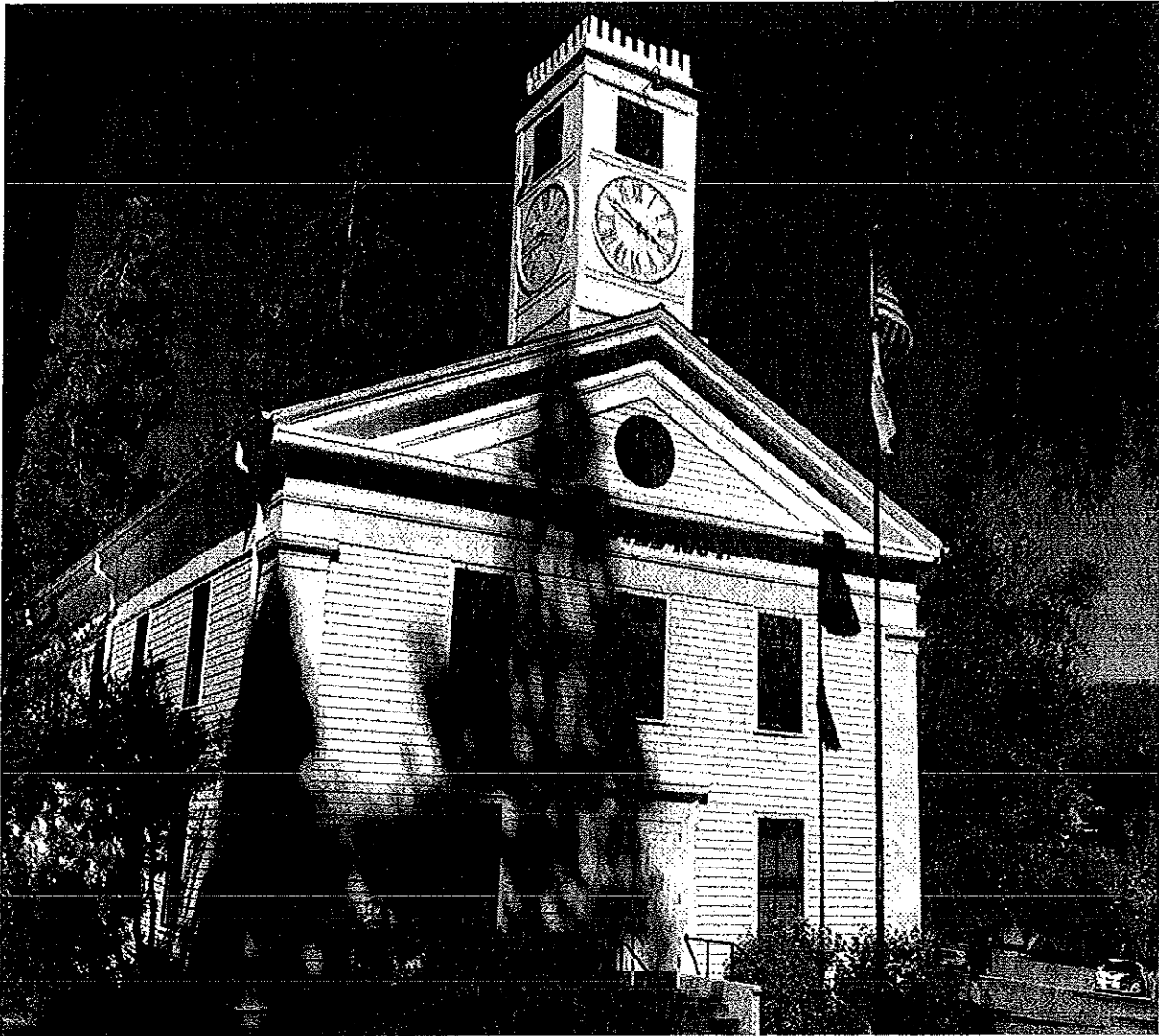


MARIPOSA COUNTY GRAND JURY 2017 - 2018



EYES, EARS AND VOICE FOR MARIPOSA COUNTY CITIZENS

Mariposa County 2017-2018 Grand Jury Final Report

Pursuant to California Penal Code §925 and §933(a), ... "each Grand Jury shall submit to the presiding Judge of the Superior Court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year."

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THE 2017-2018 GRAND JURY MEMBERS

Robert Fox, Foreperson

Jaye Howes, Deputy Foreperson

Kimberly Flora

Kimberly Keith (Alternate joined January '18)

Mark Marschall

Melonie Noel (July '17 – March '18)

Lorrayne Norman

Timothy Pellow

Adrian Perez

Kirk Robinson

Greg Royse

Clarence Tedrow (June '17 – December '18)

June 8, 2018

Honorable Michael A. Fagalde, Presiding Judge

Mariposa County Superior Court

PO Box 28

Mariposa, California 95338

Dear Judge Fagalde,

As members of the 2017-2018 Grand Jury, we thank you for the opportunity to serve the citizens of Mariposa County. It has been a privilege and an honor to be the eyes, ears and voice of our community and we look forward to the continuation of this important effort.

During this term, we maintained nine members and brought on one alternate juror. The latest vacancy took place in March and we agreed to not bring on a second alternate so late in the year. All Grand Jurors served with civility and respect for the position they were appointed to.

The 2017-2018 Grand Jury received eight public citizen complaints, six of which were found to be outside the purview of the Grand Jury. One complaint deemed to fall within our jurisdiction was addressed through an investigation concluding that the complaint lacked merit and no further action was warranted. The eighth complaint was received in the first week of June which left insufficient time for the Grand Jury to investigate the issue. This complaint appears to warrant a careful investigation and is thus being referred to the 2018-2019 Grand Jury.

