

DEPARTMENT: Administration

BY: Rick Benson
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution approving the response of the Board of Supervisors to the 2009-2010 Mariposa County Grand Jury Final Report and direct County Administration to transmit the response to the Presiding Judge of the Mariposa County Superior Court.

The California Penal Code requires that affected Department Heads, Elected Officials, and the Board of Supervisors respond to each year's Final Grand Jury Report within the specified time limits. The Board as governing body of the public agency must comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under its control within ninety days of when the Grand Jury submits its final report.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

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

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Approve the draft response with revisions.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Draft Response
Source:		Excerpts from Grand Jury Final Report 2009-10
Internal Transfer _____		Department Heard/Elected Officials Responses
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 10420 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 () Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: 

Mariposa County Board of Supervisors
Response to the 2009-2010 Mariposa County Grand Jury Final Report

Citizen's Complaint – Mariposa County Unified School District

The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Unified School District.

Citizen's Complaint – Probation Office

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Gail Neal, Chief Probation Officer, dated August 23, 2010, and concurs with her response.

Citizen's Complaint – J.C. Fremont Hospital and Mariposa County Sheriff's Department

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from Brian Muller, Sheriff, dated July 21, 2010, and the response of Jim Rydingsword, Human Services Director, dated July 27, 2010, and concurs with their responses. It should be noted that the Mariposa County Board of Supervisors has no authority or jurisdiction over the J.C. Fremont Healthcare District.

Citizen's Complaint – Lake Don Pedro Community Services District

The Mariposa County Board of Supervisors has no authority or jurisdiction over the Lake Don Pedro Community Services District.

Oversight – Adult Detention Facility

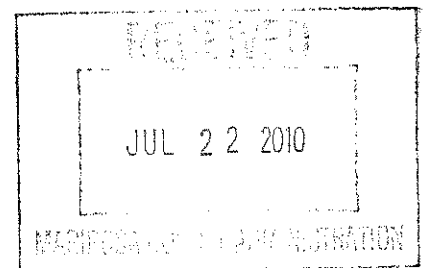
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Brian Muller, Sheriff, dated July 21, 2010, and concurs with his response noting that as of this response, no request has been formally submitted for a full-time maintenance worker position.

Oversight – Mariposa County Solid Waste Facility

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Allen Toschi, Public Works Director, dated August 3, 2010, and concurs with his response.

MARIPOSA COUNTY
GRAND JURY

FINAL REPORT
2009-2010



CONCLUSIONS:

- 1) Lack of full-time department head may have contributed to the perception of "stalling tactics". We did not find anyone who was uncooperative.
- 2) No malfeasance, errors nor omissions on the part of School Districts budget and financial reporting system were found.

RECOMMENDATIONS:

No further action needed.

CITIZEN COMPLAINT:

J. C. Fremont Hospital and Mariposa County Sheriff's Dept.

DATE RECEIVED:

November 17, 2009

PURPOSE/OBJECTIVE OF THE COMPLAINT:

The complaint involved the violation of patient's rights and a breakdown in the patients' rights system.

AUTHORITY FOR INVESTIGATION:

Penal Code Section 925

AVENUES OF INVESTIGATION:

The Grand Jury voted to investigate the complaint and a committee was formed. A mental health worker on behalf of a client filed the complaint. The complaint involved the E.R. staff at J. C. Fremont Hospital and a Mariposa County Deputy Sheriff and the subsequent attempt to have the issue addressed.

The complaint was broken down into two different avenues of investigation:

- 1) Alleged patient's rights violation at the emergency room involving Hospital staff and a deputy sheriff.

Investigation:

Interviews were conducted with the Mariposa County District Attorney and the responding Deputy Sheriff. Court documents containing hospital records, mental health records as well as hospital policies and procedure were reviewed.

- 2) The attempt by the mental health caseworker to address the alleged abuse through proper channels.

Investigation:

Interviews were conducted with the Deputy Director of Behavioral Health for Mariposa Co. and the long term care Ombudsman for Mariposa Co.

CITIZEN COMPLAINT:
Lake Don Pedro Community Services District.

