

Final Report
2008-2009 Mariposa County Grand Jury

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PREFACE

In Mariposa County, the Civil Grand Jury is a panel of eleven citizens appointed by the presiding judge of the Superior Court. It serves for a period of one year commencing on July 1 and ending on June 30 of the following calendar year. The court appoints the foreperson to run the meetings but it is important to note that the Grand Jury is a collegial deliberative body without hierarchy.

It is customary for one member of the preceding year's grand jury to hold over and serve an additional term. Except for this custom, Grand Juries are limited in their knowledge by an absence of institutional memory. Unlike community service organizations or governmental entities, the annual rebirth of the Grand Jury allows no opportunity to develop permanent internal policies or processes. Each jury is responsible to learn its purpose and to invent its own structure and methods. As a result, each has the advantage of expressing its own personality and responding uniquely to the issues that come before it during its term.

The County of Mariposa provided a two day training seminar for members of this Grand Jury that proved invaluable in educating us in investigative and reporting techniques. It also gave us information on the history and responsibilities of Grand Juries. For those wishing to learn more about Grand Juries and how they operate, we recommend the book, "*Grand Juries in California, A Study in Citizenship*" by Dr. Bruce T. Olson available in the county library.

The jurisdiction of the Grand Jury is the county within which it is appointed. Although it may be generally assumed that the Grand Jury exercises oversight of county government, it is more accurate to understand that Grand Juries may also review the actions of all public officials and agencies within their jurisdiction, like hospital districts, school districts and special assessment districts.

Authorization for activities of the Grand Jury is found in the California State Constitution, Government Code and Penal Code. Investigations may be undertaken pursuant to law on the jury's own initiative or as a result of citizen's complaints.

The proceedings of the Grand Jury are confidential both during and after the conclusion of its term.

Each finding and conclusion of the Grand Jury requires the concurrence of at least eight of the eleven jurors. In the event of conflicts of interest, jurors abstain from deliberation and voting on matters in which such conflict exists.

We certify that each investigation reported herein received the statutorily required number of votes.

Francis Asbury

Marcella Boyer

Cheryl Casjens

Shirley Foster

Darel Scoggin

Cheryle Sigafos

Jennifer Stark

Neil Stonum

Alan Thorpe

Marvin Wells

William Wire

CITIZEN'S COMPLAINT
WILLIAMSON ACT VIOLATIONS

On March 20, 2008, the 2007-2008 Mariposa County Grand Jury received a complaint from a citizen regarding the Board of Supervisors. This complaint was forwarded to the 2008-2009 Grand Jury. The complaint specifically alleged that the Mariposa Board of Supervisors had violated and continues to violate the laws and rules governing the Williamson Act. Accompanying the complaint were many documents giving this grand jury enough information to warrant an investigation.

We met with the Mariposa Planning Department to learn about the Williamson Act on September 11, 2008.

Findings:

- We were informed by the Planning Department that the county has many farms and ranches under the Williamson Act contracts. The primary use of these farms and ranches is agricultural with secondary compatible uses being allowed.
- Mobile homes are allowed on ranches under the Williamson Act contracts. These are to be used directly for ranch operations.
- Public recreation is a compatible use of agricultural land provided the primary use is for agricultural production.
- The Mariposa County Board of Supervisors may determine what activities are compatible with agricultural and recreational use. (Government code sections 51200-51207)(51201-e).
- The Mariposa County Board of Supervisors has the authority to provide and has on occasion provided liability insurance coverage for sanctioned public activities within the County of Mariposa on private land.

Conclusions:

- This Grand Jury ascertained that the Mariposa County Board of Supervisors has the authority to determine what activities are compatible under the Williamson Act as granted under Government codes section 51200-51207.
- Recreational use (shooting range, outdoor games or sports) is recognized by the Board of Supervisors as compatible with agricultural use. (Government code 51201) (N).
- We also conclude that the Board of Supervisors may consider all uses of land under the Williamson Act and determine if the activity is compatible and secondary to the primary agricultural use.
- It is the Grand Juries opinion that the Board of Supervisors has not violated the laws and rules governing the Williamson Act.

Comments:

- We are pleased to observe that the Mariposa County Board of Supervisors is now taking an active approach effectively defining language used in the Williamson Act matters such as, “Agritourism”, “Permitted Uses”, “Compatible Uses”, “Non-Compatible Uses”, “Compatible Activities”, etc.

CITIZEN'S COMPLAINT
JUVENILE SUICIDE

On May 13, 2008, a complaint was filed with the 2007-2008 Grand Jury alleging mishandling of a female child endangerment complaint by the Human Services Department. The incident occurred in November of 2007. The individual who was the subject of the complaint committed suicide in February, 2008. Since the 2007-2008 Grand Jury had limited time remaining in its term, the complaint was forwarded to the 2008-2009 Grand Jury.

Based on statements made in the complaint, the Grand Jury elected to start its investigation with the family's living conditions while in Mariposa County. Much time was invested conducting numerous interviews and reviewing reports and other evidence pertinent to the issue.

Grand juries are obligated to investigate citizens' complaints and to report their findings. We recognize that we may be accused of unfairly criticizing from a position of perfect hind-sight; nevertheless, it is within our charge to report the facts, findings, conclusions and recommendations.

The Grand Jury spent a large part of its time on this complaint, interviewed ten people and made a trip to the cabin and suicide site with a sheriff's deputy.