As required by law, the 2017-2018 Grand Jury inspected State and local correctional facilities within the County, including the Adult Detention Facility, the Juvenile Detention Facility and the Mt. Bullion Conservation Camp #39. A visit was also made to the County Landfill Facility. Furthermore, the Grand Jury made inquiries to the following County entities:

- Board of Supervisors
- Sheriff Department and Interim Fire Chief
- Chief Probation Officer
- County Treasurer, Tax Collector, Clerk and Registrar of Voters
- Mariposa County Auditor
- County Administrator
- Chief Executive Officer of JC Fremont Healthcare District
- Mariposa County Department of Public Works
- Mariposa Public Utility District
- Mariposa Chamber of Commerce
- Tourism and Business Improvement District (TBID)
- County Technical Services Director

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- County Technical Services Director

All representatives of these organizations were professional and forthcoming with information and insight into the mission, processes and challenges relevant to their organization.

Additionally, the 2017-2018 Grand Jury followed up on two key issues as part of the continuity efforts: recurrent, unaddressed recommendations from the auditor's annual report and further scrutiny of the TBID operation with regard to transparency and accountability in the use of budgetary contributions from the County.

During the year as grand jurors we developed a good working rapport that made our august work an enjoyable, positive experience. Your support and guidance and the assistance of your staff during this past year was much appreciated.

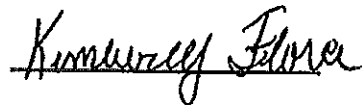
Respectfully,



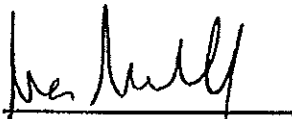
Robert Fox



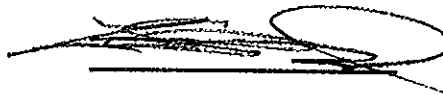
Jaye Howes



Kimberly Flora



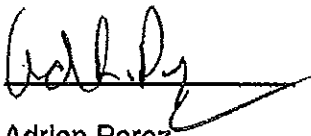
Mark Marschall



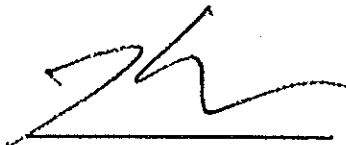
Lorrayne Norman



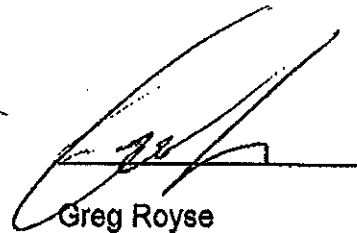
Timothy Pellow



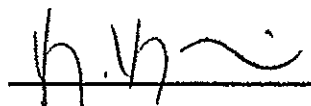
Adrian Perez



Kirk Robinson



Greg Royse



Kimberly Keith

THE GRAND JURY'S EXECUTIVE STATEMENT FOR 2017-2018

In California, the grand jury is an instrumentality of the superior court, subject to the court's general supervision. Empowered by the judicial system, the grand jury is a fact-finding body that examines a range of county government departments and county-funded organizations for the purpose of ensuring the nominal functioning of local government and associated entities, and to promote positive change toward warranted improvements in the county.

Underlying Philosophy: 'Integrity is the essence of everything successful'- *R. Buckminster Fuller*

Functions of the Grand Jury: The California Grand Jury has three primary functions: to weigh criminal charges and determine if indictments should be returned, to weigh evidence of misconduct against public officials and determine whether to present formal accusations seeking their removal from office, and to act as the public's "watchdog" by investigating and reporting on the affairs of local government. Of these, the watchdog role is the one most frequently undertaken by county grand juries.

Watchdog Function: Under the function of county "watchdog," regular (civil) grand juries are charged with investigating and issuing reports about local government. The objective of these investigations is to improve the efficiency and effectiveness of local government. Additionally, these investigations are designed to promote government accountability at the local level.

The above tasks are accomplished by monitoring the performance of the county, districts and other public entities within the county.

The 2017-2018 Grand Jury of Mariposa County conducted research; interviewed public officials, employees and citizens; and toured and/or inspected public facilities. The members of this Jury present the following reports that contain findings and recommendations aimed at increasing the efficiency and effectiveness of government services.

GUEST SPEAKERS

The members of the 2017-2018 Grand Jury thank the following elected officials, department heads and others who made time to meet with the Grand Jury, sharing their knowledge toward a more complete understanding of work processes and opportunities for improvement in our County governance.

Mariposa County Supervisor serving District 1, Rosemarie Smallcombe

Mariposa County Supervisor serving District 2, Merlin Jones

Mariposa County Supervisor serving District 3, Marshall Long

Mariposa County Supervisor serving District 4, Kevin Cann

Mariposa County Supervisor serving District 5, Miles Menetrey

Mariposa County Sheriff and Interim Fire Chief, Doug Binnewies

Mariposa County Probation Department Director, Pete Judy

Mariposa County Treasurer, Tax Collector, Clerk and Registrar of Voters, Keith Williams

Mariposa County Auditor, Luis Mercado

Mariposa County Administrator, Dallin Kimble

Director of Technical Services for Mariposa County, Rick Peresan

Director of John C. Fremont Healthcare District, Matthew Matthiessen

Mariposa County Director of Public Works, Mike Healy

Director of Mariposa County Public Utility District, Mark Rowney

Director of the Mariposa County Chamber of Commerce, Dane Carlson

Director of the Mariposa County Tourism and Business Improvement District, Terry Selk

SOLICITED RESPONSES

The following table summarizes issues that the Grand Jury sees as important enough to bring to the attention of County officials for action or response. The right-most column indicates whether the response is required versus invited, with the former indicating greater urgency than the later.

