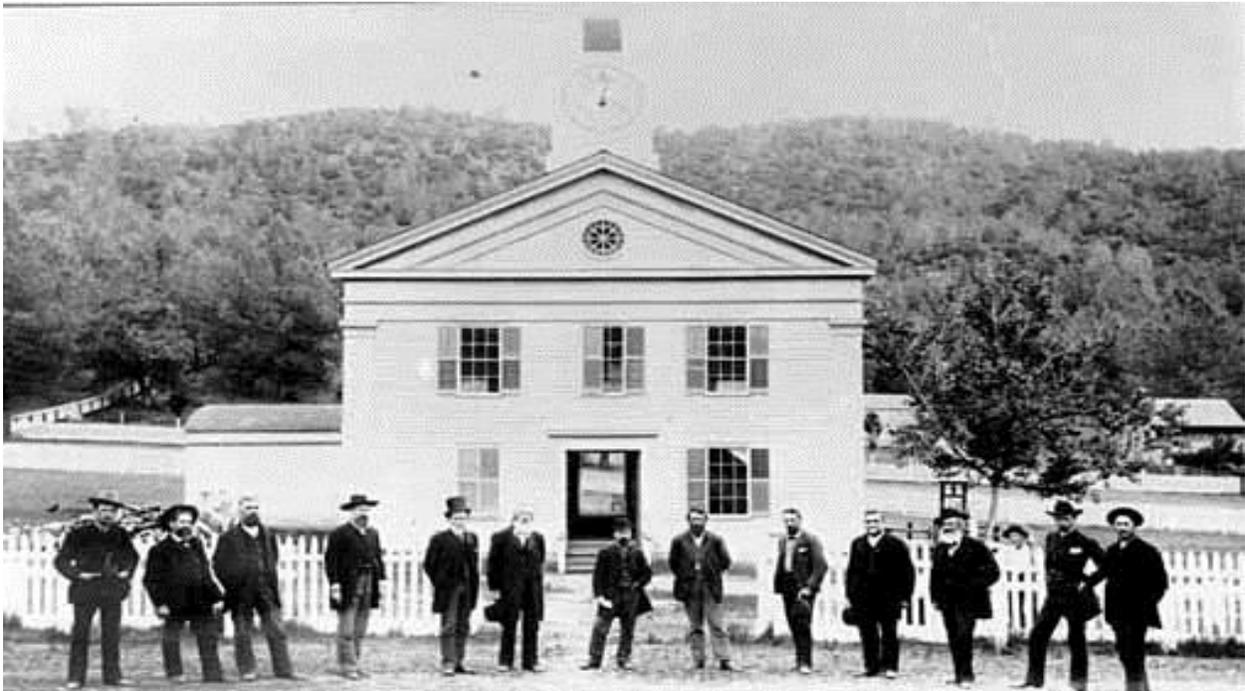


Mariposa County  
**GRAND JURY**  
2015-2016



VOICE OF MARIPOSA COUNTY CITIZENS

# FINAL REPORT

**Mariposa County Grand Jury Final Report 2015-2016**

*Pursuant to California Penal Code §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.”*

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May 10, 2016

Honorable Michael A. Fagalde, Assistant Presiding Judge  
Mariposa County Superior Court  
P.O. Box 28  
Mariposa, California 95338

Dear Judge Fagalde:

On behalf of the 2015-2016 Mariposa County Grand Jury, we would like to thank you for the opportunity to serve our community. We believe that it is a duty and privilege to be the voice of the citizens and taxpayers and we are all honored to be selected to be a part of this important effort.

During the course of the year, six members including one alternate resigned. Fortunately, we were able to recruit one past member and several alternates allowing us to complete our term with ten members.

This Grand Jury received nine complaints submitted by the public, two of which we determined to be under our jurisdiction and which we investigated.

As required by law, this Grand Jury inspected the correctional facilities in the County: Adult Detention Facility, Juvenile Detention Facility and Mt. Bullion Conservation Camp #39. We also investigated the Health Department, Development Services, John C. Fremont Healthcare District, Cooperation with Grand Jury Inquiries and Response to Final Reports, Mariposa County Cash Handling Procedures, Behavioral Health, Building Department, Office of Emergency Services and Standard Operating Procedures, which included the two complaints referenced above.

We upgraded our computer system from a PC to a wireless laptop and utilized a four in-one printer to eliminate old inventory and optimize our limited space. We secured the donation of office chairs allowing for the elimination of the uncomfortable lobby chairs that past grand jurors have had to endure.

The Grand Jury held meetings with department heads and members of the Board of Supervisors. We are grateful for their professionalism, insightful information and helpful interaction.

This Grand Jury acknowledges that our job was made much easier these past twelve months by carrying over past grand jurors who had valuable experience to share.

Lastly, the Grand Jury would like to thank you, Judge Fagalde, and your staff for your helpfulness and guidance throughout the 2015-2016 Grand Jury session.

Respectfully submitted,

2015-2016 Mariposa County Grand Jury

*Stanley Bissmeyer*  
Stanley Bissmeyer

*Russell M. Bryson III*  
Russell Bryson III

*Yukiye Carbaugh*  
Yukiye Carbaugh

*Sean Langley*  
Sean Langley

*William S. Mitchell*  
William Mitchell, Foreman

*Charli McCord*  
Charli McCord

*Linda Sinclair*  
Linda Sinclair

*Julie Tyra*  
Julie Tyra

*Tom Tyra*  
Tom Tyra

*Gary Williams*  
Gary Williams

## **THE GRAND JURY'S PERSPECTIVE FOR 2015-2016**

Being on a Civil Grand Jury is not only a privilege but also the duty of every citizen who has the opportunity to be selected. The 2015-2016 Grand Jury takes the responsibility very seriously. Since this is a volunteer duty, we understand that it takes away from our jobs, home life and our families but this is the sacrifice we willingly accepted.

We have twelve months to accomplish our task. The Superior Court of California and the County's presiding judge expects us to do our job in secret as a separate entity. We are the watchdog for the citizens and taxpayers of Mariposa County. We are their eyes, ears and voice. We are bound by California Penal Code §914 to conduct inquiries and investigations in an effort to identify and correct inappropriate and illegal activities.

Every County employee is under the Grand Jury's investigative schedule. County employees are at the calling will of the Grand Jury to fulfill their duty under Penal Code §914. We had Supervisors, Department Heads and employees cooperate with the Grand Jury with respect and a professional attitude.

Unfortunately, this was not the case with all employees. Some employees felt that they didn't need to cooperate with the Grand Jury and obtained help from the County Human Resources Department to circumvent or hinder the Grand Jury's investigative process. We find it disappointing that the Human Resources Department did not advise the employee to fully cooperate with the Grand Jury. Instead, we were advised by the Human Resources Department to change our investigative scheduling process.

When this was not done by the Grand Jury, County Counsel was obtained for the employee. Further, County Counsel chastised the Grand Jury for doing their duty to conduct investigations as charged to us by the Court.

We found this passive-aggressive attitude to be a hindrance for the Grand Jury, hostile and very unproductive for the citizens and taxpayers of the County.

We hope that the Supervisors, Department Heads and County Counsel do not have the attitude that because the grand jurors change every year they are not to be taken seriously. We hope that reports from all grand juries are strongly taken under consideration with recommendations followed and responses provided as requested.

## **MISSION STATEMENT**

We willingly accept our responsibility to serve the community and Mariposa County. Our acknowledged role is to oversee the appropriate function of the various facets of our County government. To that end, we dedicate ourselves to preserving its integrity.

## **FUNCTION AND RESPONSIBILITIES**

The Mariposa Grand Jury is a judicial body consisting of eleven citizens. It is impaneled to act as an “arm of the court” as authorized by the *Fifth Amendment of the United States Constitution* and the *Constitution of the State of California* to be a voice of the people and conscience of the community. A Civil Grand Jury is impaneled in Mariposa County each year in July.

The major function of the Mariposa County Grand Jury is civil government oversight. It serves as an ombudsperson for the citizens of Mariposa County and may examine all aspects of County government and special districts within the County to ensure that the best interests of Mariposa citizens are being served.

The Grand Jury submits meaningful solutions to a wide range of problems. It is a volunteer, fact-finding body with the potential to create positive and constructive changes. The Grand Jury is an investigative body created for the protection of society and the enforcement of the law.

## **GUEST SPEAKERS**

**We wish to thank all those who shared their time to speak with us about Mariposa County government.**

Mariposa County Sheriff and Interim Fire Chief

Mariposa County District Attorney

Human Resources Director

Board of Supervisor District 2

Board of Supervisor District 3

Health Department Director

Board of Supervisor District 1

Public Works Director

# REQUIRED RESPONSES

California Penal Code §933(c) requires that no later than 90 days after the Grand Jury submits its final report on the operations of any public agency or department subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body.

## BOARDS AND OFFICIALS

### REQUIRED TO RESPOND

### REPORTS REQUIRING RESPONSE

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Board of Supervisors

Mariposa County Health Department

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Board of Supervisors

Mariposa County Development Services

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John C. Fremont Healthcare District  
Board of Directors

John C. Fremont Healthcare District  
Board of Directors

---

Board of Supervisors

Cooperation With Grand Jury Inquiries  
and Requests for Information

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Board of Supervisors

Review of Cash Handling Policies and  
Procedures for Mariposa County Government

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Board of Supervisors

Mariposa County Building Department

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Board of Supervisors

Mariposa County Fire Department,  
Office of Emergency Services

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Board of Supervisors

Standard Operating Policies and Procedures for  
Mariposa County Government

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# INVITED RESPONSES

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## OFFICIALS INVITED TO RESPOND

## REPORTS INVITING RESPONSE

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Mariposa County Health Officer (most recent)

Mariposa County Health Department

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Mariposa County Building Department Director  
Mariposa County Health Officer (most recent)

Mariposa County Development Services

---

Mariposa County Auditor  
Mariposa County Treasurer  
Department Heads of Cash Handling Departments

Mariposa County Cash Handling  
Policies and Procedures

---

Mariposa County Building Department Director

Mariposa County Building Department:  
Enterprise Fund and General Fund

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Mariposa County Sheriff/  
Interim Fire Chief

Mariposa County Fire Department,  
Office of Emergency Services

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Mariposa County Sheriff/  
Interim Fire Chief

Mariposa County Adult Detention Facility

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## **MARIPOSA COUNTY HEALTH DEPARTMENT**

### **INTRODUCTION:**

The 2015 - 2016 Grand Jury determined to investigate the Mariposa County Health Department (Public and Environmental Health). This review focuses on the organizational structure, staff training, personnel turnover and conflict within the Health Department. For this investigation the Grand Jury focuses on the internal working of the Health Department and does not address customer service.

### **APPROACH:**

The Grand Jury conducted numerous interviews with staff from the Mariposa County Health Department, Director of Human Resources and the newly hired Health Department Director at the time of this investigation. *Note: The Health Department Director in this investigation has since resigned.*

The Grand Jury reviewed dozens of documents including standard operating procedures, organizational charts, job descriptions, resolutions, letters, memorandums, agreements, and emails pertinent to this investigation.

