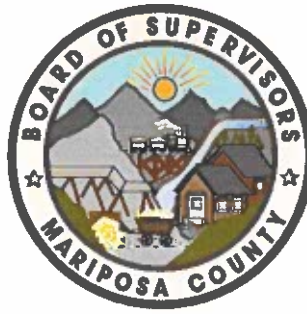


Mariposa County Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE
District 2 SHANNON POE
District 3 DANETTE TOSO
District 4 WAYNE FORSYTHE
District 5 MILES MENETREY



DALLIN KIMBLE
County Administrative Officer

DANIELLE BONDSHU
Clerk of the Board

P. O. Box 784
Mariposa, CA 95338
(209) 966-3222
(800) 736-1252
www.mariposacounty.org/board

RECEIVED

AUG 22 2023

MARIPOSA SUPERIOR COURT
ADMINISTRATION

August 15, 2023

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

Re: Response to the Mariposa County 2022-2023 Grand Jury Report

Dear Judge Fagalde:

This response is submitted with respect to the findings and recommendations of the grand jury. 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.

The Board of Supervisors directly oversees all County departments and advisory boards not represented by another elected official, making individual responses from these individuals redundant and unnecessary. Accordingly, this response is made on behalf of the county administrative officer, county counsel, clerk of the board, county health officer, health and human services agency director, planning director, director of public works and transportation, and the Board itself as follows:

General Inquiry into County Government Operations

The Board appreciates the grand jury's intention to engage in a "cooperative and collaborative" manner. The Board agrees with this approach and expects the same of all County officials and staff. If the lack of cooperation was as described by the grand jury, it would be completely unacceptable.

At the same time, without further evidence from the grand jury it is not at all clear that any County officials have intentionally resisted, ignored, or refused to respond to the grand jury. We have a stellar record of meeting with previous grand juries and providing timely responses. In the current year, some board members and senior staff were surprised that they had not received any requests to meet until subpoenas were served in April. Even then, some board members, who collectively serve as the County's executive and legislative body, were never subpoenaed or requested for an interview.



It is unfortunate that the grand jury experienced so much frustration with what appeared to be a lack of cooperation, particularly because that frustration could have been resolved with better communication. In addition to apparently not receiving many of the requests the grand jury claims to have made, some staff report that they received requests for information they did not manage and could not access. These staff report further that they were threatened by the grand jury not to discuss the inquiries they received, cutting off any ability to ask a supervisor or manager for help filling the request and compelling them to provide whatever vague response they could to avoid the legal consequences included in the request. A quick phone call or two could have helped confirm requests were routed to the correct individuals, that appointments were in place, and that any other assistance needed by the grand jury was provided.

Only one staff member knowingly did not respond to the grand jury. This staff member explained they did not respond because they learned that another department had received an identical request and provided the requested information. Considering the redundant request to be satisfied, it was dismissed without responding again with the same information the grand jury had already received.

The Board agrees that “constructive change can only be achieved through a collaborative effort involving all stakeholders.” We are very supportive of the grand jury and its role in fighting corruption to preserve democracy. With this response, we are directing County Administrative Officer Dallin Kimble to reach out to the new grand jury foreman to discuss and correct any and all issues that might prevent complete cooperation from County officials and staff.

Yet, to the extent that unfounded allegations have been levied against the County, the Board disagrees that there is an adversarial perception of the grand jury (F1), that there is widespread disregard and failure to honor admonishment and confidentiality requirements (F3), nor that an attitude assessment and adjustment relative to the grand jury (R1) is necessary. The Board agrees that there are not specific written guidelines about how department heads should communicate with the grand jury (F2), but it does not agree that administration should write such guidelines (R2) because cooperation with the grand jury is already expected and modeled whenever we receive requests to which we can respond.

Technical Support for the Grand Jury

1. The Board agrees that the County does not maintain a technical services employee for every 30 staff (F1), which would be about seventeen (17) total technical services staff, but it disagrees with the grand jury’s finding that the County maintains only one technical services staff per 100 employees. There are eight (8) technical services staff in the County now and the Board recently approved two more positions for a total of ten (10). This amounts to about one technical services staff for every 50 employees.
2. The Board partially agrees with Findings F2-F5. Many of the major technology upgrades over the last three years were implemented during a time when the pandemic did not allow for gathering. Trainings have therefore been provided through videos employees could access from their workstations with designated “virtual office hours” for support and additional instruction whenever employees had questions or needed additional training. Some of these trainings were developed by technical services and some were not. Technical training has not been mandatory, but it has been available.