I. Pre Suicide Living Conditions:

Facts:

- The grand jury received testimony from many friends and acquaintances of the juvenile. Their testimony supports our findings.
- Two separate witnesses on two occasions testified that one of the juvenile's parents made a comment in front of the juvenile that they wished they had aborted or "given the child away".
- Most of the individuals we interviewed commented that juvenile was depressed.
- Both children in the household were constantly reminded by their parents that they were expected to leave home shortly after their seventeenth birthday. Three witnesses stated that the family motto was "17 and out!"

- Photographs revealed several firearms lying around the premises. Although the argument might be made that the firearms were not safely secured so that they could be immediately available for self defense, this supports the conclusion that the child should not have been left alone in this location.
- Witnesses testified that bathing by the family was done in a horse-trough located outside and without privacy.
- Testimony to the Grand Jury indicated that the juvenile was being home-schooled under the supervision of a charter school located in another county. Records obtained from that school indicate that the juvenile was enrolled there. Attendance records were maintained on a regular basis and satisfactory progress appeared to be documented by transcripts, test scores and samples of homework. Interviews with teaching staff at the school did not reveal any cause for suspicion of neglect or abuse. However, due to the chronic absences of the parents the juvenile's home schooling appeared to be self administered.
- Witnesses stated that for Christmas the parents gave the child a catalog and said to pick out the furniture they wanted and that when a future house was built that that would be their present. To date, seven years after acquisition, no permanent residence has been constructed on the property.
- A complaint was filed in July, 2007 to the Mariposa County Health Department expressing concern that the complainants' personal water supply might be contaminated since the juvenile's parent's property did not have a septic system. When the complainants did not receive any response from the Health Department, they contacted their Mariposa County Supervisor. Shortly afterwards a visit was made to the juvenile's parents' residence by the Health Department.
- The property was cluttered with large amounts of various kinds of debris which has attracted a rodent population evidenced by a large amount of scat.

I. Pre-Suicide Living Conditions:

Findings

- Living conditions for the juvenile were limited to a derelict one room cabin measuring approximately 12'x10'.
- The Deputy Sheriff informed us that in an emergency, if the nearest neighbor was not at home, the juvenile would have had to travel 12-15 miles without transportation for help.
- The juvenile slept on a mat underneath the kitchen table.

- There appears to have been a double standard of living between the parents and the children. This occurred because the parents were away from the property during the week working. The juvenile was left alone during these times under the above described living conditions. We believe that this regard merits further investigation utilizing time and resources unavailable to the current Grand Jury.
- The victim's brother, with whom she was very close and who provided companionship to her in this remote place had recently gone into the service.
- The juvenile despised being left alone for many days at a time.
- The juvenile despised being isolated from people and especially children of the same age.
- The juvenile hated being home schooled and begged to go to a public school to be with friends.
- There was no bathroom. Holes in the ground were dug for human waste with no shelter for privacy. The juvenile was embarrassed at having to bathe in an open horse trough in view of family members. The juvenile hated having to take soap and towels to the step-father when he was taking a bath in the horse trough.
- The juvenile hated living under the unsanitary conditions.
- Electricity was limited to solar power and gas generation.

II. MISSED OPPORTUNITY FOR SUICIDE PREVENTION

The event that brought a deputy to the site 3-4 months before the suicide:

Facts:

- This incident prompted the November, 2007 deputy's report and referral to the Child Welfare Services. Observations by witnesses indicated that this type of situation was more than a one-time occurrence and constituted a chronic condition.
- A written report prepared by a Deputy Sheriff after an onsite interview with the juvenile indicated that a visit to the property should be made by Child Welfare Services. The deputy reported that the child was afraid of going "mental" with no one to talk to. Because of the deputy's concern for the juvenile's safety the deputy placed three telephone calls to Child Welfare Services and left messages on their answering machine expressing concern. The deputy made these telephone calls and left these messages because it takes several days for a written report to reach those responsible to take action. The deputy's messages on the phone even offered to take Child Welfare Services personnel out to the juvenile's residence for an interview. No return calls were made to the deputy by anyone from Child Welfare Services.

- The Grand Juries questioning of two Child Welfare Services employees revealed that they relied on a couple of statements from the deputy's two plus page report to justify their decision to take no action. The deputy's case title to the report clearly stated "Willful Cruelty to Child". These same two Child Welfare Service staff said that they had no knowledge of in-house policy or procedures regarding the handling of incoming telephone calls. They also denied ever receiving the telephone messages left by the deputy regarding the concern about the juvenile. Documentation was obtained by the Grand Jury that the deputy did make those calls. As of November 19, 2008, Child Welfare Services staff has not been out to visit the juvenile's parents or the place of the tragedy.
- Child Welfare Services, also referred to in various publications as "Child Protective Services", is a division of the Mariposa County Human Services Department.

Findings:

- There as a lack of follow-through by Child Welfare Services.
- The deputy's report of the incident was not forwarded to the District Attorney for further investigation or possible action until after the juvenile committed suicide.

III. EVENTS LEADING UP TO THE SUICIDE:

Facts:

- The victim's brother, with whom she was very close and who provided companionship to her in this remote place had recently gone into the service and was graduating from basic training.
- The juvenile was left home for approximately ten days while the parents attended the other sibling's graduation from military training out of state. The purported reason was so that the juvenile could safeguard the property.

Findings:

- Although the juvenile was apparently somewhat knowledgeable in the use of firearms, weapons and ammunition were not safely secured in compliance with state law during the absence of the parents when the juvenile was left alone.
- Alcoholic beverages were available to the juvenile and not secured during the parents' absence.