### **DISCUSSION:**

The Mariposa County Health Department consists of Public Health and Environmental Health and is responsible to protect and promote the health, safety and environment of the community by preventing and controlling diseases, environmental hazards, injury and disability, and by educating and promoting healthier lifestyles.

The two divisions of the Health Department are located in separate buildings. The Public Health division is located at 5085 Bullion Street while the Environmental Health division is in the Government Center located at 5100 Bullion Street.

California State law requires that a medical doctor be retained by the County for portions of the Health Department's responsibilities. The Board of Supervisors has appointed a medical doctor as Health Officer to oversee the entire management of the Health Department. The Health Officer (medical doctor) is the highest paid employee in the County of Mariposa. The Health Officer is responsible for the duties required by law for a medical doctor and for the administration of both divisions of the Health Department.

The Health Officer who held the position from 1988 to 2014 has been attempting to retire since 2012. The Board of Supervisors has experienced significant difficulty in securing a candidate who is qualified, willing and able to fulfill the requirements of both medical officer and administrator.

In 2015, a new Health Officer for the Health Department was hired. Serious discord and upheaval within the Health Department ensued for approximately ten months until the new Health officer resigned from the position.

The interim Medical Officer, is a local physician, and interim health administrator is the County Administrative Officer. On April 5, 2016 Dr. Eric Sergienko was appointed by the Board of Supervisors as the new County Health Officer. He is expected to start later this year.

Mariposa County is the only county in California that is not a member of County Health Executives Association of California, a wide ranging resource with extensive expertise in administration of county health departments and has areas of focus on small county jurisdictions.

Mariposa County is not accredited by the Public Health Accreditation Board (PHAB). This accreditation is not mandatory, but takes a multi-year process to become accredited and in the future is expected to be tied to funding.

Most counties like Mariposa that have a free-standing health department have an administrative person directing the health department and hire a part time contract physician (typically a local physician) for anywhere from eight (8) hours (for counties the size of Mariposa such as Inyo) to twenty (20) hours a week (for larger counties such as Lake County which has three times the population of Mariposa). According to these counties this structure has enabled the health department to function more efficiently, afforded a considerable savings and made recruitment for health department personnel in small counties easier.

According to the organizational chart for the Mariposa County Health Department the Environmental Health Manager supervises the Senior Environmental Health Specialist and the two Registered Environmental Health Specialists. The Environmental Health Manager, the Senior Environmental Health Specialist and the two Registered Environmental Health Specialists work out of the 5100 Bullion location. The Development Service Technicians located in Environmental Health (5100 Bullion Street) are supervised by the Office Technician who is located in Public Health (5085 Bullion Street).

Additionally, there is a long history of conflict and personnel issues within both divisions of the Health Department.

## **FINDINGS:**

The Mariposa County Health Department provides a vital public service to this community with regards to both public health and environmental health. It is imperative that this department function productively and without discord.

The job description for the Health Officer, who is the director of the Mariposa County Health Department, is lengthy and involves a wide range of experience both as a medical doctor and as an administrator. The job description states, among other duties, that the incumbent plans, organizes, administers and supervises all services, programs and activities of the Health Department. Further, the incumbent selects, trains, supervises, motivates and evaluates the performance of department staff, provides advice and assistance as needed and provides for or coordinates staff training. The position requires knowledge of principles of management, supervision, training and performance evaluation and the ability to plan, organize and supervise

staff. It is noted that the minimum qualifications include supervisory or management experience in a broad range of public health programs is "highly desirable" but not stated as "mandatory".

As stated in the Mariposa Gazette on November 26, 2015 it would seem the Board of Supervisors has two viable options:

- 1) Maintain the current organizational structure requiring the Health Department to have a Health Officer (medical doctor) to head the health department, or;
- 2) Approve a County Health Administrator (CHA) who would serve as department head and a medical officer would be hired as part time and be subordinate to the CHA.

As of the writing of this report the Board of Supervisors has voted to pursue option one based on an on-going contract for advertising, outreach and recruitment for a Health Officer.

Over time, some primary responsibilities listed in the Health Officer job description have been delegated to subordinates which appears to be a contributing factor in the conflict within the Health Department and with other departments.

The previous Health Officer reportedly did not like modern conveniences, such as email, and chose to run the department in a way that would appear somewhat antiquated. Numerous interviewees indicated that there has been little to no updating or modernizing office procedures over the past fifteen (15) or more years. Suggestions to update procedures resulted in an overall attitude of unwillingness to change.

The Environmental Health Manager and Senior Environmental Health Specialist positions were originally contract positions with the State of California. The County of Mariposa reimbursed the State for these costs. In 2010 the State drastically increased the cost to Mariposa County for these positions. Subsequently, the Medical Officer recommended, and the Board of Supervisors approved with Resolution 2010-322, that the two State contracted employees be designated as County employees effective July 1, 2010. Job descriptions for the two positions were approved by the Board of Supervisors in December 2010 with Resolution 2010-563. Due to time constraints of the state contract expiration, these positions were not advertised and recruitment was not done within the local community. The Environmental Health Supervisor and Senior Environmental Health Specialist did not receive training for supervisory or management positions and apparently did not have adequate supervisory experience.

During interviews conducted by the Grand Jury it was disclosed that the Environmental Health Manager actually supervises one of the Registered Environmental Health Specialists (REHS) and the Senior Environmental Health Specialist supervises the other REHS. However, the organizational chart does not reflect that reality. Additionally, while the Environmental Health Manager and the Senior Environmental Health Specialist are both *tasked* with supervising all Environmental Health employees, including support staff, the organizational chart shows the two Development Services Technician positions assigned to Environmental Health are supervised by the Public Health Office Technician who is located in a separate facility. Overall, the separate locations of the two divisions of the Health Department presents specific challenges.

The Environmental Health Manager, by also having the title of Director of Environmental Health, is easily confused with the Public Health Department Director. In the past the Health Officer has tasked the Environmental Health Manager to represent the Health Department in meetings of department directors which has contributed to the conflict within the departments. The department directors need to speak freely with each other and cannot do so when the representation in a meeting is not equal or among peers. This is especially vital for policy and personnel issues.

As reported by interviewees, little or no cross training is conducted. It is suggested by some that specific training and experience is denied to certain employees, thus making advancement impossible and negatively affecting moral. For example, the two Registered Environmental Health Specialists (REHS) are not encouraged to get the training and/or certifications for the Environmental Health Manager and Senior Supervising Environmental Health Specialist positions. Should either of these two previous state contracted employees choose to leave Mariposa County for whatever reason, the two subordinate REHS who have been dedicated to serving Mariposa County would not qualify to be promoted.

This investigation revealed that promotions to management or supervisory positions appear to be given to employees based on their length of service without consideration given to manager/supervisor abilities. An employee who performs the job well may not necessarily possess the knowledge, skills, or personality to be a good supervisor or manager. Training for management and supervisory positions has not been offered or required.

This investigation revealed numerous accounts of the following:

- Employee turnover due to bullying by supervisors.

- A toxic work environment with supervisors acting with hostility.

- Supervisors do not effectively or adequately address conflict and tolerate inappropriate behavior.

- Unequal treatment among equivalent status employees.

- Heavy handed and dictatorial management.

- Instances of high stress, reducing employees to tears resulting in the need to retreat to compose themselves.

The job descriptions/responsibilities for each position is not accurately reflected in the organizational chart and does not indicate a clear chain of command.

Some employees expressed concern about repercussions if they brought any issues to management. Some stated that complaints been brought to management but have not been acted upon. Some employees were hesitant to talk with the Grand Jury or meet with the Grand Jury even under the protection of confidentiality.

## **RECOMMENDATIONS:**

The Board of Supervisors has hired a Medical Officer to direct the Health Department and he is expected to start later this year. If this situation should prove to be unsuccessful, or in preparation of future Health Department staffing, the Grand Jury recommends the following:

The duties afforded to a Medical Officer/Health Department Administrator may possibly exceed both the time availability and the typical combined talents of one person. The Grand Jury believes that Option 2 as stated above is a better resolution to the difficulty in filling this position. It is recommended that in the future the Health Department be restructured as follows:

Administrator: Full time position to act as department head and direct the entire department; and,

Public Health Officer: Part time position to be a medical doctor responsible for medical duties as required by law and subordinate to the Administrator.

**NOTE: It is further noted that this structure might result in savings to the County to be used in other areas of pressing concern and allow for easier recruitment of qualified candidates.**

In the absence of approval for this restructure of the Health Department the following recommendations are made by the Grand Jury:

The job description for the Health Officer should be revised to make supervisory or management experience mandatory, and;

Due diligence on the part of Mariposa County Board of Supervisors should be paramount to make certain the candidate hired for the position of Health Officer/Administrator is qualified as both a medical doctor and, more importantly, an administrator.

The Health Officer should seriously consider becoming a member of the County Health Executives Association of California and investigate the possibility and/or future necessity of accreditation by the Public Health Accreditation Board.

The Health Department Director/Medical Officer should directly supervise and be actively involved with the Environmental Health division, making job descriptions and organizational charts reflect accurately the delineation of job duties and responsibility within the department.

Support staff in Environmental Health (Development Service Technicians) should be supervised by the Environmental Health Manager, not by a supervisor located at a separate site.

Any department head meetings involving either division of the Health Department should be attended by the Health Officer and any decisions or conclusions made between the department heads involved should then be disseminated to staff for implementation. These department head meetings should not be delegated to a subordinate.

Supervisors/managers should be required to attend ongoing training in personnel management and supervision in order to obtain the necessary knowledge and skills for maintaining a positive,

productive and healthy work environment. In addition, the Health Officer should continuously monitor supervisors to make certain they are adequately performing their responsibilities.

The incoming Health Officer, Human Resource Director, County Counsel and possibly the liaisons from the Board of Supervisors should be involved in an effort to pinpoint the source(s) of hostility and bullying and resolve the issue as soon as possible.

Managers and/or supervisors and employees who are not availing themselves to training, which must be offered, or who continue to contribute to the discord and hostile work environment should be demoted or terminated from employment with Mariposa County.

**NOTE: The Grand Jury is excited, encouraged and looking forward to the changes forthcoming in the Health Department under the direction of Dr. Eric Sergienko.**

### **REQUEST FOR RESPONSE:**

The Grand Jury requests a response from the Board of Supervisors.

The Grand Jury invites a response from the most recent Health Officer.

**MARIPOSA COUNTY DEVELOPMENT SERVICES**  
**(PLANNING, BUILDING AND ENVIRONMENTAL HEALTH)**

**INTRODUCTION:**

The 2015-2016 Mariposa County Grand Jury determined to review Mariposa County Development Services (Planning, Building and Environmental Health) in relation to their customer service and efficiency of operation. This review was deemed necessary after an interview in an unrelated grand jury inquiry resulted in information that caused concern among the grand jurors.

This review focuses on the interaction between Environmental Health and the Building Department as they relate to each other and as they relate to the customers requiring their services.

**APPROACH:**

The Grand Jury conducted fifteen (15) interviews with staff from both the Building Department and Environmental Health, local and consistently active contractors, and reviewed hundreds of memorandums, resolutions, emails and other documents relative to this issue.