Subject Entity	Summary of Issue (see details on ref. page no.)	Ref. page no.	Respondent(s)	Required / Invited
Adult Detention Facility	Pursue funding for facility for inmates with mental health problems	10	Board of Supervisors, Sheriff	Invited
Adult Detention Facility	Study option to permit volunteer instructors / life coaches	10	Sheriff	Invited
Mt. Bullion Conservation Camp	Explore possibility of funding a second staff member for night shift	12	Board of Supervisors	Invited
Mt. Bullion Conservation Camp	Secure funding to address deferred maintenance issues at the facility	12	Board of Supervisors	Invited
Landfill & Recycle Facility	Develop a plan to fund future site closure costs	14	Department of Public Works	Required
Department of Technical Services	Identify preferred option to upgrade the County's computer system and plan for its implementation	19	Board of Supervisors, Technical Services Department	Required
Department of Public Works	Issue an inventory control procedure and train personnel on its implementation	24	Department of Public Works	Required
Juvenile Detention Facility	Investigate appropriateness of a GJ inspection of the Motherlode Regional Juvenile Detention Facility in Sonora	11	2018-2019 Grand Jury	Invited
Citizen Complaint #8	Investigate Complaint #8 received at end of GJ tenure. It appears to merit a careful investigation.	25	2018-2019 Grand Jury	Required

REPORTS

MARIPOSA COUNTY DETENTION FACILITIES

As per California Penal Code §919(b), the Grand Jury is required to review the condition and management of detention facilities within its jurisdiction. Mariposa County has three detention facilities subject to review by the Grand Jury:

- Mariposa County Adult Detention Facility
- Mariposa County Juvenile Detention Facility
- Mount Bullion Conservation Camp 39 – California Department of Corrections and Rehabilitation.

MARIPOSA COUNTY ADULT DETENTION FACILITY

Members of the Grand Jury visited the facility on November 8, 2017 and were given a comprehensive tour and the opportunity to ask various questions. No inmates were interviewed during the visit. The detention facility opened in 1995 with a maximum capacity for 58 inmates (beds). The ratio of prisoners was approximately one female to six males and the facility was at about one third capacity at the time of inspection. Net capacity is often less than 58, depending on the need to segregate certain inmate populations. The facility attends to special needs according to sexual preference or identity, past associations of a prisoner and physical or mental incapacities. The facility is designated as a Type II Jail which pertains to both pre-trial and post-conviction inmates.

Findings:

F-1 There were no fatalities, suicide attempts or attempts to escape over the past year.

F-2 Per BSCC Title 15, the following inspections are undertaken on an annual basis: Medical/Mental Health, Environmental Health, Nutritional Health and Corrections Standards Authority. Fire inspections are conducted each six months by both the County and Cal-Fire. Emergency drills are carried out at least once per quarter and the last one took place in September, 2017. No infractions have been found from the above mentioned inspections.

F-3 The facility was not evacuated during the Detwiler Fire which burned to within 100 feet of the fence line.

F-4 The 23-year-old facility is generally in good shape although it could be improved with updated video-monitoring technology and door access control. The emergency generator is reported to be in working order although it should probably undergo a thorough maintenance check in view of its significant importance.

F-5 As part of the booking process, inmates receive orientation on rules and procedures.

F-6 Inmates are given a medical evaluation upon arrival. Prescribed medications are kept in the medical clinic and administered daily by visiting medical staff. Medical emergencies are addressed by a doctor from JC Fremont Hospital. It is estimated that, on average, approximately 28% of inmates take psychotropic medications. Mental health services are available for inmates that require them and general medical assistance is also available for minor issues. It was pointed out that there is an upward trend on the proportion of inmates that suffer from mental health issues. These inmates often require more space and resources which is beginning to tax the facility. A process is underway to secure funding to build an annex dedicated to serve inmates with mental health issues, but as yet there is no clear path forward to accomplish the project.

F-7 Prisoners are served three meals per day with consideration for special dietary restrictions such as vegetarian, vegan, kosher and food allergies. The kitchen was clean and in good working order. Meals are prepared on site by civilian staff at a cost of \$2.95 each with a fixed service rate based on the 58-person capacity. Meals are taken in the holding area where there are tables and benches. This area also serves as the common area for television watching, table games, writing and other such activities.

F-8 Inmates in each cell block are allowed up to three hours per day in the open exercise area. A ball may be provided for exercise (contingent upon good behavior) but no other items are permitted for safety reasons.

F-9 No vocational classes are available and community volunteers are not allowed in the facility. This is principally due to the fact that, in such a small community, it would be more likely that a volunteer may be acquainted with an inmate which would be inappropriate. There is a supervised work program for low risk inmates who may work at the courthouse, perform gardening tasks or work at a county facility such as the landfill.

F-10 Inmates have access to a telephone during specific times of the day and all calls are monitored. There is a controlled visitation area as well as a special private meeting room for attorneys to consult with their clients. Video-conferencing is available for inmates to communicate with attorneys and/or attend court remotely.

Recommendations:

R-1 Funding from the State or other sources should be sought for the addition of an adjacent facility to house the increasing number of inmates who suffer from mental health problems. Based on current trends, this need will become more urgent over the coming years and such an endeavor is a multi-year project.

R-2 Consider implementation of a secure process for allowing access to volunteer teachers for vocational or life-coaching instruction. Although this may pose an additional burden for staff, it could be a significant contributor to rehabilitation and reduced recidivism.