IV. EVENTS AFTER THE SUICIDE:

Facts:

- The Sheriff's report indicated that the cause of death was by gunshot wound, and that the juvenile had been drinking.
- The grand jury attempted to contact the juvenile's parents by letter twice (with returned self-addressed stamped envelopes) but received no response. We also made a personal visit to their residence, but no one was at home.

V. LIVING CONDITIONS VS. COUNTY DEPARTMENT REGULATIONS:

Facts:

- During the Grand Jury's visit to the property in October, 2008, we personally observed that someone was attempting to or had installed a septic system.
- There are no records showing that the Mariposa County Health Department ever knew or checked to see if this household was being legally occupied prior to the juvenile's suicide. The Health Department confirmed that "occupancy" is defined as "living onsite 14 days within a 90 day period".
- The water source for this household is pumped from a spring approximately 200 yards away from the house. The source appears to be surface water.
- The Health Department confirms that they never tested the bacteriological contents of the spring water used in the juvenile's household, nor did they test the water of the neighbors who filed the complaint that the juvenile's family had no septic system.
- We observed no running water to the newly built unattached toilet and therefore the toilet needed to be flushed with a bucket of water. A septic installation permit has received its final certificate; however we observed on our visit that the leach line trenches were not covered. The Health Department later reported that the lines had been re-inspected and that they had been covered.
- Although the Mariposa County Assessor's records show a homeowner's exemption on the property, indicating owner occupancy, the Mariposa County Building Department shows that no occupancy permit has ever been issued. An electrical permit is pending for a photovoltaic system. There are no permits pending for installation of the liquid petroleum gas tanks observed on the property.

- The apparent sources of power to the residence are solar and gas generated.

RESULTS OF THE GRAND JURY’S RESEARCH ON CHILD ABUSE

Although the following guidelines do not constitute state law defining “child abuse” that may be criminally prosecuted, the Grand Jury took notice of them in arriving at our conclusion:

Information obtained from www.childwelfare.gov

CAPTA: Child Abuse Prevention and Treatment Act

The CAPTA definition of “child abuse and neglect” refers to:

“Any recent act or failure to act on the part of the parent or caretaker , which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.”

(Department of Social Services-Child Protection Services)

“These services are available to children and their families when children are victims of, or at risk of, abuse, neglect, exploitation, or parental absence.”

A child is neglected by a parent and/or caretaker/guardian who fails to provide adequate food, clothing, shelter, medical care, or supervision.”

(Child Abuse Neglect) (www.Safechild.org/childabuse)

“Emotional neglect, lack of psychological care, and withholding affection.

Physical neglect – not providing necessary healthcare, child abandonment, or physical injury caused due to lack of supervision.

Frequently left unsupervised or alone for periods of time. (NOTE: This is the most frequent cause of death and should not be minimized).

A pattern of behavior is the strongest indicator of abuse and should not be ignored.

(Emotional Abuse)

Parents’ inability to make a child feel loved or wanted, showing little affection.

Isolation, not allowing the child to interact with peers.

Ignoring – Parent who physically cares for their child may not be there emotionally, may show little affection or not acknowledge the child’s existence.

Emotional abuse can have adverse psychological effects such as poor self-esteem, destructive behavior, increased aggression, alcohol/drug abuse, and in severe cases- suicide.”

* Note See exhibit “A”, page 35, Attachment for page 11, (Results of the Grand Jury’s research on child abuse).

Conclusions:

- In the opinion of this Grand Jury, the conditions under which the juvenile lived constituted criminal juvenile abuse and neglect. The decision whether or not to pursue this conclusion is entirely within the prosecutorial discretion of the District Attorney. Nevertheless we respectfully call upon the District Attorney to review this issue.
- The facts reveal that there were numerous health and building code violations existing at the juvenile’s residence at the time of the initial complaint to the Sheriff’s Department, (November, 2007), and at the time of the suicide, (February, 2008). These conditions apparently had existed since the family purchased the property in September, 2002.
- Based on concerns that the 2007-2008 Grand Jury had regarding the Human Services Department and more specifically the Child Welfare Division (referred to in their report as “Child Protective Services”) and the evidence the 2008-2009 Grand Jury has obtained regarding this investigation, we question the procedures, competence and credibility of the Human Services Department.
- The Grand Jury notes that there is a volunteer committee (Child Death Review Team) which investigates and discusses all child deaths in the county and recommends prevention and aid measures. This is an ad hoc committee formed on a case by case basis under the authority of the Health Department. It functions however, without formal oversight or minutes.

Recommendations:

- The Sheriff should establish and enforce policies and procedures to assure that reports alleging “willful cruelty to child” are thoroughly investigated and followed up on by other departments. The Deputy Sheriff who responded to the initial complaint is to be commended for making every effort to direct the appropriate county personnel to take preventative and curative action.
- The District Attorney’s office should initiate further investigation of the Grand Jury’s conclusion of child abuse. Additional funding, if needed should be allocated by the Board of Supervisors to comply with this recommendation.