**DISCUSSION:**

The Building Department is responsible for the implementation of Title 24, the State of California Building Codes. This includes issuing permits, inspections and compliance with Title 24. The Building Department performs many other functions such as information dissemination to the public, participation in the transient occupancy vacation rental approval process, general Mariposa County government programs, code enforcement and other tasks as directed by the Board of Supervisors.

The Health Department is responsible to help protect the health, safety and well being of the public and preserve the quality of the environment. The Environmental Health division, which is an arm of the Health Department and supervised by the Health Department Director (County Health Officer), performs many functions such as approval of well and septic applications and inspections, commercial kitchens, storage tanks, swimming pools and participates in the transient occupancy vacation rental approval process.

The departments share many of the same customers: Mariposa County residents, home and property owners, contractors, local businesses, and developers.

With the move to the government center in 1997 the functions of Planning, Building and Environmental Health were co-located in one area. In 1999 the Mariposa Board of Supervisors reorganized the Planning and Building Departments (Resolutions 1999-77 and 1999-133). Mariposa County Development Services was established with the intent for the public to be able to access Planning, Building and Environmental Health within one building in order to expedite development within Mariposa County as well as provide better public service.

With Resolution 1999-222 the Board of Supervisors approved two positions for Development Services Technician (DST), one for Building and one for Environmental Health. The Development Services Technicians were to be fully cross trained in order to perform all functions necessary to assist the public. This new classification was recommended to meet the staffing needs for an integrated approach to deliver service at the Development Services counter.

With Resolution 2009-119, Development Services was to be open full time, Monday through Friday, with staff at the front counter available from 8 AM to 5 PM.

In April 2009, due to staffing shortages, the Board of Supervisors passed Resolution 2009-174 authorizing the Building Department to conduct office hours from 7 AM to 4 PM and to remain closed for one hour each day for lunch. The resolution further states that at such time the Building Department becomes fully staffed, regular office hours would revert back to what existed before the adoption of this resolution. *NOTE: Planning and Environmental Health were not affected and continued to remain open and available to customers for the entire work day.*

On January 19, 2016 the Board of Supervisors rescinded Resolution 2009-174 and replaced it with Resolution 2016-35 which keeps the hours of 7 AM - 4 PM for the Building Department but requires the department to remain open without closing for a lunch hour.

Since the establishment of Development Services, many changes have taken place. The failing economy, lack of development within the county, resulting layoffs, budget shortfalls and personnel changes have seriously impacted the original vision of Development Services. During these various transitions, the Building Department became the "hub" of the development services offered to Mariposa County residents and businesses. If any permit or inspection was needed, it was requested through the Building Department and followed up by the Building Department staff. The Building Department staff distributed necessary information and paperwork to other departments, other departments responded back to the Building Department and the Building Department relayed this information to the customer as required. This process seemed to work fairly well when the Building Department was staffed by three Development Services Technicians.

Regardless of opinion or interpretation of the intent of the Board of Supervisors for Development Services, the "hub" of Development Services became the "bottleneck" and customers were receiving neither timely nor accurate responses. It became apparent that one full time Development Services Technician in the Building Department could not continue to coordinate all questions and follow up on the status of planning, permitting and inspections.

In 2013 the process was changed so that the customer was required to interact with each department individually and get approvals on their own, basically relieving the Building Department from the responsibility of handling and tracking paperwork for all three departments. This has caused conflict and discord within the Development Services specifically among the front counter staff.

The former Health Officer had delegated the Environmental Health Manager the responsibility to meet with the Building and Planning Directors to find a solution to the problems being experienced. At the time of this investigation, attempts to resolve the conflict have been unsuccessful.

## **FINDINGS:**

The Grand Jury has found that the personnel conflict between the Building Department and Environmental Health is a symptom of an overall larger problem. *Refer to report titled MARIPOSA COUNTY HEALTH DEPARTMENT for additional information related to this issue.*

During the various transitions and fluctuations of the economy and personnel within the departments, the original vision of Development Services appears to have been lost. It was not that one department should be the "one stop" for services, but rather that all three departments be represented in the same location. It is clear by Resolution 1999-222 that the Development Service Technicians were to be cross trained in order to maintain the continuity of public service.

Over time, attempts to resolve the conflict have been delegated by the Health Officer to a subordinate, apparently with little supervision, which appears to have been a contributing factor in the continuing conflict.

Change is not easy and it appears to be common knowledge that the Building Department and Environmental Health are experiencing a long standing personnel conflict resulting from some of these changes initiated in 2013. The Grand Jury reviewed numerous memorandums and emails dating back years which exhibit an effort to detail, document and resolve the conflict between the staff members. Interviews revealed a climate of backbiting and undermining of efforts between the departments of Development Services and some of this has been expressed to the public. At the writing of this report, no permanent solution has been found.

## **RECOMMENDATIONS:**

Development Services Technicians from Planning, Building and Environmental Health should be cross trained and be willing and able to assist customers in any department as necessary (as per Resolution 1999-222).

Resolution of the personnel conflict must be addressed and a solution found without further delay. The department heads of each division in Development Services, along with staff, must be actively involved and invested in the solution and work together, as a team, to make certain this untenable situation does not continue.

In order to resolve the ongoing conflict, it compounds the issue for the Environmental Health Manager to act as department head during these efforts. It is necessary for Department Heads/Directors to communicate openly among peers. It is imperative that this effort be under the supervision of the directors of the Planning, Building and Health Departments and not delegated to a subordinate.

Once solutions have been agreed upon, employees should be tasked accordingly by department heads and the outcome closely supervised. Employees who refuse to cooperate and/or strive to maintain the conflict should be considered for transfer to another department or terminated from employment with the County of Mariposa.

**REQUEST FOR RESPONSE:**

The Grand Jury requests response from the Board of Supervisors.

The Grand Jury invites responses from the Building Director and the most recent Health Officer.

**JOHN C. FREMONT HEALTHCARE DISTRICT**  
**BOARD OF DIRECTORS**

**INTRODUCTION:**

A complaint received by the Grand Jury cites numerous issues related to the management of the John C. Fremont Healthcare District and to the conduct of the Board of Directors. The Grand Jury determined that three issues fell under the jurisdiction of the Grand Jury:

1. Alleged violation of the Brown Act.
2. Alleged violation of District policy.
3. Alleged violation of election laws.

**APPROACH:**

The Grand Jury conducted numerous interviews including the complainant, current staff, former staff and members of the Board of Directors of the John C. Fremont Healthcare District (JCFHD). The Grand Jury reviewed agendas and minutes for regular, special and committee meetings of the JCFHD for the period of January 2015 through February 2016, The Brown Act, JCFHD By-Laws, Rosenberg's Rules of Order, The Consent Agenda ©Core Strategies for NonProfits, Minutes.BusinessDictionary.com, and the website of the John C. Fremont Healthcare District.

The Mariposa County Clerk-Registrar of Voters was interviewed and numerous documents were provided to the Grand Jury regarding the laws and other information relative to the election in question to the John C. Fremont Healthcare District Board of Directors.

**DISCUSSION:**

The John C. Fremont Healthcare District is a political subdivision of the State of California, under the Local Healthcare District Law.

The Hospital District was formed in 1947 by the voters of Mariposa County.

The John C. Fremont Hospital opened its doors in 1951 as a general acute care facility with twenty-four beds, laboratory and x-ray services.

Today the facility is a thirty-four bed District hospital providing services including three medical clinics, inpatient care, outpatient service, skilled nursing, home health, hospice, laboratory, imaging and cardiopulmonary services along with a twenty-four hour emergency department. The District also offers a clinic with numerous specialists and is the only hospital serving the residents of Mariposa and Eastern Madera County as well as visitors to Yosemite National Park and other nearby areas.

The nearest hospitals with emergency rooms are located in Merced, Madera, Sonora and Fresno.

The John C. Fremont Healthcare District Board of Directors consists of five members of the community, elected in November of every even year, to a term of four years. There is no term limit.

The Board of Directors has the authority to set goals, determine policies, direct operational affairs, control the property of the District and exercise the powers listed under Healthcare District Law. Board members are unpaid and receive a small stipend for each of the regular Board meetings they attend.

The Board meets on the last Wednesday of each month. The annual meeting is held on the last Wednesday of June where officers for the coming year are elected. Special meetings may be called at any time.

Standing committees are Finance, Board Education and Development, Policies, Procedures & Bylaws and Community Relations. Committees are comprised of two Board members and meet as follows: Finance meets monthly. Education and Development, Policies, Procedures and Bylaws and Community Relations meet at least quarterly. Ad hoc committees may be appointed at any time as deemed necessary and may include Board members and non-Board members as needed.

Committees consist of two Board members. Board members not named to the committee may attend committee meetings as “observers” only. *Brown Act 54952.2(6)*

Committees discuss items of business in their area of responsibility and make recommendations to the full Board at a subsequent regular meeting. The Finance Committee reports to the Board on a monthly basis.

The Chairperson of the Board of Directors is the principal officer of both the District and the Board. Among other responsibilities, the Chairperson is responsible for assuring that an agenda is planned for Board meetings.

The Secretary-Treasurer is responsible for, among other things, to see that meetings are noticed and minutes are kept.

The Brown Act requires that at least 72 hours before a meeting an agenda specifying date, time and location of the meeting as well as a brief description of each item of business to be transacted or discussed shall be posted in a location accessible to the public. *Brown Act 54954.2.(a)(1)*

Agendas for committee and regular meetings include the date and time posted and are initialed by the person posting the agenda.

The Board of Directors selects a Chief Executive Officer (CEO) who supervises all the employees of the healthcare district and is responsible for the overall operation of the District. The CEO reports to the Board of Directors.

The Administrative Assistant to the CEO also acts as the Clerk of the Board.

The John C. Fremont Healthcare District Board of Directors is required to abide by the provisions of the *Brown Act (Open Meeting Law) Government Code §54950-54963*.

By provision in their bylaws, the Board of Directors uses the guidelines of *Rosenberg's Rules of Order* for conduct of their meetings. Rosenberg's Rules of Order are simple rules of parliamentary procedure for meetings including quorum, the role of the chair, format for agenda item discussion, motion, debate and voting.

A consent agenda is specifically used for routine, procedural, informational and self-explanatory, non-controversial items. Any item needing discussion, action or is controversial in any way should be a separate agenda item. All items on the consent agenda are still open to discussion and debate if a Board member requests same.

Following the preparation of minutes Board members and staff have the opportunity to review the material for any corrections needed. At the next regular meeting the Board votes to approve or amend the minutes, including committee meetings, regular meetings, special meetings, etc.

Minutes are the permanent, formal and detailed record of business transacted and resolutions adopted at official meetings such as those of the Board of Directors. Once written up and approved at the next meeting, the minutes are accepted as a true representation of the proceedings they record and can be used as prima facie evidence in legal matters. *BusinessDictionary.com/definition/minutes*.

The *Brown Act §54954.2 (b) (1)(2)* delineates that "emergency" items may be added to an agenda upon determination of a two-thirds vote of the members present. This action is required to merely place an "emergency" item on the agenda. Discussion and vote regarding the specifics of the item are handled in a separate action.

