



# MARIPOSA COUNTY

Administration • 209-966-3222



## **RESOLUTION - ACTION REQUESTED 2016-429**

MEETING: August 9, 2016  
TO: The Board of Supervisors  
FROM: Mary Hodson, CAO  
RE: Final Response to 2015-16 Grand Jury Report

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve the Response of the Board of Supervisors to the 2015-2016 Mariposa County Grand Jury Final Report; Authorize the Board of Supervisors Chair to Sign the Response; and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court.

The California Penal Code requires the Board of Supervisors, as the governing body of a public agency subject to the Grand Jury's reviewing authority, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to the matters under the control of the governing body within ninety days after the Grand Jury submits its Final Report.

Please see the attached response. For reference, the complete Grand Jury Final Report 2015-16 is also attached.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board of Supervisors has responded to the Grand Jury Final Report in previous years.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Approve the draft response with revisions.

### **ATTACHMENTS:**

Grand Jury Report - 15-16 (PDF)  
Grand Jury Response FY15-16 (DOC)

### **CAO RECOMMENDATION**

Requested Action Recommended

  
Mary Hodson, CAO 8/3/2016

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Rosemarie Smallcombe, District I Supervisor  
**SECONDER:** Marshall Long, District III Supervisor  
**AYES:** Smallcombe, Jones, Long, Cann, Carrier

# Mariposa County Board of Supervisors



District 1 ... ROSEMARIE SMALLCOMBE  
District 2 ..... MERLIN JONES  
District 3 ..... MARSHALL LONG  
District 4 ..... KEVIN CANN  
District 5 ..... JOHN CARRIER

MARY HODSON  
County Administrative Officer

RENE LAROCHE  
Clerk of the Board

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August 9, 2016

The Honorable Michael A. Fagalde  
Assistant Presiding Judge  
Mariposa County Superior Court  
5088 Bullion Street  
Mariposa, CA 95338

## Re: Response to the Mariposa County 2015-2016 Grand Jury Report

Dear Judge Fagalde:

The Mariposa County Board of Supervisors appreciates the time and dedication which the Grand Jurors have contributed to their report. Please find our response to the findings of that report listed by department below. As the Grand Jury's findings and recommendations were not numbered or organized in an obvious way, the Board has made its best effort to ensure all findings and recommendations are addressed.

### Health Department

1. The Board of Supervisors agrees that the Health Department provides a vital public service and that it is imperative that the department function productively and without discord.
2. The Board of Supervisors acknowledges that the health officer has many duties and responsibilities. The Board further acknowledges that the former health officer's management decisions may have contributed to some of the conflict in the department.

As noted in the report, the County is looking forward to installing our new health officer, Dr. Eric Sergienko, in August. Dr. Sergienko is a retiring officer of the United States Navy and the Board is confident in his abilities as a manager and administrator as well as his skills as a medical professional. The department under Dr. Sergienko will be operating in accordance with the existing organizational chart and/or recommending changes to the chart when such would benefit the department.

Any speculation on the future structure of the department or modifications to the health officer job descriptions at this point is unproductive and unfair to Dr. Sergienko. If necessary, the Board of Supervisors will take into consideration any departmental

reorganization presented by Dr. Sergienko after he has had sufficient time to fully analyze and work in the department as it is currently structured.

3. The Board of Supervisors agrees that the health officer should consider becoming a member of the County Health Executive Association of California and investigate the value of accreditation by the Public Health Accreditation Board.
4. The Board of Supervisors cannot comment on the previous health officer's technology preferences as this has never been brought as a concern. The department uses and employs modern technology including email, a website, electronic medical documents, voice mail, document scanning, and so forth. Dr. Sergienko has expressed a willingness to continue to update and broaden the department's capabilities and office procedures.
5. The Board of Supervisors acknowledges findings regarding the creation of the Environmental Health Manager and Senior Supervising Environmental Health Specialist positions, with two clarifications: first, no recruitment was necessary because, as stated in the reorganization agenda item dated June 15, 2010, the State employees performing those duties previously were simply transitioned to County employment; and second, the Environmental Health Manager had attended supervisor trainings while employed with the State and both positions attended supervisor training at the regional training center in Modesto within their first year of employment with the County. In addition, an in-house supervisor training program for all new supervisors employed by the County has been in development for several months.
6. The Board of Supervisors acknowledges that the two divisions of the Health Department are located in separate facilities and that their separation creates particular challenges. At the same time, it should be noted that offices of both public and private organizations are commonly dispersed, including situations where supervisors are separated from staff, and that this trend is increasing as technology improves. The Board asserts that it is not the geographical location but rather the relationship of a supervisor with his or her staff that generates value and contributes to organizational health; and it will continue to focus its efforts to promoting competence, clarity, respect and trust with all staff.
7. The Board of Supervisors agrees that, in most situations, department directors should attend meetings intended for department directors, particularly when personnel issues are involved. It is the expectation of the Board that this will be the case with Dr. Sergienko.
8. The Board of Supervisors agrees that professional development and training opportunities add to the capacity, flexibility and vibrancy of our staff and encourages all departments to support employees' learning efforts. Again, the specific circumstances cited here are unlikely to continue with a new health officer.
9. The Board of Supervisors cannot comment about personnel issues nor can it address speculation about how individual promotions were awarded or what disciplinary action may be warranted for specific employees. In a general context, the Board agrees that supervisors should be well qualified to supervise and manage their subordinates in a professional and respectful way and that employees should receive the training they need. Individual situations have been and will continue to be addressed as needed.