- The Human Services Department should establish and enforce policies and procedures to assure that both written and verbal referrals from other departments are documented, investigated and resolved in a timely manner.
- The Child Death Review Team should consider opening some of its conclusions to the general public for the purpose of promoting public awareness, education and prevention of such important issues as child abuse, neglect and suicide. It should also consider submitting to external oversight to avoid the appearance of cover-ups.
- The Board of Supervisors should establish and enforce inter-departmental policies, mandatory inspections, follow through, written documentation and employee accountability to assure that the conditions that existed in this case be corrected to avoid a recurrence of this tragedy.
- Facts obtained by the Grand Jury regarding this complaint revealed many conditions that we consider to have been contributing factors to this tragedy. We therefore recommend that those Mariposa County Departments that were identified and failed to take action on those conditions take immediate corrective action to assure that laws and regulations are uniformly adhered to, maintained and enforced.
- The Health Department should establish and enforce policies and procedures that assure that “occupied” residences comply with minimum laws and regulations for health and safety. Complaints should be investigated thoroughly and in a timely manner.
- The Building Department should establish and enforce policies and procedures to assure that “occupied” residences comply with building codes.
- The County Assessor should establish and enforce policies and procedures to assure that parcels benefitting from homeowners exemptions comply with building and health requirements for occupied residences.

The Grand Jury respectfully requests the Mariposa County Board of Supervisors obtain responses from the following departments, committees and agencies to these recommendations within 45 days upon receiving this final report.

Mariposa County Sheriff
 Mariposa County District Attorney
 Mariposa County Human Services Department
 Mariposa County Health Department
 Mariposa County Building Department
 Mariposa County Assessor/Recorder
 Child Death Review Team

CITIZEN'S COMPLAINT
DEPARTMENT OF HUMAN SERVICES

On June 4, 2008 the 2007-2008 Grand Jury received an anonymous complaint about the work ethic of a specific employee in the Department of Human Services. The complaint also alleged that the probationary period for that employee had been allowed to expire without review, thereby providing the employee undeserved tenure. This complaint was forwarded to the 2008-2009 Grand Jury.

The Grand Jury follows established policies that it will not investigate anonymous complaints, so no further action was taken.

CITIZEN'S COMPLAINT
ADULT CORRECTIONAL FACILITY FOOD

Facts:

- On June 4, 2008 the 2007-2008 Mariposa County Grand Jury received a citizen's complaint dated May 27, 2008. This complaint reflected a parent's concern about declining food quantities being served to inmates in the Mariposa County Adult Correctional Facility. Due to the inadequate time remaining in its term the complaint was forwarded to this grand jury. On August 20, 2008 we visited the jail facility to speak with the food staff and the officer in charge of the facility. On the same day, we visited John C. Fremont Hospital to speak with the food staff and officers. We also met with Probation Officers to see if similar issues were present at the juvenile detention facility. The Grand Jury was served a sample meal at the jail that each member chose randomly from the meals available. The quality and taste of the food was good.

Findings:

- The Mariposa County Jail contracts with John C. Fremont Hospital for inmate food services. Menus are prepared under the direction of a hospital dietician who also oversees the preparation of meals at the hospital. Product is purchased and delivered to the adult correctional facility for preparation in its complete self-contained kitchen by hospital staff. Prepared meals are delivered to the inmates by correctional officers.
- California Annotated Code Title 15 mandates the food service for all California correctional facilities. This code expresses that inmates receive three meals a day to meet or exceed a 2,200 calorie minimum daily requirement.
- Special diets needed for medical and religious reasons are prepared as required.
- Additional food and/or snacks may be acquired by the inmates at a very reasonable cost.
- Quantity of food prepared is determined by the "Inmate Head Count" on any given day with a few additional meals prepared in case of additional bookings during the day. When there was additional food available due to the lack of additional bookings or the release of inmates by the court, the additional food was divided up amongst the detained inmates.
- Just prior to the date of the Citizen's Complaint, "meal count" and the "head count" were very close, so the inmates' meals were normal portions as required by Title 15 without "extras".

- Terminating the courtesy of giving inmates the extra food resulted in the Citizen's Complaint dated May 27, 2008.

Conclusions:

- The Grand Jury was given a complete tour of the facility; a substantial [randomly chosen] lunch; complete, professional responses to all of our inquiries and the opportunity to discuss issues with exemplary members of the jail and hospital staff.
- The food program for the Mariposa County Adult Correctional Facility is well within the requirements of Title 15 pertaining to the adequacy of inmate meals. The menu is varied, the quantities are adequate and the food is well prepared.
- The decision to dispose of extra food was the issue that initiated the complaints received by correctional facility staff and the one received by this Grand Jury.
- We find it very difficult to assume that inmates have trouble sleeping due to an empty stomach.

Recommendations:

- The Adult Correctional Facility and hospital should be evaluated on a recurring basis to insure that the people of Mariposa County are being properly served.

CITIZEN'S COMPLAINT
"FIELD OF DREAMS" Sports Complex

On June 17, 2007 the 2007-2008 Grand Jury received a complaint regarding the Sports Complex "Field of Dreams". Since the 2007-2008 Grand Jury term expired on June 30, 2008, it was forwarded to the 2008-2009 Grand Jury to investigate.

Although the complaint was rather vague, it basically questions whether a member of the church while being a Mariposa County Supervisor, constituted a conflict of interest regarding the purchase by Mariposa County of a portion (approximately 52 acres) of Church property. Also the complaint questions if the amount that Mariposa County paid for the property was justified and if the property is suitable for a sports complex.

Findings:

It is important that the public know the history regarding the "Field of Dreams" before drawing a conclusion. These are our findings after reading all of the facts that we were able to obtain from 877 pages of documentation and several interviews.