## **FINDINGS:**

John C. Fremont Healthcare District is a vital asset for Mariposa County and it is imperative that the District remain a viable operation in the community. The Board of Directors and staff appear to be sincerely dedicated to their mission "*to excel in the provision of quality health care services*" and their vision "*to be the organization of choice for community health care.*"

However, numerous issues surfaced during our investigation that appear problematic and have the potential to negatively impact the District and distract the Board of Directors from its mission of continued service to the community.

After reviewing the agendas and minutes of the JCFHD Board of Directors for the period of January 2015 through February 2016, as well as conducting numerous interviews, the Grand Jury has determined that:

Board members and staff appear to violate the provisions of *The Brown Act* and how they apply to the District, and;

Board members and staff appear to violate the overall intent of the *Brown Act* §54950 which states, in part, “*It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.*”

Agendas and minutes of both committee meetings and Board meetings often lack clarity and appear confusing and/or incomplete with conflicting information. Examples are:

Minutes of Board meetings do not reflect consistent following of *Rosenberg’s Rules of Order* including establishment of a quorum, discussion of action items and the calling for or recording of a vote.

When changes/corrections are made to minutes, the nature of the changes is not noted making it impossible to know if the changes are minor or substantive.

Attendance at committee meetings by more than two Board members is prohibited unless additional members are observing only.

Discrepancies between the agenda and the minutes including items listed on the agenda with no record of any consideration in the minutes, items taken up at a meeting which were not on the agenda and discrepancies between regular committee meeting minutes and the information in Board minutes regarding the same subject.

There is general disagreement among staff and Board members as to who has the ultimate responsibility, and each has tried to evade responsibility, for the accuracy of the agendas and minutes of Board meetings and for ensuring adherence to both the provisions of *The Brown Act* and to policies established by the Board of Directors.

There is a difference of opinion among those interviewed if sufficient opportunity is afforded for discussion or question of agenda items during Board meetings.

The Grand Jury found that not all Board members received background information for all items added as “emergencies” even when the “emergency” items were known prior to the meeting.

During the investigation of the complaint the Grand Jury discovered specific issues of concern as summarized below:

Consistent use of the consent agenda to approve non-routine and controversial items.

Attendance at committee meetings by Board members not named to the committee not documented as “observers only” and contributed comments that may have influenced outcome.

Agendas for committee meetings of the Board of Directors for January-September 2015 do not contain the time and place of the meeting. NOTE: Agendas for February 2016 committee meetings show the time of the meeting. However, the location is shown only as “Board Room” with no specific information as to exact address. *Brown Act* §54954.2 (a) (1).

Minutes for regular meetings where “emergency items” were added to the agenda do not reflect a vote to approve such action. *Brown Act §54954.2 (b) (2)*

Minutes of regular Board meetings reviewed state “*Open session disclosure pursuant to Government Code §54957.7*” but do not reflect that the items to be discussed in closed session were actually disclosed prior to going into closed session. *Brown Act §54957.7*

None of the minutes of regular Board meetings reviewed reflect a vote relative to the decisions made in closed sessions. *Brown Act §54957.1 (a)*

Convening a committee meeting and conducting business without a quorum.

Addressing a potentially controversial item of business under “Other Business” rather than a clear and separate agenda item giving the perception the topic was being shielded from public view.

Of particular interest to the Grand Jury was the handling of a specific committee meeting and subsequent regular Board meeting:

A Finance Committee meeting agenda was posted at 1:05 PM. The agenda for the subsequent regular meeting was posted on the same day at 2:30 PM. The Finance Committee is always on the agenda for every regular meeting as the committee always has important and timely business for review, action or approval. It is questionable why the Finance Committee was left off the regular meeting agenda as the information needed to place it on the agenda was known at the time of preparation of the agenda.

The “emergency” items in question were four agreements and one action item. One of the agreements was related to a controversial subject. Background information on this particular agreement was not given to all Board members for review prior to the meeting.

Subsequently, the four agreements were added to the regular meeting as “emergencies” with no vote to do so. *Brown Act 54954.2(b)(2)*.

Additionally, the minutes reflect that there was neither discussion of the four emergency items nor a vote to approve, reject or to dispense with them in any way.

The four agreements were moved to the consent agenda with no vote to do so. The consent agenda was then approved in total, including the four “emergency” agreements, by a vote of the Board with no discussion.

Later in the same Board meeting another agenda item was added as an “emergency” and placed under Discussion/Action Items without a vote to do so.

Placing “emergency items” into a consent agenda is not only improper but gives the impression of “ramrodding” something through without public scrutiny and violating the public trust.

The Grand Jury found that all relevant Government and Elections Code provisions were followed regarding the noticing and calling of a special election and subsequent appointment by the

Mariposa County Board of Supervisors to fill an open seat on the John C. Fremont Healthcare District Board of Directors. (Board of Supervisors Resolution 2015-55)

## **RECOMMENDATIONS:**

The Grand Jury understands the issues associated with long agendas, prolonged meetings and subsequent lengthy minutes. However, it is the responsibility of the Board of Directors to make certain that all business is conducted in accordance with the law, both in letter and in spirit, and in compliance with their own policies.

The minutes are the official, permanent and legal record of the deliberations and decisions of the Board and must be clear, concise, accurate and intelligible.

Efforts to reduce the volume of agendas, length of meetings as well as simplify the complexity of minutes should never take precedence over clarity of public information, accuracy of the permanent record and compliance with applicable laws and policies.

The agenda for all meetings of the Board and its committees must always include the date, time and sufficient detail regarding the location of the meeting.

The Chairperson should allow sufficient time for questions and/or discussion of agenda items to the satisfaction of all Board members.

At the call to order of committee meetings and for recording in the minutes the chair should announce all directors present, announce any that are “observing only” and that they are not allowed to participate in the discussion or decisions made by the committee.

The CEO, Board members and the Clerk of the Board should receive sufficient training in order to obtain thorough knowledge of the *Brown Act* and how it applies to the John C. Fremont Healthcare District.

Members of the Board, CEO and Clerk of the Board are encouraged to review and maintain a thorough understanding of the following:

1. Appropriate use of the consent agenda.
2. *Rosenberg’s Rules of Order* for the conduct of meetings.
3. *John C. Fremont Healthcare District Bylaws* for established policies and procedures.

It is imperative that the Board of Directors designate in their bylaws who is ultimately responsible for compliance with the provisions of the *Brown Act*, for adherence to Board policies and for the accuracy of the agenda and minutes.

Because compliance with the *Brown Act* and other policies and procedures related to agendas, meetings and minutes are vital to the overall conduct of business and well being of the organization the Board of Directors is encouraged to consider utilizing the services of an attorney who specializes in open meeting laws and other related issues.

In addition to being maintained in permanent written form, all meetings (committee, regular, special, emergency or other) of the Board of Directors should be recorded, retained for a period of not less than three years, available for public review upon request and posted on the district's official website.

Potential Brown Act violations have been referred to the Mariposa County District Attorney for review.

**REQUEST FOR RESPONSE:**

The Grand Jury requests a response from the John C. Fremont Healthcare District Board of Directors as to the findings and recommendations.

## **COOPERATION WITH GRAND JURY INQUIRIES AND REQUESTS FOR INFORMATION**

### **INTRODUCTION:**

The 2015-2016 Grand Jury elected to form a committee charged with conducting a review of previous Grand Jury reports to ascertain if requests from the Grand Jury had been complied with and to review current inquiries and investigations for cooperation by agencies contacted for information.

### **APPROACH:**

The Grand Jury reviewed responses to final reports from 2006-2007 through 2014-2015 as well as requests for information and interviews during the 2015-2016 session.

### **DISCUSSION:**

The appointment of the Grand Jury is required by State law. The major function of the Grand Jury is civil government oversight and may examine all aspects of county government including governing boards, departments, commissions, special districts, committees, functions, programs, financing and officials. The Grand Jury investigates potential irregularities and submits meaningful solutions with the aim to encourage positive and constructive changes.

The volunteers appointed to the Grand Jury by the Mariposa County Superior Court serve from July 1 through June 30 and take an oath to represent the citizens of Mariposa County.

Penal Code §925 and §933(a) requires the Grand Jury to prepare and submit a final report to the presiding judge of the Superior Court which is released in July.

Subsequent to the release of the final report, Penal Code §933(c) requires the governing body (Board of Supervisors) to respond to the presiding judge regarding the findings and recommendations within ninety (90) days and any county officer or agency head to respond within sixty (60) days. These responses are due after the term of the current Grand Jury has ended.

The Board of Supervisors did not respond to the 2014-2015 Grand Jury report within the ninety day time frame. A letter was sent to the Board of Supervisors dated October 7, 2015 requesting written response to the report. The Board of Supervisors responded to this request with Resolution 2015-521 and cover letter dated November 3, 2015.

The 2015-2016 Grand Jury was met with both resistance and hostility by some County department heads and employees in response to requests for interviews and/or information. It is difficult to coordinate the schedule of the eleven volunteer grand jurists (many of whom have full time jobs) and the multiple interviewees. Some county employees wanted to be scheduled within their normal working hours to ensure they were “paid” for their time. The Grand Jury was forced to use the authority of subpoena.

## **FINDINGS:**

Outright hostility, resistance to appear for interviews, disregarding requests for information and failing to respond or attempting to avoid or delay a response to the Grand Jury undermines the ability of the Grand Jury to carry out their lawful duties and responsibilities as mandated by the State of California.

In general, most county departments and employees cooperated willingly and fully with Grand Jury requests.

## **RECOMMENDATIONS:**

The Grand Jury believes the Board of Supervisors should set an example for County departments and employees to not only respond to requests for information in a timely fashion but encourage cooperation and promote the understanding that the work of the Grand Jury is of benefit to all Mariposa County residents.

County departments, special districts and other entities falling under the jurisdiction of the Grand Jury are encouraged to review the *Function and Responsibilities* as well as the *Mission Statement* of the Grand Jury which are included in this final report.

Future grand juries are encouraged to maintain a continuity committee to follow up on the responses to the final report of the previous Grand Jury.

The Board of Supervisors is encouraged to provide direction to all personnel that cooperation with and response to the Grand Jury is not optional.

## **REQUEST FOR RESPONSE:**

Response is requested from the Board of Supervisors.

# **REVIEW OF CASH HANDLING POLICIES AND PROCEDURES FOR MARIPOSA COUNTY GOVERNMENT**

## **INTRODUCTION:**

The Grand Jury determined to conduct a review of cash handling policies and procedures for departments of the county government which accept and/or handle money from the public.

## **APPROACH:**

The Grand Jury interviewed staff and/or department heads at the following Mariposa County departments:

Agricultural Commissioner, Assessor-Recorder, Auditor, Building, District Attorney, Fire, Health, Human Services, Solid Waste and Recycling, Library, Parks and Recreation, Planning, Probation, Public Works, Senior Center and Transit, Sheriff-Coroner and Treasurer-County Clerk-Tax Collector-Elections

The Grand Jury reviewed cash handling procedures published by the Mariposa County Auditor on September 9, 2011, and individual cash handling procedures for the Building, Health, Sheriff's Office, Adult Detention Facility, Animal Control, Probation and District Attorney's Office.