MARIPOSA COUNTY JUVENILE DETENTION FACILITY

This facility appeared to be clean and adequately set up for the intended purpose. It consists of a small house with two bedrooms, a kitchen and a sitting room as well as a fenced yard. There were no detainees at the time of inspection and the use of this facility has become significantly less common over the past few years with the steady decline in juvenile delinquency at the local, state and national levels. When a juvenile is detained and must be kept overnight, he or she is usually transported to Sonora to be housed in the Motherlode Regional Juvenile Detention Facility. The purpose is to save costs in view of a lack of staffing geared to stay at the Mariposa facility overnight. This is a recent change from the previous trend to transfer overnight detainees to the Fresno facility. It was determined that the juvenile population at Fresno can tend to be more intimidating and unfamiliar to a new arrival than the Sonora facility where a more common 'mountain culture' is less likely to aggravate the situation for an already troubled youth. The staff at this facility suggested the Grand Jury also inspect the juvenile facility in Sonora in view of the fact that most minors arrested in Mariposa County are transferred to the Sonora facility.

MOUNT BULLION CONSERVATION CAMP

The Mount Bullion Conservation Camp is a minimum security detention center operated by the California Department of Corrections in concert with Cal-Fire. Inmates are regularly assigned to work as road crews for Cal-Fire where they are closely supervised and are given the opportunity to earn a modest income. All inmates have less than five years of time yet to be served for non-violent crimes and are determined to be a low security risk. The Grand Jury visited the Mount Bullion facility on January 29, 2018 and were given a tour of all facilities and given the opportunity to ask various questions.

Findings:

F-1 Despite signs of deferred maintenance, this minimum security detention facility appears to be adequate for now. At the time of the visit, repairs were being completed on a principal sewer line damaged by recent rains. The roof over the sleeping areas reportedly does not leak but some of the ceiling panels and insulation have been removed. This is principally for the purpose of avoiding contraband being hidden behind ceiling panels. In general, the facilities are spartan but functional.

F-2 The cost of feeding inmates is regularly less than \$2 per meal. The kitchen also produces more elaborate and expensive meals for fire-fighting crews and these additional costs (as much as \$18 each) are covered by Cal-Fire.

F-3 The facility includes an open-air exercise area, a sports field, a wood-craft shop and a welding shop. Most of the maintenance is performed by inmates.

F-4 Night-time staffing is reduced to a single person. This has led to cases where some inmates will finish dinner early, retire to the dormitory and then make a three-minute run up the hill to the closest roadway to retrieve contraband left by friends or associates. With a single staff member on hand, it is not possible to police such activity and so the search for contraband is more or less continual. Contraband usually includes cell phones, drugs and alcohol.

F-5 In general, the inmate population is respectful of rules and toward staff, recognizing that it is a privilege to be housed at this facility as opposed to other more restrictive detention centers. An exemplary case for this facility is where, after completing his sentence, a former inmate got a paying job with Cal-Fire thanks to the knowledge and skills obtained whilst in custody.

Recommendations:

R-1 Consider increasing funding for a second staff member on the night shift to minimize the introduction of contraband to the facility.

R-2 Coordinate with stake-holders to budget for near future repairs and maintenance to ensure the facility remains serviceable.

MARIPOSA COUNTY LANDFILL AND RECYCLING CENTER

This facility is run as part of the Department of Public Works. Members of the Grand Jury visited the landfill and recycling center and received an in-depth orientation about the landfill operations followed by a tour of the facilities. We were welcomed by Todd Storti, Solid Waste and Recycling Manager for the Mariposa County Department of Public Works.

Findings:

F-1 The new site manager, Todd Storti, has a comprehensive background in solid waste materials management, recycling and the knowledge and skills required to run the facility. He is well versed in the technology and applicable State requirements and appears well suited for the job he assumed about one year ago.

F-2 The recycling facility was constructed in 2006 at an approximate cost of \$8 million. A similar facility today would cost on the order of \$30 million. There are about 120 more such facilities needed in California, so Mariposa is fortunate to have built this facility over ten years ago at a fraction of today's cost.

F-3 This is a compost facility and not a Material Recovery Facility (MRF). It is expected that compost material will be made available to residents for pick-up free of charge.

F-4 We were informed as to the long term site closure plan over four phases. Operational improvements are expected to add between three to five years to the useful life of the site. Over past years, landfill materials filled 2 to 1 slopes that eventually settled to about 3 to 1 or flatter. This effectively expands landfill capacity by placing material such as to build up the slopes.

F-5 Mr. Storti is cognizant of the inconveniences imposed on some residents by requiring us to dump garbage up the hill in the landfill area and not in the building. The building area must be kept clear of residents' garbage in order to properly operate the material sorting system that it was designed for. During the rainy season, when mud is an issue in the landfill area, residents are allowed to dump inside the building and the material is later moved to the landfill as an additional operation.

F-6 Per AB939 (passed in 1988 or 1989) the State requires at least 50% of material be diverted, i.e. managed such that it is not added to the land-fill. Recyclable materials are trucked to a MRF in Merced and the trucks return with a load of composting material to support the compost production operation. All CRV recyclables handled by the recycling facility are excluded from the material balance accounting of the landfill facility in order to avoid any 'double-dipping' in the 50% material diversion calculation. SB1383 now requires a reduction of organics to the landfill of 50% by 2020.

F-7 The facility receives and handles all solid waste produced in the county, about 50% of which comes from Yosemite National Park. The waste hauling contractor 'Total Waste Solutions' was bought by 'Recology' effective January 1, 2018. The new hauler has newer equipment and is expected to perform to satisfaction.

F-8 The facility is inspected monthly for compliance with AB939 by State authorities and every six months for air and water quality monitoring.

F-9 The facility's role in the tree mortality issue is limited as no dead tree materials are handled by the facility. Tree removal is performed by Blue Ridge Services for the Fire Safe Council.

F-10 The eventual closure and post-closure operations for the landfill are projected to cost \$11 million. To date, only \$1 million has been set aside for this future expense.