- On 6/28/01 the Parks and Recreation Commission had a meeting with members of the Board of Supervisors, members of the Fair Board, members of the School Board, Parks and Recreation personnel, school swimming and football team, numerous adults and school youth. The meeting was to address the citizens' request and concerns for what they feel is a much needed sports complex commonly known as "Field of Dreams".
- On 9/4/01 the Mariposa County Board of Supervisors directed Mariposa County Parks and Recreation to develop a master plan regarding financing, land availability, and options in implementing such a project.
- On 10/16/01 the Board of Supervisors authorized Public Works to enter into an agreement with a consultant to search for a piece of property suitable for this proposed project.
- On 10/23/01 the Board of Supervisors authorized Public Works to apply for a \$500K grant that if approved could be used for this proposed project.
- On 2/9/02 the Board of Supervisors authorized Public Works to publish a public notice that the county was seeking to acquire a parcel of land for the purpose of developing a County Recreational Complex "Field of Dreams".
- On 3/21/02 the Board of Supervisors directed all affected Mariposa County staff involved in this project that they must make sure that all county citizens be aware and heard (pros/cons) and be involved in all discussions regarding this proposed "Field of Dreams" project.

- On 5/20/03 the Board of Supervisors entered into an intent agreement to purchase 3 parcels (approximately 52.2 acres) of church land based on the consultants' and public support. However it should be noted that there was public opposition based on the terrain, sewer, water, road, etc.
- On 5/10/05 the Board of Supervisors questioned their chief consultant regarding costs involved in preparing this site for the "Field of Dreams". The consultant's comment was, "This will be a costly project, however it will be done over a period of time and there is room for flexibility, and changes can be made between phases". The consultant never gave the Board of Supervisors a dollar figure estimate for a completed project.

Facts:

- On 8/14/98 the church purchased 72 acres (document 983624, total of 3 parcels #012-140-04, #012-140-05, #012-140-10) for \$350K.
- On 8/19/03 Mariposa County purchased 52.2 acres of that Church property for \$485K plus the cost of the following conditions:
 - A. Annexation agreement of the Church property to the Mariposa County Utility District
 - B. Environmental study
 - C. Assessment engineering costs
 - D. Construction of a road from Church property to Hwy. 49 North
 - E. Obligated to obtain encroachment permit from Caltrans to Hwy. 49 North
 - F. Design and installation of main water line to Church property
 - G. Easement for access of connection of electricity, sewer, and telephone
 - H. Environmental review of noise, lighting, and hours of "Field of Dreams"
- The Supervisor that was a member of the Church was not an elected official at the time of the land purchase for the "Field of Dreams". The Supervisor's term of office was from 1/1/95 thru 12/31/02.
- As of 2/2/08 the Local Agency Formation Commission has not approved an annexation agreement for Mariposa Public Utility District to supply sewer and water to the Church property, deadline is October 2009.
- It should be noted that the "Field of Dreams" property is zoned for single family residential.
- Since Mariposa County purchased the 52.2 acres Sports Complex property, they theoretically have lost \$9,857 from private property tax roll as of 1/9/09.
- The Church paid approximately \$5,208 per acre for that land in 1998 and 5 years later Mariposa County paid approximately \$10,082 per acre for a portion of the same property.

- As of 1/9/09 the expenditures spent on the Sports Complex property is \$1,317,077.69 and the revenues have been \$1,317,666.47. See graphs on pages 21 and 22.
- A design group conducted a study in February 2007 and figured that the Sports Complex “Field of Dreams” completed is estimated to cost \$36,000,000.

Comments:

- It should be noted that we could not find any records from 5/20/03 (date County entered into purchase agreement to buy 52.2 acres from the Church) until February 2007 that the Board of Supervisors ever requested an estimated completed cost for the “Field of Dreams”.
- It is evident that the chief consultant’s advice to the Board of Supervisors was misleading and definitely incomplete as regards to an appropriate location, roads, land development obstacles, water and sewer requirements, as well as building costs. Refer to paragraph 8 under the heading “Findings”.
- As of 4/21/09 the land purchased can only be used for a Sports Complex per the Roberti-Z’Berg-Harris \$500K grant agreement from the State of California.
- It should also be noted that this property cannot be leased or sold unless the \$500K grant is returned. There seems to be no time limit to complete the project since the county has already invested a considerable amount of dollars.
- The concept of the “Field of Dreams” is an excellent idea and needs to be pursued, with a well planned and acceptable location, an affordable program, direction of a qualified consultant, and guidance of the Mariposa County Auditor.