DATE RECEIVED:

March 30, 2010

PURPOSE/OBJECTIVE OF THE COMPLAINT:

Investigate water supplied by Lake Don Pedro Community Services District (LDPCSD) to Hidden Hills Golf Course and allegedly partial redirection to a private residence.

AUTHORITY FOR INVESTIGATION:

Penal Code Section 925

AVENUES OF INVESTIGATION:

The Grand Jury voted to investigate the complaint and a committee was formed. A resident and ratepayer of Lake Don Pedro Subdivision and Lake Don Pedro Community Services District (District) filed the complaint. The complaint involved the current and former Board of Directors (Board) of the District.

The complaint alleged partial redirection of raw water intended for golf course irrigation to private residential irrigation.

Investigation:

Interviews were conducted with current and former members of the District Board of Directors, current and past District operations managers, complainant, and golf course water system installer. Documents were reviewed regarding requests and denial for raw water access for residential use, and drilling and inspection of private well on private property. Members of the jury attended a portion of a monthly Board meeting.

FINDINGS:

- 1) Several requests for raw water were received and denied for subject residential property. We found no evidence of a raw water connection for residential irrigation use. Irrigation system in question appears to be from a private well.

- 2) Private wells are in conflict with the Lake Don Pedro Owners Association rules. The Lake Don Pedro Owners Association is a private entity, and not subject to Grand Jury inquiry.

OVERSITE
Adult Detention Facility

DATE OF INSPECTION:
Nov. 4, 2009

PURPOSE/OBJECTIVE OF THE OVERSITE:
The Grand Jury is required to inspect all prison facilities in the county of Mariposa.

AUTHORITY FOR INVESTIGATION:
Penal Code Section 921

AVENUES OF INVESTIGATION:
The Law Enforcement / Probation Committee inspected the Mariposa County Adult Detention Facility.

INSPECTION REPORT:
Lieutenant Brent met us and gave us a very thorough introduction with an opportunity for questions followed by a walking tour of the facility.

We visited the kitchen facility, cafeteria, inmate cell blocks, inmate viewing area, security area, medical facilities, and prisoner initial entry area.

GENERAL OBSERVATIONS:

Lt. Brent is an informed, experienced, and professional leader of the jail facility.

Original jail design neglected to include solitary confinement cells which are necessary for efficient function. When an inmate must be held in solitary confinement, he or she is held in a cell designed for four or more individuals.

All facilities, including but not limited to medical and kitchen rooms were clean.

The facility maintenance department is understaffed.

The jail would function more efficiently with more officers on staff.

The facility was not overcrowded during our visit.

CONCLUSIONS:

The facility is well run, given the resources available.

cc: BOS
File



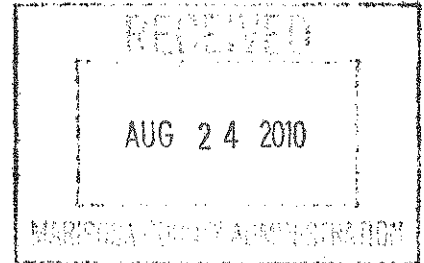
**COUNTY OF MARIPOSA
PROBATION DEPARTMENT**

5091 Bullion Street, P.O. Box 76
Mariposa, California 95338
Phone: (209) 966-3612 FAX: (209) 742-5961
E-Mail: probation@mariposacounty.org

Gail A. Neal, Chief Probation Officer

August 23, 2010

Honorable F. Dana Walton
Presiding Judge of Mariposa Superior Court
PO Box 28
Mariposa, CA 95338



Re: Mariposa County Grand Jury Report 2009-2010

Dear Judge Walton:

I have reviewed the Mariposa County Grand Jury's report for the year 2009-2010. The report addresses a complaint directed toward the Probation Department in regard to the Ignition Interlock Device (IID). Unfortunately, I was not privy to the contents of the complaint. The Grand Jury's Report was the first I became aware of a complaint being made. Therefore, I cannot comment directly on the complaint itself.

Based on the Grand Jury's findings I can add that once an individual is placed on probation with an IID order, he or she is given a list of IID providers. It is up to the individual to select the manufacturer and arrange for installation of the IID on his or her vehicle. The list was obtained from the Department of Motor Vehicles' website.