F-11 The facility operates as a cost center, meaning that its regular operating costs are paid from 'gate fees' and not from the County general fund. However, the facility is over ten years old and some of its components are becoming obsolete or in need of upgrades or replacement. The cost of major capital improvements are funded by the County.

F-12 The material management system could be made more efficient by adding a three-inch screen in the line which presently has a nine-inch screen that limits the level of material sorting and recovery that can be accomplished for meeting and exceeding the State's diversion requirements.

F-13 The current 'tipping fee' is \$121/ton although the 'blue bin' recyclables are tipped for free and purely 'organic' loads are tipped for \$55/ton. A cost study is being performed to determine the possibility of adjusting rates in order to make the operation more efficient and fiscally robust. This study aims at justifying the elimination of any free services because, even the handling of 'recyclable' loads, consumes resources and in many cases, the loads include non-recyclable materials that adversely impact the process.

F-14 We witnessed the dumping of an 'organic' load which also included some non-organic materials. Mr. Storti stated that, even with those minimal non-organics included, the material is useful for the production of mulch. The ability to receive and process organic waste as a separate material stream allows for significant diversion of materials due to the high moisture content of organics, i.e. high tonnage. The material is diverted by using it for the production of compost, thus helping to meet or beat the State's 50% diversion requirement.

F-15 Equipment maintenance and upgrades are needed to keep the facility operating nominally. For example, a new bulldozer is sorely needed and this piece of equipment may cost as much as \$700k. It has been suggested that the YNP entrance fee include a \$0.50 environmental fee for each visitor as Yellowstone is expected to implement soon. Such a measure would help pay for needed upgrades and capital improvements to the facility.

F-16 Pending approval from the Director of the Department of Public Works, Mr. Storti hopes to offer free compost and mulch to County residents, perhaps in time for spring gardening. The material would be offered for free such as to avoid any liability issues.

F-17 The facility, which includes the material composting building and landfill area is well organized. There are specific sectors for handling demolition and construction materials, asphalt and riprap and vegetable waste, all of which are diverted from the landfill and used for other practical purposes such as internal road maintenance and compost production.

Recommendations:

R-1 The BOS should keep future site closure costs on the budget 'radar' so as to avoid an unforeseen and significant cost. In support of this issue, the BOS could assist in facilitating the rate increase study from whence additional revenue could contribute toward saving for inevitable site closure costs.

MARIPOSA COUNTY BOARD OF SUPERVISORS

Supervisor for District I visited the Grand Jury and discussed the following issues:

- Disaster recovery issues for tree mortality, fire damage and flood damage
- The process and hurdles in obtaining funding from State and FEMA
- Local transportation through expanding YARTS is under consideration
- The current housing shortage for YNP workers and local business workers
- Economic development and associated challenges
- Retirement benefits obligations to be met by the County
- The Williamson Act and how it works

Supervisor for District II visited the Grand Jury and discussed the following issues:

- Economic development in the County and 'Conditional Use Permit' (CUP) regulations
- The shortage of affordable housing

- The recent flash flooding affected potable water operations at Lake Don Pedro (LDP)

Supervisor for District III visited the Grand Jury and the following topics were discussed:

- The County's contributions to the Tourism Bureau budget
- The high vehicular traffic conditions in YNP and ongoing studies of the subject
- The shortage of affordable housing and its effects on economic development

Supervisor for District IV visited the Grand Jury and these are some of the issues discussed:

- Funding sources for the Tourism Bureau
- The 'Return on Investment' (ROI) study, soon to be presented to the BOS by the Tourism Bureau

Supervisor for District V visited the Grand Jury and the following topics were discussed:

- The current housing shortage and its probable causes
- During his tenure as Supervisor he has become more familiar with how the County operates and is now developing ideas to address some of the county's challenges

MARIPOSA COUNTY SHERIFF AND FIRE CHIEF

The Mariposa County Sheriff and Interim Fire Chief visited the Grand Jury and delivered a comprehensive report.

- He has carried both roles (sheriff and fire chief) for over two years. Appointment of a Fire Chief for the County is expected in the near future.
- The Detwiler Fire put a strain on both law enforcement and fire-fighting resources. People from all County departments and from the community in general rose to the occasion and assisted. The teamwork exhibited was exemplary and made a real difference in managing the crisis.
- Coincidentally, the Sheriff Department had conducted an emergency procedures drill just prior to the Fire which contributed toward superior response coordination.
- Statistics were shared regarding numbers of arrests made over the past year for various categories of offences.
- Mariposa County has been following a national trend toward less criminality in general.

MARIPOSA COUNTY CHIEF PROBATION OFFICER

The Chief Probation Officer met with the Grand Jury and discussed the following topics:

- This is a court-appointed position and the department is charged with enforcing court directives affecting people who are on probation or parole.

- About one third of the 437 active parolees and probationers in the County are “high level” risks, about half are low level and the rest are considered moderate.
- Only two juveniles are currently in the probation program. This number is a remarkable decrease from prior years during which we may have had as many as 30.
- Juvenile crime has decreased over the past several years. This holds true in the County as well as State-wide and nation-wide.
- AB109 affected the work load because state parolees were assigned probation that is now managed at the county level. AB109 also added about \$700k to the annual budget to cover the additional work scope of managing parolees.
- Some of the AB109 money is applied to collaborative programs with the Department of Human Services to provide three school counselors who guide troubled youths in an effort to prevent criminal behavior. Prevention is preferred over correction and monitoring.
- The School Attendance Review (SAR) board is good at identifying and tracking kids with potential problems.
- Most juvenile crime is a result of mental health issues.
- The Probation Department employs 20 people, including 17 peace officers and 2 probation officers.
- The juvenile detention facility consists of two rooms and four beds and can be used to hold an individual for a maximum of 96 hours of detention. Cases where more than 96 hours of detention are indicated must be transferred to the Tuolumne facility in Sonora.
- The housing shortage is a general problem in the County and it affects law enforcement’s ability to relocate some people.
- One problem facing the Department is that their offices (Probation, Sheriff and others) are currently housed in old houses that are in a poor state of repair and are inefficient in the use of space and energy.