Other information reviewed during this investigation were organizational charts, county budget, Mariposa County websites and previous Grand Jury final reports related to various Mariposa County departments and divisions.

## **DISCUSSION:**

**Mariposa County Department of Agriculture, Weights and Measures.** The County Agricultural Commissioner is appointed by the Board of Supervisors for a four-year term. The Commissioner is responsible for the enforcement of the Food and Agriculture Code, the California Code of Regulations and the Business and Professions Code which protects public health and safety, agriculture, environment and the consumer.

**Mariposa County Assessor-Recorder** is responsible for assessing all taxable real and personal property in the county. The office maintains various land and finance documents such as deeds, leases, mining claims, subdivision maps, homestead declarations and records of survey. Other documents include trust deeds, notices of default, reconveyances and various liens. The Recorder's Office collects documentary transfer tax when real property changes hands. The Recorder is also the registrar of vital records such as marriage, birth and death for events occurring in Mariposa County.

**Mariposa County Auditor** is responsible for various accounting, payroll, accounts payable, auditing, budgeting and property tax functions for the County. All monies from various county departments is received by the Treasurer. All resulting accounting paperwork is received by the Auditor.

**Mariposa County Building Department** is responsible for enforcement of California and Mariposa laws concerning safety of structures. The office issues building permits for residential and commercial construction including new, remodels, conversions and manufactured home installation and grading.

**Mariposa County District Attorney** is responsible for filing criminal charges, appearing in court in all felony and misdemeanor cases and representing the people in all trials and sentencing proceedings in the courts of Mariposa County.

**Mariposa County Fire Department** provides fire protection throughout most of the County and is responsible for the County's Office of Emergency Services.

**Mariposa County Health Department** consists of personal/public health and environmental health and is responsible to protect and promote the health, safety and environment of the community by preventing and controlling diseases, environmental hazards, injury and disability and by educating and promoting healthier lifestyles.

**Mariposa County Human Services Department** consists of two separate divisions. **Social Services** is responsible for adult and child protective services, foster family home licensing and in-home supportive services. **Behavioral Health** is responsible for mental health services, alcohol and drug services as well as 24-hour crisis response.

**Solid Waste and Recycling** is part of the Department of Public Works. This division operates the landfill, recycling center and compost facility on Hwy 49 North plus four transfer stations in outlying areas of the County located in Don Pedro, Coulterville, Fish Camp and Hornitos.

**Mariposa County Library** operates the main branch in Mariposa on 10<sup>th</sup> Street (across from the Courthouse). It also operates four branch libraries in El Portal, Red Cloud (Coulterville-Greeley Hill), Wawona and Yosemite. The library provides free access to information to all citizens and strives to enrich the lives of all users by meeting the informational, recreational, self-educational and cultural needs of the community.

**Mariposa County Parks and Recreation** is part of the Department of Public Works. This division oversees all county pools, parks, buildings such as McCay Hall, Darrah Hall, Hornitos Hall, the Arts Park, YARTS park and ride, skate park, rest stops, etc. They manage recreational activities in and on County facilities including reservations and collecting rental fees. The County facilities maintenance (county buildings and recreation facilities) staff is managed by this division.

**Mariposa County Planning Department** is responsible for planning and land use including Planning Area Advisory Committees, Airport Land Use Planning, Business Development, the General Plan, Local Agency Formation Commission, Planning Commission, Transportation Planning and the Williamson Act.

**Mariposa County Probation Department** is responsible for promoting public safety by enforcing court orders that hold juvenile and adult offenders accountable. They also operate the Juvenile Detention Facility.

**Mariposa County Department of Public Works** is comprised of nine divisions: Administration, fiscal, airport, engineering, facilities maintenance, fleet maintenance, parks and recreation, roads and solid waste and recycling.

**Mariposa County Senior Services and Transit.** **Senior Services** provides a variety of services including meals, activities and events, health fair and mature driver's education. **Mariposa County Transit** is a general public dial a ride service for which a fee is charged. Transit services may be available for community events and activities as well as non-emergency transportation for medical appointments in Mariposa, Merced, Oakhurst and Fresno.

**Mariposa County Sheriff's Department** is responsible for the adult detention facility, animal control, dispatch and general law enforcement. Administrative services include fingerprinting, dog licenses, civil processing, copies of reports and miscellaneous permits.

**Mariposa County Clerk-Treasurer-Tax Collector-Registrar of Elections** is responsible for a large array of public service. The **County Clerk** issues marriage licenses, accepts U.S. passport applications, fictitious business name statements, notary public filings and Statements of Economic Interest. The **Tax Collector** assists taxpayers, mortgage and title companies and members of the public with information regarding local property taxation. The **Election Department** is responsible for all aspects of voting and elections. The **Treasurer** receives all money collected by various county departments and collects Transient Occupancy Tax.

Official cash handling procedures were put into place on a county-wide basis in September, 2011 by the Mariposa County Auditor.

The purpose of proper cash handling procedures, as outlined in the procedures document, is:

1. To reduce as much as possible the loss of funds due to oversight, error, improper handling and theft.
2. When loss does occur, to reduce the focus of responsibility to one location and one person.

The two basic rules that must be adhered to when handling cash (as outlined in the procedures document):

1. Anyone who is responsible for cash must never let it out of their physical control without properly securing it. An unlocked drawer is not properly secured. A locked drawer, or even a safe, which several people can access is not, by itself, secure.
2. Never transfer funds to another person without transferring the responsibility for the funds. The only way to transfer responsibility is with a signed transfer document. It is critical for proper cash handling to always have a signed transfer document whenever funds are changing hands. There should never be a time when more than one person is responsible for the control of the funds based on the custody/transfer documents.

The cash handling policy also outlines procedures for cash collections, cash registers, cash drawers, written receipts, transfer and verification of funds, using couriers to transport funds, storing funds, petty cash, and deposits to the Treasurer.

There is no official guideline in the cash handling procedures prepared by the Mariposa County Auditor regarding the proper method to handle overages or shortages in cash drawers.

Several individual County departments have added specific information and procedures to the cash handling procedures to fit the particular needs of their department.

## **FINDINGS:**

The cash handling procedures are an excellent guideline for all County departments which accept money for which they write receipts.

All the Mariposa County departments included in this report are aware of the cash handling procedures outlined by the Auditor.

Overall, the Grand Jury found what appears to be excellent compliance with the cash handling procedures with staff members taking very seriously their responsibilities in proper cash management. However, in a very limited number of departments, the cash handling procedures being followed are open to improvement.

Departments appear to be closely following the issuing of receipts and the establishment of an audit trail for all monies received.

Most departments have adequate staff and are able to follow the procedures to the letter, while others are either forced to make accommodations to the procedures due to individual department policies or staffing limitations while others appear to circumvent some of the procedures for ease of operation.

For example, while it is impossible to issue individual receipts for such things as swimming pool fees and meal payments which are kept on a tally sheet and used to balance with the cash, it may be quite feasible to add an additional cash drawer or box to an operation.

Revenue in the form of cash and checks are the usual form of payment. Numerous county departments would like to be able to accept credit and debit cards.

Almost all departments maintain a petty cash fund which is normally minimal.

Common issues that need further review by both individual departments and the Auditor include:

More than one person using/having access to cash drawer at the same time.

Not balancing out between users of cash drawers and transferring custodianship of the cash.

Couriers having the key to the locked cash bag with them during transport.

No current method by which to verify revenues when cash is accepted at a remote site.

Keeping the key to the cash box in a location accessible to and known by all staff members, including maintenance personnel.

Not maintaining the cash drawer in a locked condition when not in use.

Safety issues were a concern to several departments, especially those in remote locations. Staff are not comfortable with the level of security at sites where cash is received from the public.

Security cameras are not currently utilized in most departments.

Some departments are not comfortable with how funds are transported from their department to the Treasurer.

Information regarding training in cash handling procedures is available through the Public Treasury Institute of North America for a nominal fee.

## **RECOMMENDATIONS:**

All departments have unique characteristics and requirements for fulfilling their mission. Not all departments may realistically be able to comply one hundred percent with the guidelines. However, serious effort should be undertaken to mitigate, as much as possible, areas of non-compliance.

The Grand Jury recommends the following:

1. All County departments accepting money and generating receipts are encouraged to self-evaluate annually, more often with staff changes, as to their compliance with the established cash handling procedures as well as specific departmental policies.
2. The Auditor should periodically review compliance with cash handling procedures.
3. Any department not currently conforming to the cash handling procedures should meet with the Auditor to discuss ways compliance be attained.
4. All departments should keep cash registers, drawers and/or boxes locked at all times they are not in use.
5. No more than one person should have access to a cash drawer or box at the same time.
6. Couriers should not have the key to the cash bag in their possession during transport of the funds.
7. Keys to cash drawers or boxes should be kept in a location away from the cash and known only to those staff members requiring that information.

8. Auditor is encouraged to consider specific guidelines for handling overages and shortages of cash.
9. Auditor and Treasurer should meet with department heads regarding different methods of transporting cash to the Treasurer and how improvements may be made.
10. Any variations from the established cash handling procedures should be approved by the Auditor.
11. Obtain additional training as needed for all County employees who handle cash.
12. Continue pursuit of the ability of departments being able to accept credit and debit cards.
13. Consider installing security cameras at the solid waste disposal site, library, parks and recreation office and any other department presenting a need for additional security as well as for monitoring sensitive areas.

**REQUEST FOR RESPONSE:**

The Grand Jury requests a response from the Board of Supervisors.

The Grand Jury invites a response from the Mariposa County Auditor, Treasurer and any department head who handles cash as to the findings and recommendations in this report.

# **BEHAVIORAL HEALTH: MENTAL HEALTH SERVICES ACT AND UNLICENSED COUNSELORS**

## **INTRODUCTION:**

The Grand Jury responded to a complaint alleging that:

1. The Mental Health Services Act (MHSA) funds are not being directed toward the severely mentally ill for which those funds are designated, and;
2. That the mentally ill are being co-mingled with the homeless, alcohol and drug population and that those with mental illness are not receiving the services they need.
3. Where the mentally ill receive services there are no licensed clinicians available and they are being treated by counselors who do not have the education and licensing required to treat such patients, and;
4. That the Roadhouse, located in the town of Mariposa, which originally began as a place for the severely mentally ill to gather, socialize and speak with a case manager was now also being used to accommodate the drug, alcohol and homeless population. This was upsetting to the mentally ill as well as the mental health clinicians who continued to treat their clientele in this environment.

## **APPROACH:**

The Grand Jury interviewed the complainant and the Director of Human Services. The Grand Jury reviewed documentation provided by the complainant, Mariposa County Administrative Officer, the official Mariposa County Department of Human Services - Behavioral Health website, and Board of Supervisors Resolutions 2013-142, 2013-471, 2014-281 and 2015-90 all relating to agreements with the Alliance for Community Transformations to provide services at the Heritage House for substance abuse clients. The Grand Jury reviewed Request for Proposals (2015) seeking a nonprofit organization to operate a wellness center that would provide supportive services for adults with mental health issues including the homeless and those in alcohol/drug recovery, Mariposa County Drug Court Enhancement Project, Contract for Services between Mariposa County Behavioral Health and Alliance for Community Transformations and Drug Court Enhancement Budget and Justification.