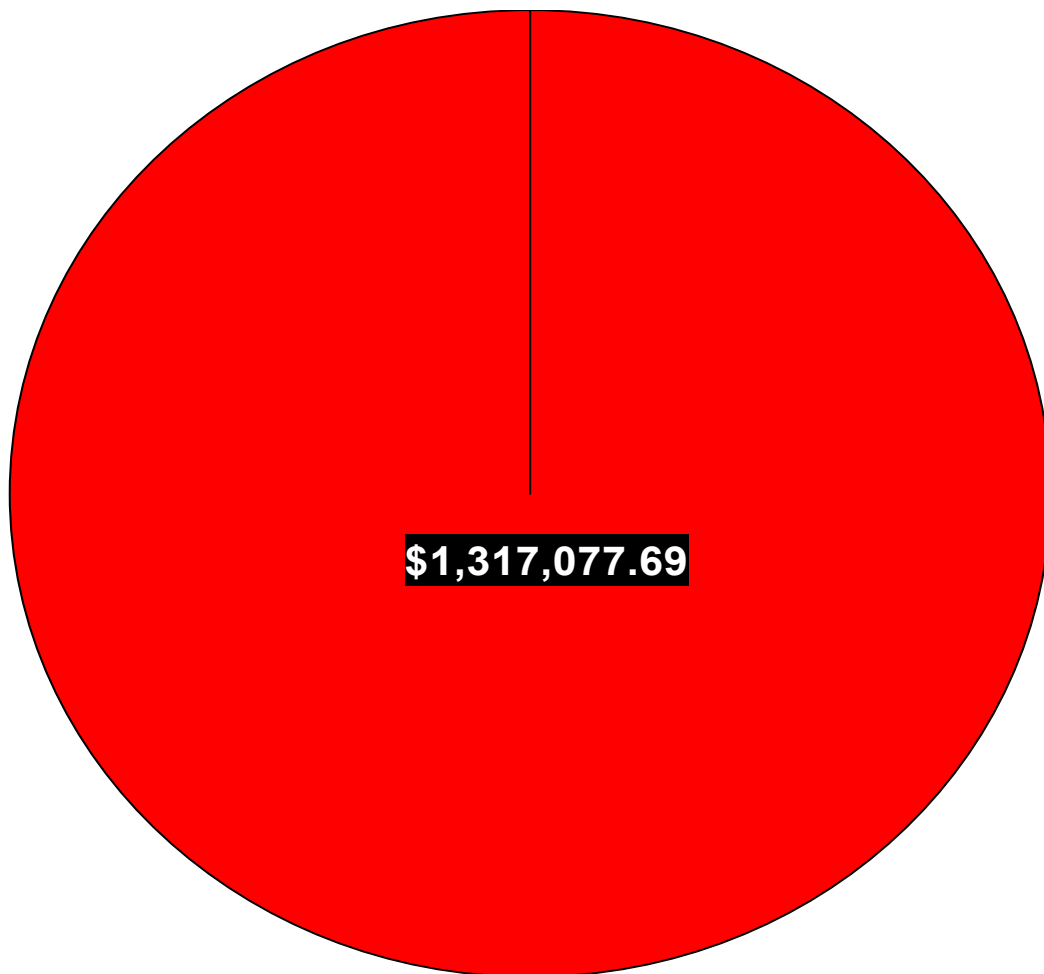
Recommendations:

- The Mariposa County Grand Jury 2008-2009 strongly recommends (as did the 2007-2008 Grand Jury) that the Mariposa County Auditor be involved in all capital expenditures. An auditor’s advice is very valuable when given the necessary data to advise affordability and feasibility in all capital expenditures whether long or short range. Note: There have been some very costly mistakes to the taxpayers due to the auditor not being asked for advice.

Conclusions:

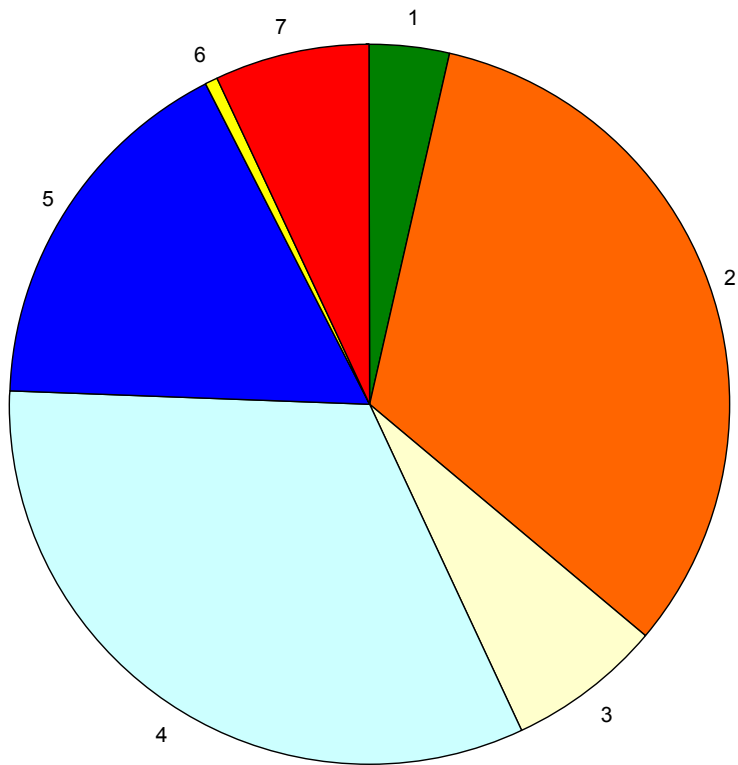
- The Mariposa County staff is to be commended for being cooperative in providing documentation and honesty in their personal interviews.
- It is unfortunate, but the property that Mariposa County bought for the “Field of Dreams” is unsuitable for the much needed Sports Complex.
- This project was mismanaged from its inception.

“Field of Dreams” Project Revenues as of 1.9.2009



There were a total of 31 expenditures ranging from \$30.17 to \$488,612.82 making a total of \$1,317,077.69 as of 1.9.2009. A list of these 31 individual expenditures can be obtained at the Mariposa County Auditor office.