As such, I agree with the Grand Jury's findings.

Sincerely,

Gail A. Neal
Chief Probation Officer
Mariposa County

cc: Mary Hodson, Deputy County Administrative Officer

(11)



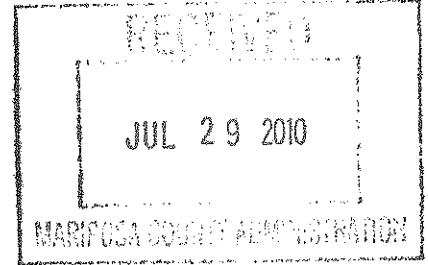
MARIPOSA COUNTY
HUMAN SERVICES DEPARTMENT

P.O. Box 99 • Mariposa, CA 95338 • (209) 966-2000 • Fax (209) 966-2486
□ Behavioral Health and Recovery Services (209) 966-2000 □ Employment and Community Services (209) 966-3609
□ Fiscal Services (209) 966-2131 □ Social Services (209) 966-2442

cc: BOS
File



JAMES A. RYDINGSWORD, DIRECTOR



July 27, 2010

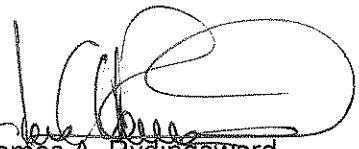
Mariposa County Board of Supervisors
5100 Bullion St.
P.O. Box 784
Mariposa, CA 95338

Members of the Board:

On July 23, 2010 the Human Services Department received a copy of the 2009-10 Grand Jury Report. On page 8 of the report it states, "The Grand Jury strongly recommends that Mariposa County continue to look for an independent Patients' Rights Advocate."

Response: On May 18, 2010 the Human Services Department signed a contract for independent Patients' Rights Advocacy services and that contract is in effect.

Sincerely,


James A. Rydingsword
Human Services Director
Mariposa County

cc: BOS
File



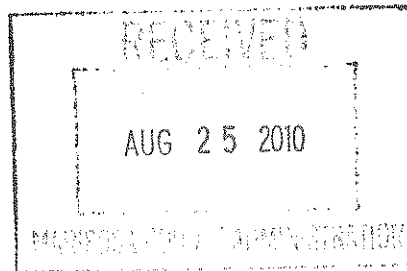
Office of the Sheriff - Coroner Public Administrator

Brian E. Muller
Sheriff-Coroner-Public Administrator

Doug Binnewies
Undersheriff

July 21, 2010

Mariposa County Superior Court
Honorable Dana Walton
Presiding Judge of the Superior Court
P.O. Box 28
Mariposa, CA 95338



Re: Response to Mariposa County 2009-2010 Grand Jury Final Report

I am in receipt of the 2009-2010 Mariposa County Grand Jury Final Report. Pursuant to Penal Code 933.05(b) this shall serve as a response to the Grand Jury's findings and recommendations regarding the Adult Detention Facility, and one (1) Citizen Complaint.

Having reviewed the observations and conclusions of the 2009-2010 Final Report, I wish to make the following comments:

Adult Detention Facility

I would like to start by recognizing the hard work and dedication of Lieutenant Brent and each member of her staff. Adult Corrections is one of the least recognized and under appreciated fields within the local criminal justice system. The staff at the adult corrections facility is committed to providing a clean, safe and secure environment for inmates, while recognizing the need to reduce recidivism through treatment and rehabilitation.

Observation 1 – Solitary Confinement Cells. Due to cost restraints, limitations were necessary during the original jail design phase. As a result of those limitations, the construction of single occupancy cells was not a viable option. The existing structure and floor plan is restrictive and not conducive to expansion, therefore it is necessary to decommission multiple beds when it is deemed necessary to isolate an inmate. This

(5)

necessity has created some significant inconveniences in the past; however jail staff has consistently dealt with the inconveniences and made the necessary housing adjustments to ensure the safe housing of all inmates.