MARIPOSA COUNTY TREASURER, TAX COLLECTOR, CLERK & REGISTRAR OF VOTERS

The Treasurer/Tax Collector, County Clerk and Registrar of Voters met with the Grand Jury and the following topics were discussed:

- State codes and guidelines have been formally adopted by this department as recommended by last year’s Grand Jury.
- The County Clerk Office carries out a variety of functions including civil marriages, fish and game reports, public notices, Form-700 management, serving of papers, documentation for foreign pensioners, and the registrar of voters for State, Federal and local elections.
- Transient Occupancy Tax (TOT) is a 10% tax collected by lodging operators. There are currently 638 TOT Certificates issued. Last year’s TOT income was about \$14.2 million. TOT is the largest income stream for the County.
- Property taxes paid sum to about \$19.2 million per year, most of which goes directly to the school district, leaving about \$5 million for the County general fund.

- Mr. Williams is responsible for investing all "surplus funds" in low risk instruments.
- Work is being done to identify vacation rentals and B&Bs that are operating without a TOT Certificate such as to bring them into compliance.
- In addition to the 10% TOT, lodging guests also pay a 1% Tourism Business Improvement District (TBID) tax that is collected by the County and passed directly to the Tourism Bureau in exchange for a modest processing fee.
- Election by mail has become more prevalent. It is expected that all county voting will be done by mail by the 2020 election.
- Keith Williams plans to run for the office of Treasurer/Tax Collector again this year. He is currently completing his third term in that office.

MARIPOSA COUNTY AUDITOR

The Interim County Auditor met with the Grand Jury and the following issues were covered:

- The County Auditor is an elected position and Mr. Mercado is running for this position unopposed to date.
- When auditor Debbie Isaacs retired at the end of 2017, Mr. Mercado was appointed interim auditor by the BOS, effective Jan. 2, 2018. Ms. Isaacs had been auditor since 2015 and Mr. Mercado had been the assistant auditor.
- Mr. Mercado was asked whether his department audits the TBID funds paid from the County's general fund. Though there is not an audit per se, the Tourism Board's accounting reports are examined.
- The County expects reimbursement from the Office of Emergency Services (OES) for expenditures related to the Detwiler Fire and tree mortality expenses. The system requires the County to first spend the funds and then apply to the OES for a 75% reimbursement.
- The County is using a legacy software system that has some shortcomings such as: duplicate data entry, delays in data transfer between departments and a general lack of transparency and flexibility in financial reporting. An updated software system would alleviate these issues and allow the dedication of resources to perform less data entry and more analysis, probably leading to improved efficiencies and better reporting to county officials.
- The Auditor's organization currently has a staff of nine which is adequate for the work load. The work load is cyclical, depending on fiscal year cycles and payroll cycles.
- The County's 30-day payroll cycle is irregular in that pay checks must be issued on the 1st of the month based on timecards submitted by the 15th or 16th of each month. This is due to the time required to process the payroll (two weeks) so employees must forecast the last two weeks of their hours. An updated automated payroll system could resolve this issue.

- The County has looked at a few different replacement software systems. Mr. Mercado prefers the software called "One Solution" offered by Vista. Implementation of this software could make County operations significantly more efficient.
- When asked about possible 'money leaks' in the County, Mr. Mercado identified the fact that the County does not practice 'Central Purchasing.' This means that each department purchases supplies independently which eliminates the opportunity to seek volume discounts and the streamlining of paperwork. Implementation of Central Purchasing would be an opportunity to improve efficiency and save money in the running of the County.
- The Assistant Auditor is CPA Rebecca Smock.
- Mr. Mercado has degrees in business and economics from UCLA with a minor in accounting.
- Mr. Mercado was aware that the previous Grand Jury pointed out that Smith and Newall (S&N) has been performing the County's audits for about 15 years and that we should change auditors. The current contract with S&N has two more years before expiration at which time an RFP will be let to identify other qualified auditors to replace S&N.

MARIPOSA COUNTY ADMINISTRATOR

The Mariposa County Administrator (CAO) visited the Grand Jury and the following topics were discussed:

- Administration of the County does not present any significant problematic issues.
- The County is aware of a near-future obligation to fund retirement benefits.
- The County Administrator works closely with the BOS to assist in the development of budgets and help identify options to be decided upon that fiscally impact the County.

TECHNICAL SERVICES DEPARTMENT

The Director of Technical Services spoke to the Grand Jury and touched upon the following subjects:

- The Director is scheduled to retire effective Dec. 19, 2017. His interim replacement is the current IT Manager. BOS will decide on a permanent replacement for the Director.
- Generally, 4% of the County general fund is required for IT services. The department is run with a staff of five.
- On September 26 the BOS was presented the current status and proposed system upgrade for the County's automation infrastructure. That presentation is available on the web as BOS meeting notes.
- The County's current system is a collection of disparate software packages, some of which are interfaced. In some cases, lack of software compatibility requires duplicate

data entry, a common source of error and an additional labor cost. About 13 of our current systems perform some duplicate functions.

