custody
  - F = problems and hard to handle

#### Items of note:

Maximum capacity for women, is reached when the eight beds in the women's block are full. There are a few possible solutions when there are too many women inmates: first, if the population allows it they would move the women to a bigger block and move a smaller population of men into the block currently housing the women. Second, if one of the women is serving a short term, they could move a temporary bunk into the women's block. Third, if a woman is nearing the end of her sentence, the Sheriff has the authority to release any inmate early by a few days. There is also one other method, for any inmate serving a short period for a misdemeanor offense, the date they report to the jail can be delayed. Probation can be called upon to use either electronic monitoring or work program diversion if a specific case allows these options.

Inmate activity is more restricted here than in state prison. Some inmates sentenced to County Detention Center would rather be in state prison and the quickest way to get there is to assault a guard. This means hyper vigilance at all times by jail staff.

- Inmates may only have private visits for legal and medical reasons
- AB 109 (Public Safety Realignment Act) has created a need for more long term services
- The General Education Development (GED) test is now computerized, resulting in it being harder for inmates to access due to a limited number of computers
- Court ordered inmates will attend anger management courses to be conducted by CORE (Center for Opportunity, Re-entry and Education) staff, and by County Probation Officers; both entities will be certified to instruct anger management classes
- There is a new food services contract that is providing three meals a day, prepared on site while saving money
- Onsite medical services are available eight hours a day, five days a week:
  - The annual budget for this is \$256,000 while the actual expense is \$315,000
  - The budget has been the same for eight years
  - \$5,000 per month is spent on medications for inmates
  - One helicopter transport costs \$100,000 and one ambulance ride is \$1,000
  - The Adult Detention Facility now has catastrophic medical insurance
- The 2.5 million dollar budget has been the same for 12 years
- Maintenance budget is \$90,000 per year; a new heating and air conditioning unit costing \$60,000 to \$70,000 is needed
- The existing building, which is not part of County Maintenance, is 20 years old
- Currently the percent of out of county inmates is 15%; maximum allowed is 40%
- Gang segregation is happening for the first time
- Pay rates for staff is low compared to other counties
- They have no interaction with the Mt. Bullion Conservation Camp

**California Department of Corrections and Rehabilitation - Mt. Bullion Conservation Camp**

October 16, 2014

- All inmates are first processed through the Sierra Conservation Camp in Jamestown where they receive firefighting training
- Cal Fire Captains supervise firefighting while CDC&R correctional officers provide security

- Inmates get reduced sentences for serving their time at the camp
- CDC&R have been in the current Mt. Bullion camp location since 2004
- Inmates are paid \$1.45 per day and additionally \$1.00 an hour for firefighting
- It costs \$3.14 per day to feed an inmate
- They keep food for 2500 meals on hand at all times
- There are currently 104 inmates; maximum capacity is 110
- Mt. Bullion serves the counties of Mariposa, Merced and Madera
- Not all inmates fight fire, some are kitchen workers, custodians and laundry workers
- There is need for retrofit on ceilings and bathrooms in the dorms
- Contraband, especially tobacco and cell phones, is the biggest challenge facing the staff
- Cell phone signal jammers are too expensive and the space is too open for them to work
- More cameras are needed for outside surveillance
- Night vision goggles would help prevent contraband drop off and retrievals
- Spot and motion detector lights on the road are needed
- Dogs are periodically brought in from the Sierra Conservation Camp to detect contraband
- Mechanics are on duty to maintain the fleet of trucks and equipment
- There is a wood-working shop for the inmates but they have to buy their own tools

### **Mariposa County Juvenile Detention Facility**

October 13, 2014

- There are two cells, each with two beds
- One cell currently is not functional as they await a new toilet
- The building was constructed in the 1990's
- The maximum legal hold time is 96 hours; if a juvenile needs to be kept longer they are transferred out of county

