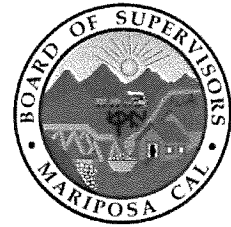




MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2019-480

MEETING: August 20, 2019
TO: The Board of Supervisors
FROM: Dallin Kimble, County Administrative Officer
RE: Final Response to 2018-19 Grand Jury Report

RECOMMENDATION AND JUSTIFICATION:

Approve the Response of the Board of Supervisors to the 2018-2019 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 for 2018-19 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 Response FY19 (DOCX)
18-19 Grand Jury report_07092019112021 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

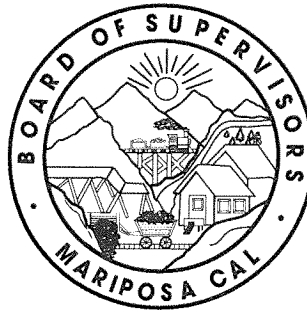
MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Mariposa County Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE
District 2 MERLIN JONES
District 3 MARSHALL LONG
District 4 KEVIN CANN
District 5 MILES MENETREY



DALLIN KIMBLE
County Administrative Officer

RENÉ LAROCHE
Clerk of the Board

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August 13, 2019

The Honorable Michael A. Fagalde
Presiding Judge
Mariposa County Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Re: Response to the Mariposa County 2018-2019 Grand Jury Report

Dear Judge Fagalde:

With our gratitude for the time and dedication of the 2018-2019 Grand Jury, the Mariposa County Board of Supervisors offers the following response to their findings and recommendations. Because the Board of Supervisors directly oversees all County departments not represented by another elected official, this response is made on behalf of the Administration, Building, Planning and Probation departments as well as the Health and Human Services Agency. The Board notes that the Technical Services (Administration), Economic Development (Administration) and Environmental Health (Health and Human Services) divisions are also represented in this response.

The Board acknowledges and agrees with all findings in the report unless specified otherwise in the comments below. Accordingly:

Office of the District Attorney/Victim Witness

1. Findings and recommendations F-1, F-2, F-3, F-6, F-7, F-8, F-9, R-1, R-2, R-3 and R-6 address the buildings in which the District Attorney and Victim Witness staff reside. The County manages the building where the District Attorney is housed; the Victim Witness division has independently contracted for their facility and are not subject to County facility management.

Prior to the receipt of the Grand Jury report, the County began implementing a plan to consolidate these offices in a new location that is County owned and maintained. Transition to the new office, which is currently occupied by another County department, is expected to occur in Fall 2019.

2. Restitution collections is currently provided through the Probation department. The Board of Supervisors stands ready to assist with collections processes if requested to do so.
3. Record retention is discussed in F-5, R-5 and R-8. The Clerk of the Board continues to make progress toward a unified record retention policy for all departments. As this policy is developed, and as software can be procured, the County intends to help all departments digitize and move records into electronic formats. The Board agrees that the District Attorney should be proactive in protecting vital records from the elements until a long-term solution can be secured.

Building and Planning Department

1. For clarification, the Board notes that Building and Planning are separate departments with separate department heads. The Environmental Health division is co-located with these departments for the convenience of the public.

The Grand Jury did not interview Planning Director Sarah Williams during their visit on April 17, 2019. All comments, findings and recommendations included in the report reference the Building department only.

2. The Board agrees that the Building department, and the cost of development generally, is significantly less in Mariposa County than it is in surrounding counties.
3. F-2 and R-1 relate to the Enterprise Resource Planning (ERP) or “green screen” system the County currently uses for resource management. This system, which is the same as the County’s finance system in prior Grand Jury reports, is dated but secure. One 2018 survey found more than 100,000 organizations including banks, hospitals, distribution centers and other government agencies still use the same system¹. The City and County of San Francisco is a fellow client of the system currently being used by Mariposa County².

Even so, the County recognizes that continued reliance on legacy software is inefficient and less effective than modern platforms. The County has engaged the Government Finance Officers Association (GFOA) for assistance developing a Request for Proposals (RFP) to replace this vital system. The Board intends to approve an agreement to begin replacement of this technology around the end of this year or early 2020.