- Our current legacy system, called AS-400, works well but is based on outdated technology which disallows interfaces to newer systems. Also, new IT talent is not trained on its operation and maintenance.
- Three potential replacement 'Enterprise Systems' have been evaluated: Vista, Tyler Tech, and Office 365.
 - Vista's "One Solution" software plus implementation and start-up services would cost approximately \$600k.
 - Tyler Tech cost is approximately \$567k.
 - Office-365 is a "pay as you go" system that costs \$80k per year for 300 users, the required scale for our County. This system is touted as being more efficient with enhanced productivity and effective data-sharing via the cloud. It also avoids the costs of operating and maintaining back-up procedures because that is all covered in the cloud. The fixed annual fee allows for predictable IT costs and avoids a large expenditure in a single year. This is the system that has been recommended the County adopt.
- None of the systems being considered cover the property tax portion of the IT scope. The existing tax system would have to be interfaced with the new enterprise system which would add to initial expenditure and maintenance costs.
- AS-400 replacement and systems integration can be done over a multi-year period to minimize impact on the country budget in any given year.
- The county's current website is technically non-complaint to ADA section 508 requirements, though this is not seen as a high priority item.

CHIEF EXECUTIVE OFFICER OF JC FREMONT HEALTHCARE DISTRICT

The Chief Executive Officer of the John C. Fremont Healthcare District (JCF) visited the Grand Jury and the following items were discussed:

- Prior to advancing to the CEO position in July of 2017, Mr. Matthiessen was CFO since 2013 for a total of 4.5 years in the service of JCF. He currently has the dual role of CFO and CEO, pending recruitment of a new CFO. This dual-role arrangement saves some money for the district that helps to off-set the contractual pay-out for the prior CEO.
- JCF is considered a 'Rural Medical Clinic' (RMC) and a 'Critical Access Hospital.' It is subject to regulations of the OSHOPOD code.
- JCF currently has 34 beds, 16 of which are designated for long-term care in the Ewing Wind (SNIF) and 18 beds are designated "swing beds" for shorter term patients. One of these 'swing beds' is dedicated to hospice care in a private room.
- The goal is to have two physician assistants (PAs) for each general practitioner doctor (MD). Currently we have four MDs (one to retire soon) and three PAs in Clinic 1. So there is an ongoing recruitment program to add more qualified staff to JCF.

- Clinic 2 is dedicated to specialists, most of whom are based outside of Mariposa and work a limited number of days per week or per month.
- Principal revenue streams include Medicare (42%), MediCal (21%) and the balance is from commercial insurance.
- Additional revenue streams include IGT money from the State, a 0.5% sales tax and a component of property tax revenues (approximately \$650k/yr.)
- The 0.5% tax is connected to repayment of two bonds that were issued in 2005 and 2010 at interest rates of approximately 5% and 8%. In 2016, Mr. Matthiessen was able to combine both bonds and refinance them at 2% which will ultimately save the District a considerable sum.
- The automation and computer system problems discussed last year have been addressed incrementally by the JCF IT team and, while not yet perfect, the system has been improved and functions much better now.
- In order to expand the level of JCF service, we need more space and more providers. Two more spaces for MDs are being arranged but the real challenge is in recruiting more professional resources who want to live and stay in Mariposa. If we can get the space and providers, there is sufficient patient load to expand the JCF business. The point was made that, though the JCF mission is to provide health care services to the community, JFC must be run as a business in order to survive.
- The recent departure of a JCF doctor in Greely Hill was discussed. A replacement has already been contracted to fill that vacancy and there is confidence that the level of service will not be adversely impacted.
- Mariposa County employees' health care coverage is not serviced by JCF but instead by Kaiser. This is probably due to the limited range of services JFC can provide, for example, we do not have a labor and delivery facility.
- The JFC Board of Directors, to whom the CEO reports, meets the last Wednesday of each month for a general meeting and the next-to-last Wednesday of each month for the finance session.

MARIPOSA COUNTY DEPARTMENT OF PUBLIC WORKS

The Director of the Department of Public Works (DPW) visited the Grand Jury and conversed about the following topics:

- The Department of Public Works (DPW) is expecting funds from FEMA and CAL-OES.
- A bridge project approved in February of this year received about one third of the requested funds.
- SB1 was passed to fund the rebuilding of California roads from money obtained from the gas tax and DMV fees.
- Director Mike Healy appealed to the State for SB1 funding correction and recently won the case. Details of the settlement are yet to be determined.
- The DPW currently has a staff of 86 with two vacancies currently on hold pending budget clarification.

- Mariposa County has 563 miles of maintained roads.
- Mr. Healy delivered a glowing report of the people who came together to coordinate the response to the Detwiler Fire where many heroics went unnoticed.
- After property losses due to fire, temporary housing has become a challenge.
- Post fire clearing of burned lots costs between \$60k to \$90k each. In most cases, this is paid for by CAL-OES and the Dept. of Toxic Substances, but there are still some fire victims that were not covered for this cost. It is recommended that we all check our fire insurance policies to see if this cost is covered in the case of a catastrophic fire loss.

MARIPOSA PUBLIC UTILITY DISTRICT (MPUD)

The Director of MPUD visited the Grand Jury and the following topics were discussed:

- MPUD provides Mariposa town with fire protection, potable water and waste water processing services.
- MPUD has existed under its own board since 1947.
- Director Mark Rowney has worked at MPUD since 1977.
- Mr. Rowney described the water treatment system and the history of its development. The water system was built between 1950 and 1953.
- An ongoing project will upgrade the water treatment system to meet state regulations.
- When asked about the bidding process, Mr. Rowney confirmed that after all bids are received, they are tabulated, ranked and evaluated as to how well they meet both financial and technical requirements as defined in the Request for Proposals (RFP). After the bids have been evaluated and a bid award recommendation arrived at, the bids are presented to the board with the recommendation for award. Only after that step in the process are the bids made public.
- We also heard discussion about the fire protection services and how the volunteer system currently in place presents opportunities for improvement.
- We spoke about the water supply system that pumps water from the Merced River.
- The water distribution system was replaced a few years back with modern PVC piping.
- Water quality is good despite some users' complaints, likely resulting from a comparison with unchlorinated well water in the County.