- Trinity County was used for out of county stays, but it closed six months ago; contracts with Madera and Kern Counties are now in place
- When a juvenile begins accessing ancillary services in the other county, the cost is born by the host county; this leads to a reluctance by other counties to accept Mariposa juveniles
- No full time medical, education or kitchen services are available
- Risk assessment is done prior to holding juveniles
- Two full-time Probation staff conduct transports
- The average is less than one juvenile per month
- Juvenile crime has decreased
- Four juveniles are currently on probation
- A felony is a mandatory referral to the District Attorney
- Drug and Alcohol Abuse Prevention programs are effective; the county is currently using an on-line program that costs \$60.00 paid by the parents
- There is some interaction with Child Protective Services; if a juvenile is a dependent of the court they will meet and confer with CPS to see which agency will best serve the juvenile
- Mental health issues are on the rise
- Human Services is active in alternative placement for juvenile's with mental health issues
- The Wrap Team comprised of Probation, Behavioral Health, and Case Management Services is working well
- SARB (School Attendance Review Board) is keeping track of truancy and helps reduce future problems
- Collaboration between the Sheriff's Office, District Attorney, and the Mariposa County Unified School District is better than ever
- Few people apply for the available part time positions which can lead to staffing level problems when juveniles require housing

**FINDINGS**

We found all Mariposa County correctional facilities to be well run and maintained.

**RECOMMENDATIONS**

We have no specific recommendations.

**RESPONSES**

We do not request any response.

# **Review of the Mariposa County Department of Agriculture, Weights and Measures**

## **INTRODUCTION**

The Grand Jury chose to review the Department of Agriculture, Weights and Measures. The Department has not been reviewed by a Grand Jury in many years, if ever.

California Food and Agricultural Code Sections 2001 and 2002 require each county to have a department of agriculture which is under the control of an agriculture commissioner. The Commissioner is appointed by the Board of Supervisors to a four year term. California Code of Regulations, Title 3, Division 1, Chapter 2, Article 1, Section 103 outlines the minimum qualifications required for a County Agriculture Commissioner. Essentially the position requires a four year degree, multiple professional licenses, knowledge of all pertinent laws and regulations, management and supervisory training, and job experience.

The Department website states that the County Agriculture Commissioner is responsible for the local administration and enforcement of state and local laws. The Commissioner is also the County Sealer of Weights and Measures. The Department consists of the Commissioner, with two and one half other positions. There is currently no Deputy Commissioner. The annual budget for the Department is \$490,000.

## **METHODOLOGY**

Interviews were conducted and printed materials provided by the Department were reviewed. *Mariposa Gazette* newspaper articles related to the Department were researched and reviewed.

## **INVESTIGATION- REVIEW**

The Department is responsible for:

1. Weights and Measures. This means every commercial scale and commercial pump in the County must be inspected. The Department ensures labels and weights and measures are tested and updated annually.
2. Wildlife Services. The County Trapper is a contracted federal employee (USDA) and works under the auspices of the Department for animal damage control within the

County. Animals suspected of carrying zoonotic diseases, such as rabies, are taken to the Health Department for testing if human/animal contact is made or suspected.

3. Plant inspections. All plants commercially sold in the County are inspected. Seeds and plants may not be sold without a license.
4. Criminal investigations. Works with the District Attorney conducting criminal investigations.
5. Droughts. Declares droughts in the County so that the County may benefit from available Federal relief programs.
6. Producing an annual Agriculture and Livestock Report.
7. Providing biannual Vertebrate Pest Management training which fulfills continuing education hours required for those holding current pest control licenses.
8. Grant writing.
9. Creating an annual financial statement.
10. Assisting the Environmental Health Department, as needed, where food is sold or fuel leaks have occurred.
11. Receiving and resolving citizen and consumer complaints.
12. Conducting a continual weed abatement program. The current focus is on the control of the yellow-star thistle.

## **FINDINGS**

1. The Commissioner is the longest serving County employee at 35 years.
2. Top soil and fertilizers sold in the County are not regulated.
3. The Department has a difficult time attracting applicants due to County salaries being lower than the average salaries for County Agriculture Department employees.
4. There are 120 total Agriculture Commissioners in the state, current and retired.
5. Prior to the most recent salary increase in the spring 2015 the Commissioner had not had a salary increase in six years.

6. The GIS program used by the Agriculture Department is also used by the Public Works, Building, IT, and Planning Departments. Each department pays \$500 per year for its use.
7. The Department currently has three vehicles, none of which is capable of transporting pesticides.

## **RECOMMENDATIONS**

1. We recommend the combined use of the GIS system between Departments with a central location for its use.
2. After 35 years of service, the Commissioner will retire at some point. In anticipation of the Commissioner's retirement, we recommend the Board of Supervisors become familiar with the requirements of the position and begin considering a recruitment plan.
3. A vehicle capable of transporting pesticides is needed.

## **RESPONSES**

No responses are requested.