¹ Huntington, Tom. “Is the AS/400 Dead?” HelpSystems, 24 Aug. 2018, www.helpsystems.com/blog/as400-dead.

² Varghese, Romy. “America’s Cities Are Running on Software From the ‘80s.” Bloomberg.com, 28 Feb. 2019, www.bloomberg.com/news/articles/2019-02-28/america-s-cities-are-running-on-software-from-the-80s.

4. Items F-1 and R-2 relate to the funding and staff levels of the Building department. The Building department is an enterprise fund, which means it is not funded with County General Fund dollars but rather relies on the sale of building permits for its revenue. This is appropriate because the developers paying for those permits are the primary beneficiaries of Building department services and the department workload rises and falls with the number of permits issued. The Board contributes an additional \$142,000 to the Building department each year for the work this department does to support other County departments and promote the public good through safety inspections and similar activities.

The issue with the Building department's funding relates to the fees that have been charged. Building fees are relatively low in Mariposa County and have not been updated for several years. In addition, late fees and other penalties have not always been charged in order to maintain goodwill with developers and the community.

The County is nearing completion on a rate study that will update fees in the Building department, among others, so that the fees being charged are commensurate with the cost of providing services. The implementation of the updated rates will allow for any necessary changes in staffing and coverage. Fees will be updated annually going forward so that the affected departments do not become underfunded in the future.

Probation Department

1. The Board generally agrees with the findings of the Grand Jury on the Probation department.
2. With respect to recruitment of probation officers, there is a very competitive recruiting environment for peace officers statewide. Certainly salary and benefits are one factor influencing qualified candidates, but there are others as well.

The County recently reached a three-year agreement with the Deputy Sheriffs Association, the bargaining unit that represents probation officers, which includes salary and benefit enhancements that will assist with our efforts to hire new probation staff. The chief probation officer has also been working with the County's human resources director to discuss additional strategies that may increase interest in the current vacancies.

3. Replacement of the walkway deck has already begun with an anticipated completion date in August 2019. Other needed maintenance will be reviewed and addressed on a priority basis.
4. Mariposa County and the Mariposa County Superior Court own the vacant lot next to the Probation offices. There have been many discussions about the potential uses for this site, including the opportunity to build needed office space.

The Board approved funding in the Fiscal Year 2019-2020 budget for a space needs study that will evaluate all County facilities and make recommendations on how to use space for the most efficient, effective and equitable outcome. The Probation offices will be included in the study.

Economic Development Department

1. As a point of clarification, Economic Development is a division of the Administration department. The Board agrees with the Grand Jury's assessment of the potential value and laudable accomplishments of this division and its sole employee, Tara Schiff.
2. Economic development is a discretionary service provided at the will of the Board. As a result, support for the Economic Development division has varied depending on who is serving on the Board of Supervisors at a given time. The current Board supports responsible economic development and has invested in place branding, the Made in Mariposa campaign and several other related initiatives. While the appropriate staffing level depends on a number of factors, job development was included in the Measure M initiative to leave the door open to additional investment in this area moving forward.
3. Physical space for Economic Development will be considered in the aforementioned space needs study. There are certainly more ideal locations for economic development, such as a shared location in a "Prosperity Center" of community partners, but the current space is adequate for current activities. In addition to the provided work space, staff has access to two conference rooms to ensure confidentiality is never a problem.
4. As mentioned in previous items, the County is in the process of upgrading much of its technology including its ERP and productivity suite. These upgrades will help Economic Development, and the rest of the County, to be more effective and efficient. Economic Development is provided additional software including access to eCivis grant management, GIS technology, and Adobe products. The Board recently approved an agreement to add site selection software for use by economic development staff and will continue to review and add technology as needed.
5. The Board has and will continue to highlight the activities of the Economic Development division in the community. Staff presents regularly to the Board of Supervisors, has written and been mentioned in newspaper articles and has held periodic town halls to discuss the Economic Vitality Strategy (EVS), place branding and other issues. The Board encourages staff to continue to present items of public interest as often as it makes sense to do so.