“Field of Dreams” Project Revenues as of 1.9.2009



1	Interest	\$56,195.47	1	\$56,195.47
2	State Grants	\$500,000.00	2	\$500,000.00
3	Prop 40 Funding	\$109,000.00	3	\$109,000.00
4	Tobacco Settlement (Fund 367)	\$500,304.00	4	\$500,304.00
5	General Fund (Fund 001)	\$260,867.00	5	\$260,867.00
6	Miscellaneous Receipts	\$300.00	6	\$5,000.00
7	Repay Loan	-\$109,000.00	7	\$109,000.00
	Total Revenue	<u>\$1,317,666.47</u>		

OVERSIGHT FUNCTION
JUVENILE DETENTION FACILITY

Facts:

- On August 20, 2008, the Grand Jury was given a complete tour of the Mariposa Probation Office by a probation officer. We discovered that since they have a relatively small number of juvenile detainees, they find it impractical to participate in the food service program available from the hospital. Instead, meals are prepared by staff members on an individual basis using food purchased at a local grocery store. This gives staff the opportunity to individualize the food to juvenile detainees' needs and help develop a bonding basis for future counseling and development.

Findings:

- We find that the policies and procedures used by the Mariposa Probation Department are prudent, adequate and in the best interest of the taxpayers of Mariposa County.
- The juvenile detention facility is clean, orderly and more than adequate to provide the needs of the detainees that they may have at any point in time.
- Information and responses provided by a probation officer were very complete and expressed in an extremely caring and professional manner duly warranting the position held.

CITIZEN'S COMPLAINT
PLANNING DEPARTMENT

Facts:

- On August 27, 2008, the Mariposa Grand Jury received a complaint from a Mariposa county citizen regarding delayed processing of historic parcel applications. The complaint specifically contends that the Planning Department unnecessarily delays projects by implementing a “First in-First out” past practice.

Findings:

- We met with the Planning Department on October 15, 2008 to discuss project delays.
- The Planning Director told us that the policy was “First in-First out”.
- The Planning Department received a substantial number of requests for Certificates of Compliance from an entity with large land holdings consisting of a significant number of patents, consequently causing a back up of applications. Numerous applications have multiple patents.
- There are several Planning Department staff positions vacant. These open positions reduce the speed at which applications are processed.
- The Planning Department received 1,567 amended conditions appeals from 1/1/05 to 10/6/08. Of these 1,244 have been processed. There are currently 21 open applications for Certificates of Compliance from 2005 to current.
- Planning Department staff works well together and produces a large volume of work.
- There are key open positions within the Planning Department (Senior Planner and Assistant Planner).

Conclusions:

- We established that the Planning Department’s “First in-First out” policy has been utilized for quite some time and works well for establishing historic parcels.
- After receiving 171 Certificates of Compliance, 150 have been finished and 21 are still open.
- Mariposa County Planning Department is actively recruiting personnel for open positions.

Recommendations:

- Explore other ways to speed up the processing of Certificates of Compliance applications for historical parcel recognition.
- Continue to recruit candidates for vacant positions. Increasing staff may help speed up the application process.
- Fees charged for planning department services should be re-evaluated and reset to cover the cost and expedite the processing of developments.

CITIZEN'S COMPLAINT
SCHOOL DISTRICT MISUSE OF PUBLIC FUNDS

On September 17, 2009, the 2008-2009 Mariposa Grand Jury received a complaint regarding the misuse of public funds to compensate non-MCUSD employees for services rendered without an approved Individual Consulting Contract.

Facts:

- Two MCUSD employees retired from the MCUSD in 2007 and 2008, both were rehired by the MCUSD in 2008 without an approved Individual Consultant Contract.
- The interim MCUSD Supervisor worked as an Individual Consultant approved by the MCUSD Board of Trustees. The individual remained on the job after the MCUSD Supervisor returned to work.

Findings:

- The 2008-2009 Grand Jury met with two individuals from this Mariposa County School District on April 01, 2009 to discuss contracts for the interim MCUSD Supervisor and two MCUSD employees. They brought contracts in for all in question.
- The Mariposa County Board of Trustees approved an Individual Consultant contract for the interim MCUSD Supervisor on March 20, 2008 and again on September 18, 2008 as a mentor to the MCUSD Supervisor.
- The other two employees in question retired from MCUSD one in December 2007, and one in May 2008 and were rehired by MCUSD in 2008 under their original 2007-2008 employee contracts in 2008.

Conclusions:

- The interim MCUSD Supervisor has an approved Individual Consultant Contract.
- The two employees are working and being paid under their original 2007-2008 employee contracts, no Individual Consultant contract is needed.

- No public funds were improperly used to pay the individuals named in this complaint.

CITIZEN'S COMPLAINT
LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
RALPH M. BROWN ACT VIOLATION

Facts:

- On September 16, 2008 the Grand Jury received a complaint alleging that Directors of the Lake Don Pedro Community Services District had acted in violation of the Ralph M. Brown Act.
- The complainant stated that her concerns had been submitted to the District Attorney for investigation.

Conclusions:

- The grand jury believes that the District Attorney is the appropriate person to follow up on the allegations made in this complaint.

CITIZEN'S COMPLAINT
GUEST RANCH

On September 11, 2008, the Mariposa County Grand Jury received a complaint from a Mariposa county citizen regarding the Board of Supervisors, Planning Department, Planning Commission and Public Works Department. The complaint specifically contends that the personnel in above named departments interfered with the operations of a guest ranch. Accompanying the complaint were many documents giving the Mariposa County Grand Jury enough information to warrant an investigation. The Mariposa County Grand Jury had a meeting with the citizen on October 20, 2008 to learn more about the problems. Also, the Grand Jury had a meeting with the Mariposa Planning Department on October 15, 2008 and the Mariposa Public Works Department to learn more about what is needed in order to operate a guest ranch within the county of Mariposa.

Findings:

- The Grand Jury found the Board of Supervisors, Planning Department, Planning Commission and Public Works Department conducted their business in an appropriate manner.