3. The Board agrees with Recommendation R1. An evaluation of the County's technology needs and technical services requirements was last conducted in 2017. A broad organizational study is planned to begin later this year. After the organizational study has begun, an updated analysis of technology needs may be appropriate.
4. The Board partially agrees with Recommendation R2. We fully support employees receiving the training they need to effectively use technology and be productive in their jobs. Because each position is different, it would not be wise to mandate all employees take the same list of trainings. Rather, each department head is expected to identify those trainings that are necessary for his or her staff and ensure that training is provided.
5. The Board agrees with Recommendation R3. Flexible training options have been a primary option for many of our technical services options for the last few years.
6. The Board disagrees with Recommendation R4. While we appreciate that staff are very busy and that this recommendation is a good strategy for individuals, teams, and perhaps even departments, trainings are not currently mandatory and department heads are responsible for ensuring staff receive adequate training and balance that training with their regular workload.
7. The Board agrees with Recommendation R5. This has partially been done now and should improve as both technical services and human resources add capacity to enhance support for training over time.
8. None of the findings or recommendations in this section address the specific issues reported by the grand jury. The Board has directed County Administrative Officer Dallin Kimble to clarify the roles of the County and the Superior Court in support of the grand jury and ensure the County is providing appropriate technical support.

Technical Services Digital Divide

1. The Board partially agrees with Finding F1. Some locations and households experience limited access to technology, online services, and digital community connections. Other areas in Mariposa have good and even great access with fiber internet connections or high speeds available through Starlink. It is generally understood that there is a digital divide.
2. The Board disagrees with Finding F2 and partially agrees with Recommendations R2 and R3. It is the County's intention to move the technical equipment currently located in the dispatch office to the new location for technical services on 11th Street. In addition, the current budget adds two additional technical services staff and a new vehicle for technical services to support productivity and mitigate undesirable time management issues.
3. The Board agrees with the need to provide outreach and training to community members who want to be better users of technology (R1). The library offers several classes for interested individuals and many staff are prepared to assist the public in their efforts to utilize software and programming offered by their respective departments.

Use of Personal Devices

1. The Board agrees with Finding F1.
2. The Board partially agrees with Recommendations R1 and R2. Staff are currently evaluating the risks involved with personal devices, and the potential value of apps on personal devices, and drafting a policy for Board discussion and consideration. This cannot be efficiently done by two separate entities, the Technical Services Steering Committee and Administration, as suggested, but is being addressed by the Technical Services Steering Committee.

Clerk of the Board / Webmaster

1. The Board disagrees with Findings F1 and F3. Responsibility for County policies belongs to the Board itself, which serves as the county executive. An updated website guidance policy was adopted in 2019 with Resolution 2019-135.
2. The Board disagrees with Finding F2. While some inaccurate or outdated information does exist on the website, department staff are assigned to update web pages and the vast majority of information is accurate and relevant.
3. The Board partially agrees with Finding F4. While the clerk of the board position has not been updated since 2008, it was reviewed in 2022 as part of a recruitment for the position and found to accurately reflect the assigned duties.
4. The Board disagrees with Recommendation R1 and R3. This policy has already been adopted.
5. The Board agrees with Recommendation R2. In addition to each department monitoring pages related to their own responsibilities, content audits could be useful in keeping data fresh. The County group of website managers, which includes the public information officer, clerk of the board, and department representatives, identified this strategy earlier this year and is working on implementation for the near future.

Ambiguity in Rural County Definition

1. The Board agrees with Finding F1. At the time the General Plan was developed, based on the community feedback received at that time, it was determined that “the character of the County will not be defined by a few words or phrases. The current collective vision of the County’s character is embedded in the General Plan’s policies and programs, as well as the public processes for preserving and keeping the vision alive” (Mariposa County General Plan 2.3.01).
2. The Board partially agrees with Finding F2. While the planning department does attempt to provide proactive communications, applicants are ultimately responsible to follow up on the applications they have submitted. The Board agrees that guidelines for response times (R4) would be ideal.