Observation 2 – Facility Maintenance. Facility Maintenance is provided through a service contract agreement with an individual in the private sector. Due to the age and usage of the correctional facility, the need for repair work and preventive maintenance has increased steadily. Much of the equipment within the facility is specialized and repair work must be performed by professionals who specialize in electrical, plumbing, heating and air conditioning. To reduce costs and maximize productivity, inmate workers are utilized when possible to assist in maintaining the facility; however the need for a full time Maintenance Worker exists and would further reduce maintenance and repair costs through increased preventative maintenance.

Observation 3 – Staffing Levels. Low staffing levels within the jail is an on-going problem. Although recruitment of prospective employees has improved over the last two years, it has become increasingly difficult to attract candidates who are able to successfully pass the pre-employment background. Due to the thoroughness of the background investigation, the turnaround time from start to finish typically takes six to eight weeks. If a prospective employee is washed out of the background process during the later phase of the investigation, the opportunity to hire the next candidate will take at least another eight weeks. Although the slow pace of the background process often results in delays and lower staffing levels, it is critical to the security and integrity of the facility that the background investigation be as extensive and in-depth as possible.

Citizens Complaint

As noted, the Grand Jury received a citizen complaint relating to an incident which included a sheriff's deputy and John C. Fremont Hospital staff member.

I agree with the findings of the Grand Jury regarding this complaint as it relates to involvement by a sheriff's deputy. The accuracy of the incident as described by the complainant was questionable and the deputy that was alleged to have been involved was not even present at the time of the incident.

I wish to express my appreciation to the Grand Jury members for their hard work and willingness to serve our community by fulfilling such an important role. Their sacrifice of time and self is recognized and valued by all of us.

Respectfully Submitted,



Brian E. Muller, Sheriff/Coroner/Public Administrator

COUNTY of MARIPOSA

cc: BOS
File



4639 Ben Hur Road
Mariposa, CA 95338
Phone: (209) 966-5356
Fax: (209) 966-2828

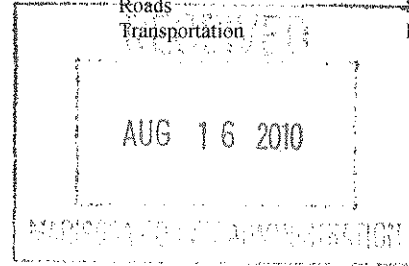
DEPARTMENT OF PUBLIC WORKS

Divisions of:

Administration	Airport
Cemeteries	County Surveyor
Design & Construction	Engineering
Facilities	Parks & Rec.
Roads	Solid Waste
Transportation	Fleet Maintenance

Allen Toschi
Director

August 4, 2010



Mr. Kevin Cann, Chair
Mariposa County Board of Supervisors
5100 Bullion Street
Mariposa, CA 95338

RE: MARIPOSA COUNTY 2009-2010 GRAND JURY FINAL REPORT

Dear Supervisor Cann:

The purpose of this letter is to respond to the Grand Jury Final Report dated June 4, 2010 and received on July 22, 2010.

According to Penal Code 933.05

(a) Findings: Mariposa County Public Works (PW) *agrees* with the findings which are: 1) The operation of the facility is hampered by lack of personnel; 2) Odor control with shredded almond roots has been effective; and 3) The amount of plastic in the trash is much more than the preliminary studies had projected.

(b) Recommendations:

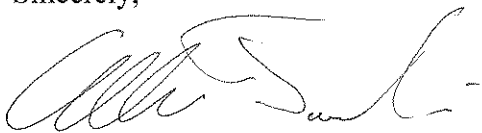
- PW *agrees* that with education of, and support from the public, the facility efficiency could be greatly improved, however this will be a long term improvement.
- PW *agrees* that with increased amount of material recycled, the income could be increased.
- PW *agrees* that more staff would lead to a higher quality compost and more useful finished product.
- PW *disagrees* that all expenses would be reduced, and thereby allow more staffing and increased pay to workers. The PW Solid Waste & Recycling Division is an enterprise fund and is expected to operate solely on revenue generated. Currently the Division is responsible for operating four transfer stations as well as implementing many unfunded state-mandates. Increased revenue is sorely needed to continue the operation of the Solid Waste System in Mariposa County and the level of service that the public has become accustomed to. The costs associated with operating each transfer station exceeds revenue collected from those facilities. Many cost savings measures have been implemented over the past two years such as: using extra help employees to staff the facilities whenever possible; reducing days and hours of operations; and renegotiating contracts with Franchise Hauler. The Division has also taken on unfunded mandates even though other agencies might have taken the lead. Cooperative ventures have been forged wherever possible to reduce the overall impact to any one Department.