Health and Human Services

1. The Mariposa County Health and Human Services Agency (HHSA) provides significant services for our local homeless community, particularly as it relates to housing and job development. In 2015, the County finalized a strategic plan to ensure the necessary services for our community's homeless individuals and families was being provided. Some of the activities that have occurred as a result of that plan include:
 - a. County operation of a Behavioral Health Transitional Housing Program for individuals with severe mental illness who were homeless.

- b. Contracts for service with Mariposa Heritage House to provide a drop-in center and case management for the homeless community, open seven days per week and into the evenings until 7 p.m., including housing navigation assistance.
 - c. Obtaining funding for homeless programs through the Central Sierra Continuum of Care (provides permanent supportive housing to five chronically homeless individuals), CalWORKS County Housing Support Program (rapid rehousing of ten homeless families per year), Whole Person Care (housing navigation and supports), Emergency Solutions Grant Rapid Rehousing Program, Homeless Mentally Ill Outreach and Treatment, Housing Emergency Assistance Program and HomeSafe.
 - d. Developing programs and services for homeless individuals and families including the Coordinated Entry System, which provides a menu of services for all homeless individuals who came to our attention. Health and Human Services also administers the CalWORKs Welfare to Work, General Assistance and Senior Community Service Employment Programs, which provide access to vocational training, college programs, job search assistance including resume writing, mental health and substance abuse assistance and more.
 - e. Establishing a temporary homeless shelter at Darrah School and then on the Field of Dreams. A Community Development Block Grant application has been submitted to fund construction of a permanent Homeless Navigation Center/Shelter. This application is still pending.
 - f. Collaboration with the Alliance for Community Transformations and Self-Help Enterprises to support the purchase of a 22-unit apartment complex and construction of a 42-unit affordable housing units, respectively. Both projects set aside units for individuals in greatest need and the new construction will allow for supportive services to be provided on site.
2. Moving forward, HHSA will continue to work with other county staff, including a new housing development specialist now in the hiring process, to ensure affordable housing objectives are prioritized and available funding is accessed.

The Board was also invited to comment on the adult detention facility and Mount Bullion Conservation Camp. The Board is very pleased with the sheriff's efforts to expand and improve the adult detention facility. The County will continue to support the sheriff in this effort.

The Mount Bullion Conservation Camp is a California Department of Corrections and Rehabilitation facility and the Board has no input on its operation. As such, the Board is unable to comment in a meaningful way on the recommendations issued. It is worth noting here however, that we are appreciative of the positive impact of this facility in our community including fire break management, roadside clearing, weed abatement, and so on.

With regard to the first complaint outlined in the Grand Jury report, the Board objects to the inclusion of allegations that have not yet been thoroughly investigated. Not only does publication of details in an ongoing investigation undermine that investigation, but the airing of grievances that

may or may not be valid can unnecessarily damage the effectiveness and credibility of the referenced official and the County. The Board agrees that such allegations should be investigated but requests that details not be published in the future until claims can be substantiated and recommendations made. As a point of clarification, the Board notes that F-2 in this complaint states that the County Clerk manages the Board agenda; it is, in fact, a separate position, the Clerk of the Board of Supervisors, who manages the Board agenda.

The Grand Jury's report also discussed the need for legal counsel. The Board agrees that the Grand Jury should have access to a qualified attorney who can provide legal advice. It is not appropriate for county counsel or the district attorney to provide that advice as these officials may be called upon to either prosecute or defend the County as a result of a Grand Jury investigation. The Board stands ready to support a Grand Jury request for outside counsel.

With regard to copier, email, post office box and similar administrative issues, the Board notes that court administration typically provides this support for the Grand Jury. Since receipt of this report, County administration has established individual email addresses for members of the Grand Jury. The Board encourages the Grand Jury to bring any future issues to County administration, which is hereby directed to provide every reasonable assistance to facilitate the work of the Grand Jury.

This concludes the responses of the Mariposa County Board of Supervisors to the FY 2018-2019 Grand Jury report. The Board of Supervisors is pleased with the progress that has been made in so many areas of our county, including several mentioned here. We are grateful to the Grand Jury for the opportunity to address and improve the aspects of County government operations discussed.

Sincerely,



Miles Menetrey, Chair
Mariposa County Board of Supervisors