3. The Board disagrees with Findings F3-F4. We cannot speculate on how everyone perceives these processes, and we are aware with some dissatisfaction from time to time, but the majority of the feedback we have received suggests these processes are friendlier and faster than our neighboring counties. Even so, the Board agrees that a review of permitting procedures is healthy (R1) and the County is engaged in just such a review as part of our new development services software implementation.
4. The Board agrees with Finding F5 and partially agrees with Recommendations R7-R9. Regular training on the Brown Act is important for committees to receive and will be coordinated through the county counsel's office.
5. The Board agrees with Recommendations R2-R3. These are already occurring or in place.
6. The Board agrees that consistency in interpretation and enforcement of regulations is essential and that standardized training will help with this effort (R5).
7. The Board agrees with Recommendation R6. A mechanism for feedback and process improvement would be a valuable tool to improving services to the public.

Diversity, Equity and Inclusion in County Departments

1. The Board partially agrees and partially disagrees with Finding F1. We agree that the grand jury likely spoke with employees who were unaware of specific diversity, equity and inclusion programs within the County. There is more we could be doing in this area. We disagree, however, that awareness of programs, or a lack thereof, is the main driver of employee engagement. In an independent third-party survey of staff conducted last year, 81% said the County was excellent or good at valuing employees from diverse backgrounds, more than three quarters report feeling engaged at work and 84% said they would likely recommend working for the County to someone who asked.
2. The Board disagrees with Finding F2. Again, there is more that could be done in this area, but in the independent survey referenced above two-thirds of staff reported that they felt the County did an excellent or good job of making all employees feel welcome. With the 81% who report that the County is excellent or good at valuing employees from diverse backgrounds, it does not follow that there is a significant barrier to cultivating and diverse and inclusive work environment.
3. The Board does not agree with Recommendations R1 – R6. We agree that more training, programs, resources, and incorporation in performance reviews and budgets could be effective means for enhancing employee respect for one another and full representation of community groups in policy development and public programs. The specific means and implementation timeline recommended by the grand jury does not appear to be feasible, but we agree that an effort should be made to further enhance the respectful atmosphere for employees. We anticipate such an effort would be led by human resources professionals in the administration department.

Administration: Leading by Example

1. The Board partially agrees with Finding F1. The Board and its department heads are striving toward a unified vision and, at the same time, have not yet reached that desired destination. Unity isn't something as absolute as being done or completely undone—it's a path we are walking and that we believe we have made significant progress on in recent years. Of course we would prefer to work with perfect unity, which is why we are striving in that direction.
2. The Board disagrees with Finding F2. It is initially unclear whether the grand jury is referring to administration as a department of 23 individuals or the county administrative officer specifically, nor is it clear what is meant by "modeling healthy work-life balance." It is also a little bit inconsistent, or perhaps idealistic, for the grand jury to mention administration as often as it does in its report, noting a list of things it feels administration should do more or better, and then also suggest that administration should do it all while working less.

Board members interact with administration staff, including the county administrative officer, on a regular basis and have seen them taking vacations, taking advantage of opportunities for flexible schedules and remote work, and actively volunteering in the community and/or participating in other non-work activities. The county administrative officer has a senior leadership role that, like other senior county official roles across the county and the state, does require long hours sometimes and the ability to respond to some texts, emails and calls even when out of the office; yet, we hear and see of volunteer church service, family vacations, personal development goals and other priorities that would indicate he is also striving for the same healthy balance he promotes and encourages for his staff.