## **DISCUSSION:**

Behavioral Health offers short term counseling to children, families and adults. Case management and medication services are provided to the severely mentally ill. Alcohol and drug recovery services include prevention, intervention and treatment through individual, family and group counseling.

The Roadhouse, which was operated under the auspices of the Human Services Department, was changed to the Heritage House and moved to a location on Highway 49 North just outside of town under an agreement with the Alliance for Community Transformations to operate the wellness center.

Board of Supervisors Resolution 2015-90 on February 24, 2015 approves an agreement with the Alliance for Community Transformations for the operation of the Heritage House, to include wellness, drug and alcohol services which are paid for by a grant for the Mariposa County Drug Court Enhancement Project. This grant is not part of the Mental Health Services Act.

As a result of the agreement with the Alliance for Community Transformations to operate Heritage House, the Mariposa County Department of Human Services is no longer directly responsible for the day to day operation of the wellness center. The Mariposa County Human Services department head reviews the activities and performance of the contractor.

During the Grand Jury investigation it was revealed that the Department of Human Services, Behavioral Health, was understaffed and that recruiting was underway to secure more licensed mental health clinicians as quickly as possible.

Our investigation also revealed that only licensed mental health clinicians were treating the mentally ill and the counselors that are staffed at the Alliance wellness center only advise the mentally ill on non- treatment issues. Further, some of the mentally ill were being treated at the Department of Human Services with scheduled appointments.

### **FINDINGS:**

It is increasingly difficult for the County, through the Human Services Department, to manage an ever growing problem in Mariposa County with drug and alcohol dependency and the mentally ill with the limited resources available.

The Drug Court Enhancement Project funds are being used for the drug and alcohol population which is authorized by the grant and is not part of the Mental Health Services Act.

Because of the nature of the Heritage House wellness center it might appear that some of the counselors are treating the mentally ill without a license. However, only licensed mental health clinicians from the Human Services Department are treating the mentally ill either at the Heritage House or at the Department of Human Services.

### **RECOMMENDATIONS:**

None.

### **REQUEST FOR RESPONSE:**

None.

**MARIPOSA COUNTY BUILDING DEPARTMENT**  
**ENTERPRISE FUND AND GENERAL FUND**

**INTRODUCTION:**

The Grand Jury was interested in a statement made during another investigation regarding the enterprise fund and general fund as related to the Building Department.

This investigation was focused on how the enterprise fund works, how it is generated and what it funds.

Additionally, we were interested in what the general fund is used for, how much is allocated to the Building Department and who determines the amount. We also investigated how the amount of the general fund allocated to the Building Department is determined and why the Building Department was overspending their general fund budget.

We wanted to determine why the Building Department was closed for lunch while the Planning and Environmental Health Departments were not, thus requiring their staff to field questions from the public during that time.

**APPROACH:**

The Grand Jury interviewed the Mariposa County Administrative Officer, Building Department Director and Building Department staff. The Grand Jury reviewed documentation regarding the general fund and the enterprise fund.

**DISCUSSION:**

The Building Department is, and has been for some time, designated as an enterprise fund.

Enterprise fund departments are required to generate a cash flow by charging their customers a fee to cover the cost of operating the department. As related to the Building Department, the cash flow is derived from the permit fees.

Permit fees are set by the Mariposa County Board of Supervisors.

The money available from the general fund and allocated to the Building Department has been declining each year which has placed a budgetary strain on the Building Department.

**FINDINGS:**

County governments are generally restricted from raising funds for regulated taxation programs. Enterprise funds establish a separate accounting, financial reporting and revenue raising mechanism for government services for which a fee is charged in exchange for goods or services. Enterprise fund accounting allows the county to demonstrate to the public the portions of total

costs of a service that is recovered through user charges and, if any, the portion that is subsidized from the general fund.

The enterprise fund is used to pay for the overhead costs of operating the department. General funds allocated to the department are used to pay for “public good” expenditures. “Public good” expenditures are defined as any work required of the Building Department that is not directly attached to a permit number.

The amount of the general fund allocated to the Building Department has been reduced from \$155,000 in 2015 to \$140,000 in 2016. The amount of general fund monies allocated increases or decreases depending on the amount of enterprise fund (permit fees) received.

One issue that directly impacts the department budget is that a customer who obtains a permit might not begin construction for a year or more and, perhaps, later accrue a code violation. Any costs related to the resolution of code violations are not included in the permit fees and must come out of the general fund money allocated for “public good” work.

From information obtained from the Building Department annual reports, the County Administrative Officer believes that the Building Department spends 30% of the total budget (enterprise fund and general fund combined) for “public good” work. However, the Building Department believes they are spending 43% for “public good” work, resulting in 13% of the costs having to come from the enterprise fund to cover the shortage of general fund money in the budget.

The report from the Building Department to the County Administrative Officer regarding general fund expenditures is not itemized in a forensic fashion, therefore resulting in the discrepancy. Due to the lack of itemization neither the County Administrative Officer nor the Building Department Head knows exactly how much is spent out of the general fund for “public good” work.

Since the enterprise fund (overhead costs) has been used to cover general fund (public good) shortages, the Building Department was forced to close for the lunch hour due to staffing limitations which resulted in an additional workload on the Planning and Environmental Health staff. **NOTE: Subsequent to this investigation the Building Department is no longer closed for the lunch hour.**

Overlapping issues with another department has impacted budget and funding concerns in the Building Department and hinders the ability of department staff to effectively serve their customers. **See report titled DEVELOPMENT SERVICES.**

## **RECOMMENDATIONS:**

The Grand Jury recommends the following:

1. The County contract with an independent auditor or consultant to ascertain the exact expenditures for overhead and “public good” to determine a more accurate annual budget.
2. The Board of Supervisors authorize costs related to code violations be built into either the permit fees or the general funds allocated to the Building Department.
3. The Board of Supervisors institutes a policy that ensures, regardless of budget predictions or allocations, that each department is properly funded to perform their mandated service to Mariposa County customers.

## **REQUEST FOR RESPONSE:**

The Grand Jury requests a response from the Mariposa County Board of Supervisors to the findings and recommendations.

The Grand Jury invites a response from the Building Department Director.

## **MARIPOSA COUNTY FIRE DEPARTMENT** **OFFICE OF EMERGENCY SERVICES**

### **INTRODUCTION:**

The 2015-2016 Mariposa Grand Jury determined to conduct an oversight review of the Mariposa County Fire Department, Office of Emergency Services, concerning current Mariposa County Emergency Plans.

### **APPROACH:**

The Grand Jury interviewed the Mariposa County Emergency Planning Coordinator, Mariposa County Sheriff/Interim Fire Chief, and members of the Board of Supervisors. In addition, the Grand Jury studied the Mariposa County Local Hazard Mitigation Plan dated 2015, the Mariposa County Emergency Operations Plan dated 2005 and the Emergency Operations Quick Plan dated 2011, 2014 and 2015. The Grand Jury also reviewed Emergency Preparedness Plans for Yosemite West, Lushmeadows, Don Pedro and Mariposa County (prepared by the Fire Safe Council specifically for wildfires) as well as resolutions by the Mariposa County Board of Supervisors relative to this issue.

### **DISCUSSION:**

The Office of Emergency Services is part of the Mariposa County Fire Department, currently under the leadership of the Sheriff and interim Fire Chief.

The Mariposa County Fire Department provides fire protection throughout most of the county and is responsible for the County's Office of Emergency Services.

The mission of the Mariposa County Fire Department is: The preservation of human life, the protection of real and personal property, to provide basic life support, advanced first aid and patient care in emergency medical situations, to respond to calls for public service and to provide assistance in time of need.

The current Mariposa County Local Hazard Mitigation Plan (LHMP) was prepared in 2015 to assess risks posed by natural and human-caused hazards and to develop a mitigation strategy for reducing the county's risks. Hazard mitigation is any action taken to reduce or eliminate the long term risk to human life and property from natural hazards and to reduce losses from future disasters. It is a process where hazards are identified and profiled, people and facilities at risk are analyzed and mitigation actions to reduce or eliminate hazard risks are developed.

The Mariposa County Emergency Operations Plan (EOP) is intended to provide guidance for the response to any planned or unplanned event. The EOP is to enhance users experience, training and knowledge in the application of the National Incident Management System. The plan guides involved departments in the actual response to emergencies.

The Emergency Operations Plan, QUICK PLAN is intended to serve as a quick reference to refresh the user in the key elements of the EOP. The plan is dated November 2011 with sections noted as being reviewed and updated in 2014 and 2015.

The Emergency Fire Preparedness brochures provided by The Mariposa Fire Safe Council are a comprehensive guide for residents in preparing for fire emergencies as well as guidelines to follow during an actual emergency. Maps included in the brochures depict fire stations, fire lookouts, state and county roads.

## **FINDINGS:**

The Grand Jury appreciates the cooperation of County officials and their assistance with this review. The mission of the Mariposa County Fire Department and Office of Emergency Services is vital to the safety and wellbeing of residents and visitors. The plans referred to in this report are extremely important to Mariposa County and the tremendous effort involved in drafting these plans as well as keeping them current is recognized.

The 2015 Local Hazard Mitigation Plan was adopted by the Mariposa County Board of Supervisors on June 23, 2015 by Resolution 2015-313. Pursuant to LHMP, Section 8, Pages 1-5, improvements and revisions to the plan are to occur in a well-managed, efficient and coordinated manner within a five-year cycle.

Part 1, Page 1.53 Appendix A, Map 4, Flood Zones (EOP): The only area that appears to be marked is Don Pedro. In the LHMP on Page 4-3 through 4-8 numerous flood events in the county are described.

The Mariposa County Emergency Operations Plan was presented to the Board of Supervisors in draft form for their review in January 2006. Part 6, Terrorism Response Plan and Hazardous Materials Response Plan are dated 2000. We find no formal Board of Supervisor agenda item regarding any further action to formally approve the EOP after it was submitted for review.

**NOTE: The current Emergency Planner was working on an updated Emergency Operations Plan (EOP) draft document. However, the current tree mortality emergency is requiring his full attention and the EOP update has been shelved for the time being. Currently, negotiations are underway to contract with the original author of the Emergency Operations Plan to complete the update. It is worth noting that while the existing Emergency Operations Plan is being updated, it is considered a practicing document and is followed by emergency responders.**

Part 1, General Information, Page 1.45 states that every four years the EOP will be reviewed, updated, republished and redistributed.

Part 1, Page 1.54. Appendix A, Map 5, Landslide Hazard (EOP) The map appears to have two areas marked as landslide hazard areas. However, in the LHMP, Page 4-15, there are three landslides listed for 2005 noting events at Hwy 49 and French Camp, Savage's Trading Post (River Canyon) and east of Hornitos. These locations are not all shown on Map 5 of the EOP. Further, the LHMP states "Historically, landslide/significant soil movement has been occurring in the Merced River drainage or along the central southwest areas." The river canyon area does not appear to be included on the EOP map.