10. The Board does not agree with findings that allege bullying, unequal treatment among peers, a toxic work environment, dictatorial management and tolerance of inappropriate behavior. The Board is not aware of any such incidents in the County relative to the period investigated by this report. Rather, the County has and enforces strict policies that reflect the Board's complete and total intolerance of harassment of any kind. Behavior that violates these policies is addressed with all due speed and diligence.

### **Development Services**

1. The Board of Supervisors has no comment on personnel issues and has thoroughly addressed the findings for the Health Department above. The Board has and will continue to take appropriate action whenever personnel issues, including those related to the culture and climate of the organization, arise in the County.
2. The Board of Supervisors agrees that all three departments included in Development Services should be represented and available for customers at the Government Center and asserts that is the case today. The departments, unified by the motto, "One Counter", have provided some cross training to front-line staff in order to assist the public with general questions regarding processes and procedures. Case-specific or technical questions are best answered by the respective departments to avoid the dissemination of incorrect information. Further steps are being contemplated in order to streamline the permitting process and facilitate the public.

In addition, employees in Development Services have participated in "all hands" meetings and received County-sponsored training in communication and conflict resolution. An atmosphere of cooperation is beginning to take hold and improvement in communication has been noted.

The Board has every expectation that the new health officer will assume the administrative duties in overseeing the Environmental Health division and will work cooperatively with the planning director and the building director.

3. Personnel issues will continue to be handled by the respective department head in consultation with the human resources director and in compliance with the pertinent employee memorandum of understanding regarding personnel actions. The Board has always and will continue to expect that all county employees work together cooperatively for the purpose of providing exemplary customer service.

### **Cooperation with Grand Jury Inquiries and Requests for Information**

1. The Board acknowledges that the response to the Fiscal Year 2014-15 Grand Jury Report was not delivered within the required ninety-day time frame. Every effort will be made to ensure future responses are delivered as required.
2. The Board of Supervisors agrees that County staff and elected officials should cooperate with the Grand Jury. The Board also acknowledges that busy individuals with many

responsibilities can be difficult to coordinate but notes that such coordination is likely to receive a warmer response when requests are respectful of staff and their schedules.

3. The Board does not agree with unsupported allegations of hostility, resistance to appear or undue chastisement toward the Grand Jury. As the management of employees is vested exclusively with the County, the Board appreciates that County staff, particularly those in Human Resources and County Counsel, understand their duty to safeguard the rights of County employees.

The Board asserts that the Grand Jury's demands to meet with staff outside of regular office hours, including evenings and during federal holidays, are unreasonable, may violate existing labor agreements, and certainly creates additional liability for the County. Demands for confidential information to which the Grand Jury is not entitled, including individual personnel files, are also inappropriate.

The County remains amenable to a positive working relationship with the Grand Jury based on mutual respect. The Board has directed all department heads to cooperate to the fullest degree with every reasonable request.

4. The Board agrees that future Grand Juries should follow up on the responses to the Final Grand Jury Report and encourages them to do so.