3. The Board partially agrees with Finding F3. There are more areas where we need to standardize policies and practices, but we have also made significant progress in this area in recent years. Adopting a comprehensive purchasing policy, centralizing technical services, and refreshing policies related to the website, human resources, and social media are a few examples of this effort from the previous year or that are currently underway. Despite the work still to do, collaboration and communication within the County are stronger than at any other time in our collective memory.
4. The Board agrees with Recommendations R1 – R3. Collaboration, open dialogue, and shared goals identified in the strategic plan are excellent tools to further unify the County and reduce instances of disconnection. We appreciate the efforts already being made to demonstrate work-life balance and standardize policies. We are further looking forward to implementing a countywide intranet that will help improve internal communication with staff, standardize processes and forms, and enhance service delivery to the public.
5. The Board disagrees that the process recommended in Recommendation R4 is necessary. Department heads are accountable to the Board directly and staff receive annual performance reviews and ongoing coaching and direction to ensure accountability, transparency, and effective decision making. A peer review process may add additional insight, but a system is in place to do what is recommended.

Human Resources: Organization

1. The Board agrees with Finding F1.
2. The Board disagrees with Finding F2. Unless there is more information than what was included in the grand jury's final report, we cannot conclude that the number of classifications alone is hindering teamwork or employee interactions.
3. The Board agrees with Finding F3. This finding was identified internally earlier this year and additional trainings focused on supervisors of staff have been provided in the spring and summer of 2023. Additional training for staff at all levels is a priority for human resources staff moving forward and the Board added new position allocations to human resources in the Fiscal Year 2023-2024 budget to support this effort.
4. The Board disagrees with Finding F4. Oracle does automate some processes, but the role of human resources is expanding rather than diminishing.
5. The Board agrees with Findings F5 and F6.
6. The Board partially agrees with Recommendation R1. While a comprehensive review of this kind may be beneficial, there is significant work on priority projects already occurring in the human resources division and completion within 90 days is unrealistic.
7. The Board agrees with Recommendation R2 and believes this is already occurring.
8. The Board partially agrees with Recommendation R3. Consistency in job responsibilities, qualifications, and compensation is important. This is currently achieved through compensation studies, position description surveys and other best practices that are common in the field of human resources. An additional system is not necessary.
9. The Board disagrees with Recommendation R4. Cohesive onboarding and additional training are important priorities for the County. This does not require a new department, which would also add significant additional cost, but can be achieved by the human resources division of the existing administration department. As stated previously, training has been identified as an important goal for the future and additional staff have been allocated to support this effort.

Oracle Rollout

1. The Board partially agrees with Finding F1. While the accounts receivable module is not yet in use, it is being implemented and will be fully functional. Nothing about the time necessary to implement a large software system, particularly when contrasted with the troublesome alternative of retaining our prior system that is now more than 40 years old, should motivate buyer's remorse or regret for improving the tools our staff use to serve the public.
2. The Board disagrees with Finding F2. Oracle currently supports the way the County pays its employees. Changes in the County's payment policies and our agreements with labor to pay in arrears on a bi-weekly or bi-monthly basis would allow Mariposa County to utilize all of

the delivered Oracle functionality. If, at some point in the future, all bargaining units support such a transition, the County will redeploy the payroll functionality that is currently turned off to accommodate our current, unconventional pay practices.

3. The Board agrees with Finding F3. With new leadership in the County's HR team, staff will soon be able to do the work needed to securely store and retrieve personnel files in Oracle.
4. The Board agrees that the pandemic added challenges to the Oracle implementation, as indicated in Finding F4, that could not have been anticipated. Rather than having a contractor on site to help with implementation, for example, most meetings and trainings had to be provided remotely or through on-demand videos. While some frustration along the way was unfortunate, a growing number of staff are now expressing their delight with the new system. The sheriff's office publicly gave the new system rave reviews during the most recent budget process, for example.
5. The Board partially agrees with Recommendation R1. As the accounts receivable module is implemented, which may not be immediately, training and support should be provided.
6. The Board partially agrees with Recommendation R2. As personnel files are able to be incorporated into Oracle, which may not be immediately, it should pursue that opportunity.
7. The Board agrees with Recommendation R3. This effort will depend upon the agreement of our bargaining units.
8. The Board disagrees with Recommendation R4. The County has paid an average of \$161,500 for managed services support each of the last two years, not the \$300,000 per year stated in the report. The support received includes expert problem solving and functionality development in all Oracle modules currently utilized by the County.

