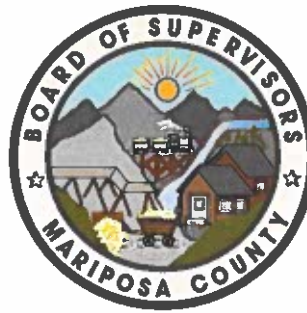


# Mariposa County Board of Supervisors



District 1 ... ROSEMARIE SMALLCOMBE  
District 2 ..... VACANT  
District 3 ..... MARSHALL LONG  
District 4 ..... WAYNE FORSYTHE  
District 5 ..... MILES MENETREY

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**RECEIVED**

September 27, 2022

OCT 04 2022

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

MARIPOSA SUPERIOR COURT  
ADMINISTRATION

**Re: Response to the Mariposa County 2021-2022 Grand Jury Report**

Dear Judge Fagalde:

This response is submitted with respect to the findings and recommendations of the grand jury. From the County's perspective, the members of the grand jury over the past year were extraordinarily diligent in their duty and often gave an extra effort to making sure everything was done correctly. Please relay our gratitude to the volunteers who dedicated their time to the advancement of government accountability and building up the public trust in Mariposa County.

Because the Board of Supervisors directly oversees all County departments and advisory boards not represented by another elected official, this response is made on behalf of the public works, clerk of the board, administration and planning departments; the Airport Advisory Committee; and the officials serving in these entities.

Accordingly:

### 2021 Elections Process

The Board agrees with all six findings of this observation and wishes to recognize again the excellent work being done in our local elections office. These staff and volunteers are well trained and understand the profound importance of secure and trustworthy elections to our national security and the wellbeing of democracy in our nation.

We also commend the grand jury for observing the elections process. There may not be a more beneficial use of a juror's time than ensuring the fundamentals of democracy are working well.

## **Compliance and Continuity Report**

1. The Board agrees that it has adhered to California Penal Code requirements in its responses to the grand jury.
2. It is unclear in the report whether the Board is included in “some respondents” who were found to have failed to state agreement or disagreement. The Board believes it has indicated agreement or disagreement for all findings and recommendations in previous responses.
3. The Board agrees and acknowledges that many of its responses do not include timelines when such have been arbitrarily assigned or cannot be met, but this should not be interpreted as a lack of commitment. It is the intention of the Board to seriously consider all grand jury recommendations and, when the Board agrees a recommendation is necessary, to implement them as soon as practicable. As was done over the prior year, further information about specific recommendations can be provided as desired or requested.
4. The Board agrees it should be familiar with California Penal Code Section 933 prior to responding to the grand jury. We assert that familiarity does not necessitate an annual review, though it does require review on a regular basis.
5. The Board agrees comprehensive and direct responses to each grand jury finding and recommendation should be provided. Board responses will continue to do so.
6. The Board partially agrees that responses to agreeable recommendations should always include timeframes and commitments. Often, grand juries will assign arbitrary timelines that cannot be met with the available staff and resources. Sometimes the Board agrees with a recommendation but has insufficient information or for budget, regulatory or other reasons simply cannot possibly know when it could be implemented. Even if the Board agrees a road needs repair, for example, it may not know how long it will take to secure funding and complete projects to repair roads that have a greater need. Understanding that it is not always possible to predict a timeline, the Board generally agrees that an ability to provide an estimated timeline is ideal.

## **Airport Advisory Committee**

1. The Board agrees that the agenda item in question was processed and agendized correctly.
2. The Board agrees that the now-former clerk of the board and county supervisors advised members of the airport advisory committee of the agenda item prior to the meeting in which it was discussed.
3. The Board agrees that the former clerk of the board’s memo dated August 17, 2021, discusses “heated dissention” and that an environment “contrary to the County’s Discrimination and Harassment Policy” was discovered while researching the purpose of the airport advisory committee. Once discovered, the former clerk of the board states that she requested a board action to clarify the topics causing the “heated dissention” and improve the meeting environment.
4. The Board agrees that the Mariposa County Policy Against Discrimination and Harassment in the Workplace should be followed by all staff at all times. In addition, on February 15, 2022, the Board adopted a policy governing its various committees. Among other things, this

policy clarifies that volunteers serving on advisory boards are subject to the discrimination and harassment policy and that establishes a clear procedure for the reporting of issues to HR and the prescribed response up to and including removal of committee members found to be in violation.