The Emergency Operations QUICK PLAN summarizes much of the full EOP and serves as a reference for all emergency responders.

## **RECOMMENDATIONS:**

The Local Hazard Mitigation Plan should be reviewed and revised following the five year cycle stated in the document.

The Emergency Operations Plan should be given a high priority for revision, updating and approval. Following the review and approval process currently underway, the Mariposa County Fire Department, Office of Emergency Services, should make it a high priority to review, update and republish the plan every four years as stated in the document.

Information contained in the Local Hazard Mitigation Plan and the Emergency Operations Plan should be compared for accuracy and completeness.

The Emergency Operations QUICK PLAN should be kept updated for use as a reference for responders.

The 2016-2017 Grand Jury Continuity Committee review the response from the Board of Supervisor as well as the updated Emergency Operations Plan.

## **REQUEST FOR RESPONSE:**

The Grand Jury requests notification from the Board of Supervisors upon final approval of the Emergency Operations Plan as well as a copy of the final document.

The Grand Jury invites a response from the Mariposa County Sheriff/Interim Fire Chief.

# **REVIEW OF STANDARD OPERATING POLICIES AND PROCEDURES FOR MARIPOSA COUNTY GOVERNMENT**

## **INTRODUCTION:**

Following a review of Grand Jury reports from 2006 - 2007 through 2014 - 2015 the current Grand Jury determined that this subject was investigated and responses requested in prior years. However, no official response was documented. Subsequently, this Grand Jury elected to review the Standard Operating Policies and Procedures for each Mariposa County department.

## **APPROACH:**

The Grand Jury requested the following information of nineteen (19) Mariposa County departments:

1. Organizational Chart for each department and any agency under its jurisdiction.
2. Policy and Procedures Manual (Standard Operating Procedures) for each department and any agency under its jurisdiction.
3. In the absence of a formal policy and procedure manual, copies of policies and procedures adopted by the County of Mariposa that govern each department.

## **DISCUSSION:**

Standard operating procedures are established guidelines or a set of fixed instructions or steps to be followed in carrying out a routine operation or to follow in a routine situation.

Mariposa County departments responded with the following information which was reviewed by the Grand Jury:

### **Building Department:**

Organizational Chart, dated 9/2015; Information Security Policy dated 7/2013; Procedures - Comprehensive and with various dates; Resolutions and Ordinances - Comprehensive and with various dates.

### **Planning Department:**

Organizational Chart; Memorandum of Response, dated 9/2015 - Comprehensive and including website links to Policies and Procedures, Mariposa County General Plan, Land Use Development Regulations, Mariposa Planning Agency, California Government Codes, countywide Policies and Procedures documents and other internal office documents; Public Service Policy, Planning Department Staff Job Descriptions.

### **Human Resources:**

Organizational Chart; CD with current department policies; Policy against Discrimination and Harassment, dated 3/2000; Injury, Illness and Prevention Program, dated 7/2015; Personal Vehicles Use Policy, dated 6/2015; Paid Sick Leave Policy for Extra Help Employees, dated 6/2015; and Employer-Employee Relations Policy, dated 7/2015.

**Agricultural Commissioner:**

Organizational Chart; Heat Illness Prevention Program, dated 11/2011; Cash Handling Procedures, dated 9/2015; Fee Schedules, dated 1/2013; Sealers Association Issue Fact Sheet, dated 2/2010; Mission Statement, undated; Legal Mandates, Business and Professions Code Local Administration.

**Assessor/Recorder:**

Organizational Chart; Office Manual.

**Auditor:**

Organizational Chart; Accomplishments/Goals and Objectives, undated; Cash Handling Procedures, dated 9/2011; Policy for Approving County Disbursements, dated 2/2014; Service Employees International Union Local 521 Memorandum of Understanding, dated 11/2014 - 10/2017; Local 2703 Mariposa County Managerial and Confidential Organization Memorandum of Understanding, dated 11/2014 - 10/2017.

**Human Services:**

Organizational Chart; Services Chart; Laws and Regulations, Policies and Procedures (comprehensive and currently under revision/consolidation since 2014); Employee Handbook, dated 8/2015.

**Community Services:**

Organizational Chart; Programming Information Policies and Procedures, dated 2015; Participant's Rights and Responsibilities, dated 12/2013; Mariposa County Transit Title VI Program, dated 10/2014; Policies and Procedures for the Operation of County Vehicles, Mariposa County Transit Service Policies, dated 12/2013; Service Employees International Union Local 521 Memorandum of Understanding, dated 11/2014 - 10/2017; Volunteer Orientation, dated 10/2012; Documentation Check Sheet, dated 1/2012, Application, dated 10/2010; Policy for Volunteers, dated 10/2010; Senior Nutrition Program Volunteer Daily Duties, undated; Record Retention Schedule, FY 2013 - 2014; Participant Grievance Policy and Procedures, dated 11/2013; Daily Guidelines and Criteria Desk Manual, dated 12/2013; Pre Employment Physicals, dated 4/2014; California Department of Aging, 2010 Title 22; Fiscal Policies and Procedures Desk Manual, dated 3/2015; General Overview of Programs, Working within Budget Program, Intra Budget Transfer, Cash and Handling Procedures, dated 9/2011; Cash Handling and Receipting; Minute Order Revising Purchasing, dated 7/2005, Inventory Instructions, dated 3/2015; Equipment Transfer/Disposal, dated 10/2014; Equipment Acquisition, dated 10/2014. Provider Fiscal Due Dates, dated 3/2013; Budgets, Budget Revisions and Contracts, dated 12/2012; OTO Guidelines, dated 7/2015, Grant Related Income and Carry Over, dated 12/2013; Record Retention Schedule,

FY 2014 - 2015; Contract Performance Report; Cost Allocation Plan, FY 2015-2016; Local 521; Chapter 3.02 Purchasing; Rental Allocation, FY 2015-2016; Federal Register, dated 12/2013.

**Farm Advisor - UC Cooperative Extension:**

Organizational Chart; Memorandum of Understanding, dated 11/1980; University of California Business and Finance Administrative Handbook, 200 Series, dated 8/2006; Academic Personnel, 300 Series, dated 10/1999; Administrative Handbook for Program Staff, dated 6/2011; University of California 4-H Youth Development Program, dated 5/2013.

**County Administrative Office:**

Organizational Chart; County Administrative Office, Chapter 2.92.

**Child Support Services:**

Organizational Chart; Manual of Policies and Procedures Web Site Link; Letter of Response.

**Department of Public Works:**

Organizational Chart, current and proposed; currently working on Policies and Procedures Manual; Letter of Response.

**County Clerk/Elections/Treasurer & Tax Collector:**

Organizational Chart; Web Site Links to Policies and Procedures; Information Security Policy, dated 7/2015; Operation of County Vehicles; Workers Compensation Information; Internet and Email Use Policy, undated; Mariposa County Policy on Discrimination and Harassment in the Workplace, dated 5/2010; Statement on the Drug Free Workplace, dated 9/1991; Investment Policy and Guidelines, undated; Cash Handling Procedures, undated; Deposit Procedures, dated 10/2015.

**Clerk of the Board:**

Organizational Chart; Standard Operating Policies and Procedures used by Clerk of the Board, dated 9/2015; comprehensive and with various procedures and dates.

**Probation:**

Organizational Chart; Policies and Procedures for Probation; Surveys on Law Enforcement, Community Partnership and Adult Offenders, dated 2014; Policies and Procedure Probation; Policies and Procedures Special Purpose Juvenile Hall, dated 9/2015; County Policies - Personal Vehicle Use, Injury Illness Policy; Policy against Discrimination and Harassment, Employer - Employee Policy, and Paid Sick leave for Extra Help Employees.

**County Counsel:**

Organizational Chart; County Counsel, Chapter 2.12.

**District Attorney:**

Organizational Chart; in person explanation that policies and procedures for this department are massive, comprehensive, various dates and ever changing due to the nature of the legal environment.

**Health:**

Mariposa County Health Department Standard Operating Procedures, dated April 2011; Policies and Procedures, comprehensive with various procedures and various dates.

**FINDINGS:**

Standard operating procedures provide a course of action for personnel in handling routine operations and for following in routine situations. They are especially important in providing new employees with guidelines and direction in the performance of their duties.

The standard operating procedures for Mariposa County departments, in general, range from concise and comprehensive to outdated and vague. Many policies and procedures lack crucial elements necessary for a coherent functioning of the departments.

**RECOMMENDATIONS:**

1. All County departments review their specific standard operating procedures annually for any revisions or additions necessary.
2. The Mariposa County Board of Supervisors needs to ensure departments review and complete annual updates.

**REQUEST FOR RESPONSE:**

The Grand Jury requests a response from the Board of Supervisors.

## **MARIPOSA COUNTY DETENTION FACILITIES**

### **INTRODUCTION:**

California Penal Code §919(b) requires that each year the Grand Jury is to inquire into the condition and management of the detention facilities within its jurisdiction. Mariposa County has four detention facilities within its boundaries. They consist of the following:

1. Mariposa County Adult Detention Facility.
2. Mount Bullion Conservation Camp (California Department of Corrections and Rehabilitation).
3. Mariposa County Juvenile Detention Facility.
4. Yosemite National Park Federal Holding Facility. The Grand Jury did not visit this facility.

### **MARIPOSA ADULT DETENTION FACILITY (COUNTY JAIL)**

#### **APPROACH:**

The Grand Jury conducted an on-site inspection of the Mariposa County Adult Detention Facility on August 10, 2015. In addition, the Grand Jury reviewed the Jail Inspection Handbook for Grand Jurors, Board of State and Community Corrections of California (BSCC) Inspection Report of the Adult Detention Facility dated 3/26/15, Mariposa County Crime Statistics for the years 2005-2014, Inmate Grievance Policies and Facility Incident Policies.

The Mariposa County Adult Detention Facility is also inspected by the Board of State and Community Corrections of California (BSCC).

#### **DISCUSSION:**

##### **The Facility**

The facility was constructed in 1995 with a maximum capacity of fifty-eight (58) beds (inmates). Capacity can be less depending on the number of male/female inmates as well as gang members due to the need for separation.

At the time of our inspection the jail population was at approximately eighty percent capacity.

Inmates have a multipurpose room. This room serves as the library, non-denominational church and also enables inmates to communicate with the courts.

Meals are prepared on site each day in a fully equipped kitchen.

The annual building maintenance budget allocated by the county is approximately \$100,000. However, due to future capital expenditures for major maintenance requiring substantial funds, only \$50,000 to

\$60,000 is currently being spent annually. The balance is kept in a fixed asset account in the budget to be used when needed. The facility is expecting future expenditures on the heating and cooling units as well as plumbing and other issues.

The Board of Supervisors approved approximately \$20,000 in 2014 to start the process of a new sixteen-bed, minimum security facility for inmates serving short term sentences. This facility will be a pre-fab building with approximately 1,800 square feet and a classroom. This will make it eligible for State realignment funds. This building is expected to cost approximately \$500,000. By current estimates, this is half the cost of a brick and mortar building.