17

Most of these unfunded mandates have taken the form of waste streams being banned from disposal in our landfill. Some of these waste streams are charged a fee, but this fee may not always cover the handling costs. Subsidizing these programs is often weighed with the alternative of the cost associated with the possibility of increased illegal dumping. Unfunded mandates include management of the following: Sharps (lancets and hypodermic needles) and other biomedical waste; tires; appliances; universal and electronic waste, which includes household batteries, televisions, computers, etc.; Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generators of hazardous waste (usually small businesses); and recyclables. In addition, funding is needed to maintain the buildings and equipment. PW is constantly seeking State and Federal grants for the handling of these unfunded mandates as well as for increasing the day to day operational efficiency.

Mariposa County Public Works appreciates the Grand Jury's comments. PW has a very dedicated staff that works hard to address the concerns of the community. If you have any questions or would like clarification please do not hesitate to contact me at (209) 966-5356 or Dr. Miller, Solid Waste & Recycling Division Manager at (209) 966-5165.

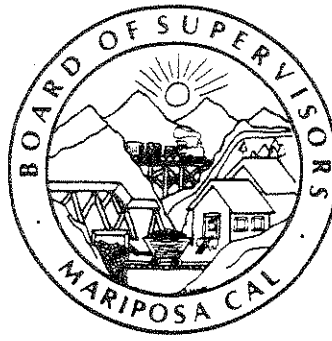
Sincerely,



Allen G. Toschi, P.E.
Public Works Director

Mariposa County Board of Supervisors

District 1 BRAD ABORN
District 2 LYLE TURPIN
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JIM ALLEN



RICHARD J. BENSON
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252

FAX (209) 966-5147
www.mariposacounty.org/board

September 20, 2010

Honorable F. Dana Walton
Judge of the Superior Court
County of Mariposa
Post Office Box 28
Mariposa, California 95338

Attach
to Res
10-420

Dear Judge Walton:

Enclosed is the response of the Mariposa County Board of 2010 Mariposa County Grand Jury Final Report. The Clerk of the Board of Supervisors and the County Clerk will keep copies of the report and this response on file. A file copy will also be submitted to the 2010-2011 Grand Jury.

We at the County appreciate the quality of the 2009-2010 Final Report and the many hours of work that it represents.

Sincerely,

For RICHARD J. BENSON
County Administrative Officer

RB/mbh
Enclosure

cc: Board of Supervisors
Affected Department Heads
Keith Williams, County Clerk
2010-2011 Grand Jury
Margie Williams, Clerk of the Board ✓

Mariposa County Board of Supervisors
Response to the 2009-2010 Mariposa County Grand Jury Final Report

Citizen's Complaint – Mariposa County Unified School District

The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Unified School District.

Citizen's Complaint – Probation Office

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Gail Neal, Chief Probation Officer, dated August 23, 2010, and concurs with her response.

Citizen's Complaint – J.C. Fremont Hospital and Mariposa County Sheriff's Department

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from Brian Muller, Sheriff, dated July 21, 2010, and the response of Jim Rydingsword, Human Services Director, dated July 27, 2010, and concurs with their responses. It should be noted that the Mariposa County Board of Supervisors has no authority or jurisdiction over the J.C. Fremont Healthcare District.

Citizen's Complaint – Lake Don Pedro Community Services District

The Mariposa County Board of Supervisors has no authority or jurisdiction over the Lake Don Pedro Community Services District.

Oversight – Adult Detention Facility

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Brian Muller, Sheriff, dated July 21, 2010, and concurs with his response noting that as of this response, no request has been formally submitted for a full-time maintenance worker position.

Oversight – Mariposa County Solid Waste Facility

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Allen Toschi, Public Works Director, dated August 3, 2010, and concurs with his response.