5. The Board partially agrees that employees and departments should be aware of policy requirements to report in writing. This agreement is only partial because, while we agree that employees should be aware of what the policy says, we also believe our employees and department heads must be held to a higher standard. We simply cannot, will not, and do not tolerate acts of discrimination or harassment. Staff are trained to report any and all awareness of discrimination or harassment to HR; and HR staff are directed to investigate allegations in a timely manner regardless of whether a formal complaint was filed.

### **Coulterville Visitor Center Contracting Process**

1. The Board disagrees that the County does not or has not had purchasing policies and procedures for all departments. In addition to Mariposa County Code Section 3.08 itself, the County maintained no less than eight resolutions focused on various areas of purchasing policy (1987-222, 1998-130, 1988-046, 1990-448, 1993-489, 1989-159, 2007-225, and a policy adopted without a resolution number on June 21, 1988).
2. The Board agrees that the CAO used his authority to enter a new agreement for the operation of the Coulterville visitor center. The agreement was with the same vendor who had been selected through a competitive solicitation process one year earlier and had operated the visitor center in the intervening time.
3. The Board agrees that a consolidated purchasing policy would be advantageous, which is why it adopted an amended purchasing ordinance on July 12, 2022, rescinded the previous policies noted above, and adopted comprehensive purchasing and purchasing card policies on August 16, 2022. The adopted policies have been distributed to all staff.

### **County Cemetery Operations**

1. The Board agrees that information about public cemeteries is limited.
2. The Board agrees that the Mariposa Town Cemetery Committee is not currently active. The Mariposa Cemetery itself is active and currently taking caskets and cremations for burial.
3. The Board does not agree that there are no staff guidelines for cemeteries.
4. The Board does not agree that the upkeep of cemeteries is insufficient.
5. The Board agrees that more information about public cemeteries should be available online and will direct staff to update the County website before the end of the calendar year.
6. The Mariposa Town Cemetery Committee is already established but is not active due to a lack of volunteers. Members of the public who would like to volunteer are welcome to contact public works for more information about the responsibilities and application process.
7. Guidelines are already developed. The Board will direct staff to redistribute and provide training on these guidelines to the relevant parties before the end of the calendar year.
8. By way of clarification, Mariposa public cemeteries are technically not cemeteries at all—they are burial grounds. While the names are used interchangeably, there are many differences between a cemetery and a burial ground. Most relevant to this response is the cost: cemeteries tend to charge large fees for interment that can be used to maintain the property over time while burial grounds have minimal or no fees and can therefore provide only

minimal maintenance. Additional maintenance for our burial ground would require taking away funds from our local sheriff, roads, and other vital services. A change in service priorities can be considered, but the decision to increase maintenance should be made in the context of the fees that would need to be added or the services that would need to be proportionally reduced.

### Road Maintenance Agreements


1. The Board agrees that a major subdivision zone of benefit was replaced with a road maintenance agreement that was not subject to County oversight.
2. The Board agrees that it is not responsible for ensuring private road maintenance agreements are enforced and/or effective, nor is there a mechanism for the Board to do so (F2 – F4).
3. The Board agrees the Road Improvement and Circulation Policy (RICP) provides general guidance in relation to road maintenance and lifespans.
4. The Board agrees that there is concern that public access on private roads can result in additional wear and liability issues.
5. The Board agrees that some road design and maintenance standards are at least ten years old.
6. The Board agrees that it does not have review authority for road maintenance agreement amendments.
7. The Board does not agree that it is the responsibility of the County to ensure private road maintenance agreements are in conformance with the current RICP, but encourages the private parties engaged in such agreements to review their agreements and current standards.
8. The Board agrees that resolutions should clearly document the decisions that are made and believes that, as a rule, this is already the practice of the County.
9. The Board does not agree that the County should provide a template for private road maintenance agreements. These agreements are the responsibility of private parties and each should seek its own legal counsel for support drafting or updating legal documents.
10. The Board agrees that updates to our road improvement and circulation plan and other road-related processes and procedures are necessary (R4-R6). It cannot commit to completing these updates within six months. Public works already has a significant workload and, like many county departments, is attempting to manage that workload with a high number of vacancies. When the department can be staffed appropriately or other work can be completed, there will be time to focus on the needed updates.

This concludes the responses of the Mariposa County Board of Supervisors to the FY 2021-2022 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 continue to address and improve the aspects of our operations discussed.

Sincerely,



Rosemarie Smallcombe, Chair  
Mariposa County Board of Supervisors

Received   
Honorable Michael A. Fagalde, Per PC91