### **AB 109 (Public Safety Realignment Act)**

AB-109 (Public Safety Realignment Act) was enacted on October 2, 2011 and has been reported on in depth by former Grand Juries. Under this legislation, newly convicted offenders may remain in the county jail to serve their sentence rather than serving in a state prison. Also, most felony parole violators now serve revocation time in the county jail rather than going back to a state facility, all of which results in an increase in inmate population.

### **The Inmates**

Due to the implementation of AB-109, there is no longer a one year limitation on jail sentences served in County facilities. Prisoners may now be sentenced to the Adult Detention Facility for up to three years.

Current inmates tend to be more violent than pre-AB-109 prisoners. This population is expected to grow in numbers due to repeat offenders who violate parole.

Not only more violent, this population tends to be older and suffer from more illnesses resulting in increasing budget requirements for inmate health care.

Approximately ten percent of the inmate population is gang affiliated and approximately sixty percent does not have a GED or high school diploma.

Inmates are given the opportunity to earn a GED. It is a pen and pencil approach and as the inmate progresses they eventually gain access to computer based programs.

The jail maintains a trustee program which allows the inmates to work at various approved locations throughout the county.

### **Staffing**

At the time of the original Grand Jury inquiry the facility was operating with two jail officers short of a full contingent. Currently, these positions have been filled. However, two jail officers are currently on leave and another is departing for employment elsewhere.

A registered nurse is on-site an average of eight hours per day. A medical doctor is on-site two days a week for formal sick call. The medical personnel provide first aid, assessment of ailments and treatment as indicated. Emergencies are handled through the John C. Fremont Hospital emergency department. All medications are reviewed by John C. Fremont Hospital. Over the counter medications are dispensed per label recommendations.

For security reasons, routine maintenance of the adult detention facility is performed by a Sheriff's Department employee.

### **Last Inspection by State of California**

The Board of State and Community Corrections of California (BSCC) last performed an inspection on September 2, 2013. This report states "*We found no ongoing issues of non-compliance during our inspection and no corrective action plan is needed*".

### **FINDINGS:**

Inmate population is increasing, mainly due to AB-109. Longer sentences and a more violent population strains what appears to be a continually understaffed department.

Officer safety is a serious concern not only to this Grand Jury but to previous Grand Juries, as well. The official roster gives the impression that staffing is at optimum levels; however, with three jail officers either on leave or soon to be leaving the facility continues to be critically understaffed.

Expected rise in inmate population (both male and female) will eventually cause overcrowding and necessitate the need for additional facilities.

Expected rise in inmate population will necessarily increase budget requirements for medical care.

The facility is an aging facility. Maintenance issues, including heating and cooling units and major plumbing concerns not currently being addressed due to funding shortages, will worsen causing additional expenses for repairs being postponed.

During our inspection the facility was clean and orderly. Staff presented as professional and knowledgeable. The facility appears to be managed professionally despite being understaffed.

### **RECOMMENDATIONS:**

The Mariposa County Adult Detention Center budget be increased in the following areas:

***Staffing.*** Due to the passage of AB 109 (Public Safety Realignment Act) and the resulting change in prisoner demographics it is imperative that the Adult Detention Facility staffing be increased to cover higher inmate levels.

***Facility Capacity.*** Because the Adult Detention Facility population is expected to increase as more State prisoners are released to local facilities, it is recommended that long range planning for this additional capacity is included in future budgets..

***Medical Budget.*** Due to changing inmate demographics, increases to the budget for medical care will be necessary.

***Building Maintenance.*** Increases to the fixed asset account to achieve proper facility maintenance and avoid shortfalls in the future.

**REQUEST FOR RESPONSE:**

We request a response from the Board of Supervisors.

We invite a response from the Mariposa County Sheriff/Interim Fire Chief.

## **MARIPOSA COUNTY JUVENILE DETENTION FACILITY**

### **APPROACH:**

Members of the Grand Jury conducted an on-site inspection of the Mariposa Juvenile Detention Facility in November 2015 and interviewed the Chief Probation Officer, Assistant Chief Probation Officer, Deputy Probation Officer and Juvenile Hall Supervisor. The Grand Jury reviewed the Board of State and Community Corrections of California (BSCC) 2012-2014 Biennial Inspection, Welfare and Institutions Code §209 (Juvenile Detention Facility) dated June 25, 2014.

### **DISCUSSION:**

Mariposa is the only county in California with a local juvenile detention facility.

The juvenile unit is a two room/four bed facility. There were no juveniles in custody at the time of the inspection. Staff advised the Grand Jury that the trend has been that there are fewer youth to incarcerate.

Ages eligible for the facility are seventeen (17) and under and can be held for a maximum of ninety six (96) hours. When youth are held in the facility the staff tries to keep them out of their rooms as much as possible and to interact with them in the recreation area.

Juveniles coming into contact with the probation department typically have a lot of serious family or other issues and most of the time “incarceration” can make problems worse.

Approximately fifteen years ago the State began giving money to counties for alternative programs for youthful offenders rather than put them in the juvenile detention facility.

The philosophy of local authorities is to try to handle the matter in the best interest of the child. Typically, if the juvenile is under thirteen (13) years of age law enforcement tries to handle issues more informally.

A minimum of two staff members are on duty at all times a juvenile is in custody.

Currently it costs approximately \$1,000/day to staff the facility when housing juvenile(s) but only \$100/day per juvenile to outsource to another county.

Since the Mariposa County Juvenile Detention Facility is not in continuous use, is it becoming harder to staff the facility with qualified people on a “on call” basis.

Tuolumne County is working on a facility to be shared by surrounding counties. However, it is not operational at this time.

At the time of our inspection Madera County will take our juveniles as a “courtesy hold”.

### **FINDINGS:**

At the time of our inspection, the facility was found to be clean, neat and orderly.

The staff was professional, knowledgeable and appeared dedicated to their responsibilities.

**RECOMMENDATIONS:**

None.

**REQUEST FOR RESPONSE:**

None.

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
REHABILITATION, MOUNT BULLION CONSERVATION CAMP #39**

**APPROACH:**

Grand Jury members visited the camp on November 16, 2015. Lt. C. Dean, Camp Commander, conducted the tour of the facility and explained the program. Mt. Bullion Conservation Camp 39 website was reviewed for background information.

**DISCUSSION:**

The Mt. Bullion Conservation Camp is a minimum security facility operated by California Department of Corrections and Rehabilitation. There are forty (40) conservation camps throughout the State.

Prior to 2004 the Mt. Bullion facility was a youth conservation camp. In October of 2004 Mt. Bullion was converted to an adult conservation camp.

Inmates can request to be assigned to a camp. Correctional counselors at prisons screen inmates to determine who would be eligible. Certain inmates are not eligible including sex offenders, serious gang or drug traffickers, violent offenders and others with serious medical issues. When they get to facilities such as Jamestown or Susanville they are further screened for eligibility for firefighting training.

Lt. C. Dean, Camp Commander, has been at Mt. Bullion since 2011. The facility is staffed by two correctional officers during the day and one at night.

Cal-Fire staff supervises the firefighting/community service crews.

The Mt. Bullion facility has a one hundred ten (110) inmate capacity. The current inmate population is ninety-seven (97). Every Thursday an average of three to four new inmates are received from the Sierra Conservation Center.

The camp program is meant to be a rehabilitation program that teaches inmates marketable skills, work ethic, etc. that can be used to become a successful member of society upon release.

There are two grades of inmates: Grade Eligible is firefighters. Non Grade Eligible does other duties at the camp such as cooking, maintenance, yard work, clean up, etc. Some of the grade eligible inmates can also do other work besides firefighting.

Inmates can work towards certificates for classes they complete which can be used when applying for employment upon their release.

There are five crews for firefighting, brush/creek clearance and other community projects. Community projects performed by the inmates under the supervision of staff include forest

restoration, firefighting, weed abatement, watershed management, brush clearing, parks and recreation restoration, school clean up, roadside clearing and tree clearing.

There is a hobby shop where inmates can do woodworking projects. They buy their own materials for their projects.

There is a saw shop run by inmates. It is portable and carried in a trailer to fires. Inmates can repair saws of the fire crews on site as needed.

Inmates staff the kitchen and prepare the food. All inmates involved in food preparation are California "Serv-Safe" certified.

Inmates also volunteer their time in support of various community improvement projects and fundraisers.

Inmates are paid approximately \$30 per month for community type projects; firefighters receive an additional \$1.00 per hour portal to portal. In addition to the money they earn by their work as inmates, family members can also put money into their account which is accrued and given to them when they are paroled.

During fire season, the camp is used as needed for a staging area for other camp personnel and equipment needed in the area.

The camp budget is \$3.14 per day per inmate for food. No private donations are accepted.

Inmates in regular correctional facilities are not provided weights. However, at conservation camps they have access to lifting equipment so they can be in shape for firefighting.

The camp offers AA and NA meetings as well as GED and various college courses. Inmates may also hold their own non-denominational religious meetings.

Inmates live in open dormitory style housing. They have recreation rooms, TV, pool table, ping pong tables, basketball, volleyball and a library.

Visiting is open on Saturday, Sunday and holidays. The visiting area is family friendly where children are welcome.

Cell phones and other contraband are prohibited. All phone calls made by inmates are recorded and reviewed by staff.

Occasionally friends or family attempt to smuggle or stash contraband, including cell phones and drugs, just outside the camp perimeter.

There have not been many issues in the way of racial problems as inmates tend to separate themselves.

Since 2011 there have been no escape attempts.

Potable water is a serious issue at the Mt. Bullion conservation camp.

The camp is audited every other year by the State for compliance.

## **FINDINGS:**

The camp program provides beneficial education and training to assist inmates in pursuing a productive lifestyle upon their release.

Camp inmates provide a valuable community service by performing duties including firefighting, brush and creek clearance, weed abatement, restoration and other community projects.

The Grand Jury observed that the kitchen was clean and well equipped and the food storage areas were clean and well organized. The grounds are very well maintained with buildings clean and appear in good repair.

Shortage of potable water makes it difficult to maintain current operations and virtually impossible to enlarge the camp to accommodate additional inmates or personnel.

Inmates can make telephone calls on an approved, recorded line. Cell phones are not allowed and are considered contraband. However, currently there is no efficient way to discover if inmates are in possession of a cell phone.

With so few supervising staff, especially during the night, it is nearly impossible to catch people stashing contraband and equally difficult to intercept an inmate attempting to retrieve the items.

Staff presented as very knowledgeable, proud of the facility and dedicated to its mission.

## **RECOMMENDATIONS:**

Obtain security cameras and night vision goggles to aid in the interdiction of the stashing and retrieval of contraband.

Obtain cell phone detectors to aid in the discovery of illegal cell phones.

Pursue additional potable water sources including grants or other means to enhance or improve the water situation at the camp.

The Mt. Bullion Conservation Camp is a valuable asset to Mariposa County. Local government is encouraged to take whatever measures are needed to support its continued operation

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**REQUEST FOR RESPONSE:**

None.