#### **Cash Handling Policies & Procedures**

1. The Board of Supervisors agrees that the cash handling guidelines in place are excellent and that the vast majority of staff do a very good job of following these guidelines.
2. The Board of Supervisors agrees that departments appear to be closely following the issuing of receipts and establishment of an audit trail for all monies received.
3. The Board of Supervisors acknowledges that some departments or particular staff have room to improve their cash handling policy adherence and will continue to encourage department heads to provide the necessary training and resources for improvement.
4. The Board of Supervisors agrees that cash and check are the usual forms of payment. Any discussion of accepting other forms of payment, which may also create an increase in the cost of services for our customers, will take place internally.
5. The Board of Supervisors acknowledges that some departments maintain a minimal petty cash fund.
6. The Board of Supervisors agrees that the cash handling and transportation procedures listed in the Grand Jury report are worthy of the review of the county auditor and relevant department heads.
7. The Board of Supervisors acknowledges the importance of a safe working environment, particularly where cash is received from the public, and will continue to make every reasonable effort to ensure these locations are secure.

8. The Board of Supervisors agrees that security cameras are not currently utilized in most departments and notes that installing cameras, in most instances, is likely not a “highest and best” use of limited taxpayer funds. The Board will continue to take strategic action to secure the public and our staff based on the recommendations of public safety officials and office security professionals. It should be noted that security cameras have been installed in the Treasurer/Tax Collector’s Office for this purpose.

### **Building Department Enterprise and General Funds**

1. The Board of Supervisors agrees with the Grand Jury’s understanding of enterprise funds and the use of general funds to pay for “public good” expenditures.
2. The Board of Supervisors agrees that the general fund allocation to the Building Department was reduced from Fiscal Year 2015 to Fiscal Year 2016.
3. The Board of Supervisors disagrees with the Grand Jury’s assumption that enterprise funds have been used to cover general fund shortages, particularly when the report also claims that the exact amount of general funds used for public good items is unknown. Subsequent claims that general fund shortages cause staffing limitations, additional workload and ineffective customer service are, by the report’s own claims, speculation at best.
4. The Board of Supervisors has already addressed the Development Services report above.
5. The Board of Supervisors agrees that an outside auditor or consultant may be necessary to determine Building Department overhead and “public good” expenses relative to the annual budget. The Board agrees that the Building and Administration Departments should share a common understanding of what qualifies as “public good” work and the general funds needed to do that work.
6. The Board of Supervisors agrees that costs related to code violations could be built into either the permit fees or general funds allocated to the Building Department.
7. The Board of Supervisors disagrees with the implication that the Building Department, or any other department in Mariposa County, is insufficiently funded. Though the County as a whole has limited resources, and as a taxpayer-funded entity it is rightly so, department budgets are developed in close cooperation with department directors to ensure that each department has the resources they need to deliver their mandated services to Mariposa County customers. Having spoken with each director throughout the process last year, the Board believes all departments are sufficiently funded now; and as the Board meets with department directors for the upcoming year it will continue to make sure departments are adequately funded.

### **Fire Department Office of Emergency Services**

1. The Board of Supervisors is happy to notify the Grand Jury when the Emergency Operations Plan is completed and will send a copy of the final document as requested.

### **Standard Operating Policies and Procedures**

1. The Board of Supervisors agrees that standard operating procedures that provide direction for employees in routine situations are necessary to coherent functioning.
2. The Board of Supervisors agrees that standard operating procedures should be reviewed on a regular basis and updated as required. The Board acknowledges that departments have had varying degrees of success in their efforts to do so.
3. The Board of Supervisors agrees that departments should be accountable, in some form or another, for making regular updates to their standard operating policies and procedures.

### **Juvenile Detention Facility**

1. As a matter of clarification, the statement "Mariposa is the only county in California with a local juvenile detention facility" is inaccurate. Mariposa County at one time was the only county operating a special purpose juvenile detention facility in the State but that is no longer the case. As the need for full-time juvenile facilities has decreased, a growing number of counties are turning to part-time special purpose facilities.
2. The Board of Supervisors understands and agrees that there is a higher short-term accounting cost for operating a special purpose facility versus exporting detainees to other counties. The Board also asserts however, that it is in the interest of those youth who may be detained to keep them in their home county where they may have more support and where they will not be exposed to other, often more detrimental, behavior present in larger facilities. It is therefore in the long-term interest of the County to continue operation of the part-time special purpose juvenile detention facility.

This concludes the responses of the Mariposa County Board of Supervisors to the FY 2015-2016 Grand Jury report. As the responses show, the Mariposa County Board of Supervisors has read and seriously considered the Grand Jury's report. Many of the items listed therein have already been addressed; and the Board continues to discuss and take action where outstanding issues may exist.

Sincerely,



John Carrier, Chairman  
Board of Supervisors  
Mariposa County