Conclusions- Recommendations:

- The Mariposa Grand Jury has no recommendations on this matter.

CITIZEN'S COMPLAINT
BUILDING DEPARTMENT

Facts:

- On January 7, 2009, the Grand Jury received a complaint against a former department head alleging abuse of the police power of his office resulting in personal benefit to himself at the expense of the complainant.
- The complainant also complained to the Sheriff, District Attorney and Board of Supervisors regarding the individual and circumstances.
- The complainant has also engaged the services of an attorney to pursue civil litigation against the individuals involved.

Findings:

- The subject of the complaint had already resigned his position with the County of Mariposa when the Grand Jury received the complaint.
- The complainant is pursuing civil remedies for her complaint.

Conclusion:

- Since the issue has been turned over to legal counsel for resolution, the Grand Jury has no further comment.

CITIZEN'S COMPLAINT
SHERIFF'S DEPARTMENT

Facts:

- On October 15, 2008, the Grand Jury received a complaint against a deputy alleging that the deputy acted outside of his geographical jurisdiction, that he violated an individual's civil rights, that he committed a criminal action, that he was negligent in the performance of his duty and that he was guilty of conduct unbecoming of an officer.
- The events that generated this complaint occurred on or about September 17, 2008 and involved the removal of a child from a day-care facility into the custody of a step-parent pursuant to a court order. The incident was the subject of an internal affairs investigation conducted by the Sheriff's Department.

Findings:

- The internal affairs investigation was thorough and professionally conducted. It included interviews with all of the parties present at the incident as well as supporting documentation.
- The findings of the internal affairs investigation were that the deputy acted within his jurisdiction and that the evidence, facts and statements provided to the investigating officer proved all of the other allegations unfounded.
- The resident deputy with the Tuolumne County Sheriff's Department stated that had he been called to respond to this complaint he would have referred it to the Mariposa County Sheriff's Department. All counties in California have a reciprocal aid agreement that would apply in this and similar situations.
- The Sheriff's Department provided the Grand Jury with complete documentation supporting the summary of the investigation and the conclusions of the investigating officer.

Conclusions:

- The deputy in question was serving as civil standby for execution of a court order in a child custody case.

- The deputy in question acted within the jurisdiction and scope of his duties as a law enforcement officer.
- The deputy in question acted professionally in a tense, emotionally-charged situation.

Recommendations:

- The Sheriff's Department is to be commended for its policies and procedures in conducting thorough, well-documented and professional investigations of complaints and allegations against its employees.
- This specific incident would make excellent training material for new deputies as well review for veterans of the department.

NORTH SIDE SAFETY/HEALTH ISSUES

On October 28, 2008, the Grand Jury visited the Greeley Hill area regarding health and safety concerns of several citizens living in this area.

Facts:

- There are only three deputies that serve this North side 24/7.
- S.C.O.P.E. (Sheriff's Community Organized Policing Effort) an all volunteer organization fills in to assist the deputies during their off hours.
- There is no adequate Human Services facility to provide proper care for adult or child protection, mental health, or substance abuse.
- There is no living facility for volunteer firemen to stay or sleep at during the fire season, and the fire station has no running water or toilet facilities.
- The two fire trucks are old and in much need of repair. Replacement parts for these units are virtually non-existent.
- There is no Animal Control Shelter to restrain those animals in need until they can be properly transferred to Mariposa.
- The Sheriff Sub Station is located on a piece of property that is for sale.

Underserved:

- The citizens in this area are served by Mariposa County. However, because of distance and terrain, they must virtually rely on volunteers and S.C.O.P.E. for fire, animal control, human relation needs, substance abuse and family support.

Recommendations:

- Purchase adequate acreage and build to consolidate the above mentioned services in one location.
- Relocate the Fire Station on this property adequate to house at least three fire engines.
- Build a much needed Animal Control Center there.
- Add at least three more deputies to help patrol and protect this area.
- Include a child protection, mental health and substance abuse facility with qualified personnel in attendance two – three days per week. The citizens in this area confirm the need of these services.
- Consider the possibility of a contract with Mercy Emergency Services to relocate there.
- Establish a Public Health Services Preparedness Unit on these same premises.
- Consider assisting in establishing a helispot at this proposed relocation.
- Purchase two new fire engines.

Comments:

By building a community center accommodating the above mentioned services in the same building or on the same parcel, this facility can also serve as an interacting/cross training center as well as an Emergency Evacuation Shelter.

CITIZEN'S COMPLAINTS
HARASSMENT

Facts:

- On February 4, 2009, the Grand Jury received a complaint alleging harassment by an individual against the complainant's adult daughter. Attached to the letter was a copy of a letter from the complainant to the District Attorney. The initial complaint was followed with a second complaint from the same individual which was received by the Grand Jury on March 27, 2009 which also included as an attachment a copy of a letter to the District Attorney.
- The complaints allege verbal abuse by the individual and civil rights violations by the District Attorney and Sheriff for failure to intervene between the individual and the complainant's family.
- The complainant expressed his intention to pursue his allegations against the District Attorney in Federal Court.

Findings:

- After interviews with the District Attorney and the Sheriff, the Grand Jury determined that it had insufficient information to support further investigation.
- If the complainant desires to pursue his claims further, the appropriate official to contact is the Attorney General of the State of California, California Department of Justice Attn: Public Inquiry Unit P.O. Box 944255 Sacramento, CA 94244-2550, Telephone number 800-952-5225.

EXHIBIT "A"

Attachments from page 12 (Results of the Grand Jury's research on Child Abuse).