As proposed, a single staff member would need to be familiar with all functions in Oracle, including but not limited to asset management, general ledger accounting, payroll, budgeting, project subledger, human capital management, and so on. The staff member would also need to be familiar with the standards and requirements of those functions beyond the Oracle system. While this is very unlikely, if not impossible, for a single staff member, the County gets all of this and more through its management services agreement with Graviton.

The County did add one dedicated staff member for the Oracle system in April 2022. It would have been ideal to have had this position sooner in the implementation process, as was our original intent, but the economic impacts of COVID-19 did not allow it. To the extent possible, troubleshooting and concerns are first addressed by staff before being referred to Graviton for higher-level programming and problem solving.

9. It is not possible for a single person to have the time and expertise accessed through the agreement with Graviton.

Mariposa Burial Grounds

1. The Board partially agrees with Finding F1 and Recommendations R1 – R2. There is not an allocation in the parks budget for maintenance, but sufficient funds are included in the facilities budget to continue the same annual cleanup conducted by a California Department of Corrections (CDC) crew that has occurred for many years. Apart from the work done by the CDC crew, the County has not historically provided maintenance for burial ground plots. Instead, the burial ground has remained free to the public with the understanding that it is the public's responsibility to maintain their own burial ground plots.
2. The Board partially agrees with Finding F2 and disagrees with Recommendation R3. Phone calls to parks and recreation are not logged, but nothing in the grand jury report leads us to conclude that the absence of a phone log necessarily causes dissatisfaction or that the additional work created by logging calls would be worthwhile. Because there is only one employee, duplicated efforts or a lack of accountability in this office seems unlikely.
3. The Board disagrees with Finding F3 and Recommendation R4. Burial ground records are already kept digitally and can be made available on the County website.
4. The Board disagrees with Finding F4 and Recommendation R5. Since the days of the little graveyard on the hill, there has not been a clear way to use physical location markers to help residents find particular plots. A map by section with section and row numbers was completed this year as part of an Eagle Scout project and will be made available online. This is the most helpful resource we have available and online access should allow for plots to be identified before or during a visit to the burial ground.
5. The Board disagrees with Finding F5 and Recommendations R6 – R7. The only information used in relation to burial grounds is the public information available on a death certificate. No additional training is needed to handle this information.
6. The Board disagrees with Finding F6 and Recommendation R8. We are not aware of any instances where interment was unmet or denied as a result of County action or inaction. There has been one situation in the last two years where there was a coordination issue that would not have been prevented by a policy, but that issue was resolved. Ultimately, the timeline is dictated by the availability and wishes of the family.
7. The Board disagrees with Finding F7 and Recommendations R9 – R10. The County's records are accurate except in cases where families have buried a loved one, typically within a family plot, without contacting parks and recreation to coordinate the interment.

Observation of Elections

1. The Board agrees with Finding F1. The elections team does a fantastic job and deserve our gratitude for the way they uphold one of the most essential functions of our democratic republic.

Custodial Facility Tours

1. The Board agrees with Finding F1 and F4.
2. The Board disagrees with Finding F2. The sheriff's office reports that the exposed wires were part of a camera system upgrade and have now all been removed.
3. The Board disagrees with Finding F3 and Recommendation R3. The sheriff's office utilizes a variety of pharmacies to meet inmate needs including Rite Aid in Mariposa.
4. The Board agrees with Recommendation R1. With a new sheriff's office facility being constructed next door, there are opportunities to consider these needs as part of that project.
5. The Board agrees with Recommendation R2 and understands this has already been done.
6. The Board agrees with Recommendation R4. A new evaporative cooler was added in the last fiscal year and additional funds were allocated in the current year that the sheriff may use to address the HVAC needs at this facility.

Public Service Policy


1. The Board disagrees with Finding F1. The grand jury report itself notes that the policy is distributed as part of onboarding and many staff provide excellent public service as defined in this document.
2. The Board agrees with Recommendation R1. This document could be updated within the context of our strategic plan and redistributed to promote the ideals for public service expected by the Board.

This concludes the responses of the Mariposa County Board of Supervisors to the FY 2022-2023 Grand Jury Final 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,



Miles Menetrey, Chair
Mariposa County Board of Supervisors

Reviewed: 
Honorable Michael A. Fagalde
Per PC 933