MARIPOSA CHAMBER OF COMMERCE

The CEO of the Chamber of Commerce met with the Grand Jury and the following topics were discussed:

- In addition to being CEO of the Chamber of Commerce, Mr. Carlson sits on the boards of numerous other organizations that promote business in the County.
- About 562,000 cars with an average of 2.3 people in each drive Hwy 140 through Mariposa annually. This is seen as a 'natural resource' that is currently being under-utilized. There are several opportunities to improve the means to get more of those cars to stop in Mariposa and spend money and Mr. Carlson is working toward such improvements.
- He discussed the County demographics in general terms.
- We talked about the shortage of affordable housing and its effect on economic development.
- Mariposa is lacking in 'things to do.' Upon returning from the Park, after having dinner and walking the main street shops, there is virtually nothing to do for adults much less for children. This suggests lost business opportunities.
- Mr. Carlson manifested a dynamic energy and sincere passion for developing the County's economy. He has a clear understanding of related issues such as infrastructure, zoning regulations and real estate issues that tend to facilitate or hamper economic development.

TOURISM BUREAU AND BUSINESS DEVELOPMENT DISTRICT

The Director of the Yosemite Mariposa County Tourism Bureau (YMCTB) was accompanied by YMCTB Manager Kevin Shelton who is also manager of Cedar Lodge & Yosemite View Lodge. They spoke on the following issues:

- YMCTB's mission is to promote the numbers of 'heads in beds' in Mariposa County with focus on the October through April months of lower tourist activity.
- YMCBT has four employees, including the Director.
- A number of promotional materials were circulated as well as a binder of advertisements, pamphlets and promotional materials that have been produced as part of ongoing promotional campaigns.
- A copy of the YMCTB Budget for 2017-2018 was provided as well as a summary of bank account balances.
- The County's partnership through funding allows YMCTB to also promote local, non-lodging businesses and events. They are also responsible for decoration and maintenance of the downtown area.
- The TBID tax is 1% of lodging revenue. This tax is approved by lodging owners and must be also approved by the BOS.

- TBID was started in 2007 and then renewed for five years in 2013. A ten year renewal was sought in April, 2018. The renewal request includes a pre-authorization to increase the TBID tax from 1% to as much as 4% with a maximum increase of 1% in any given year, and subject to BOS approval.
- Mr. Selk has led the YMCTB since 2012. Mr. Shelton has been involved since the previous 'Tourism Advisory Council.'
- A proposal is before the BOS to make the County's partnership contribution 4% of the TOT based on a rolling three-year TOT average. This would avoid the annual request for funding and make the contribution amount pre-determined on the basis of TOT income.
- YMCBT has also become the 'Film Commission' to promote filming projects in the County as in the recent Toyota advertisement that was filmed in Catheys Valley.

CONTINUITY COMMITTEE

The Grand Jury is empaneled for a period of one year. In some cases, an issue may not be resolved within the one-year period and so, to ensure such issues are pursued over the long term, the Grand Jury forms a 'Continuity Committee' for the purpose of following up and reporting on the status of such issues. The Grand Jury's Continuity Committee makes our function more effective by not allowing an important issue to fade away after the departure of the group that originally raised it.

The 2016-2017 Grand Jury identified two issues that required continuity follow-up. These are summarized below along with and updated status.

1. The County's outside auditor is Smith & Newell (S&N). S&N has audited the County's books for the past 15 years and last year's Grand Jury recommended that a different auditor be retained in order to avoid any appearance of an inappropriate relationship or potential conflict of interest.
 - The current S&N contract with the County has an additional two years before the contract period ends. The County Auditor has indicated that in the year 2020, an RFP will be issued with the intent of selecting a different outside auditor.
2. There were two recommendations included in last year's S&N Audit Report, each of which is summarized below with an accompanying status update and/or further recommendations.
 1. The Sheriff's Department Civil Bank Account lacked a proper accounting of moneys as to the source and/or owner of funds totaling \$3,522.92 and it was recommended that this accounting be rectified.
 - Since the S&N recommendation, the funds were placed in a trust in May, 2017. They will remain in trust for three years before attempting to locate the rightful claimant(s). This issue has been resolved to the satisfaction of the Grand Jury.

2. Inventory discrepancies in the Department of Public Works (DPW) were found and S&N recommended this issue be looked into further.
 - The auditor has investigated this issue and found the following: DPW has two principal departments, each with inventory discrepancies: Fleet Maintenance (FM) and Roads and Bridges (RB).
 - FM had discrepancies in numbers of equipment repair parts where quantities listed in the inventory system were greater than physical inventory. DPW is to issue a written procedure to ensure inventory is released (checked out) before using it for repairs/replacements in order to maintain a reliable inventory control.
 - DPW's RB department has inventory discrepancies in quantities of base rock and cold patch materials. These bulk materials are purchased and released by the ton. DPW has three sites (yards) that stock and use these materials but they maintain a single inventory tracking entry such that there is no accountability as to which of the sites has how much of what or how much they are using
 - DPW is to draft a department policy and procedure in support of more rigorous inventory controls and also to perform inventory control parsed by site for bulk materials (base rock and patch). In addition to documenting policy and procedures, it is important to train staff on proper implementation and to perform a 'self-audit' periodically to ensure procedures are working correctly.

CITIZEN COMPLAINT INVESTIGATIONS

One of the principal functions of the Grand Jury is to receive, investigate and disposition citizen complaints. Some citizen complaints fall outside the purview of the Grand Jury. For example, if the issue is actively being litigated it is not addressed by the Grand Jury. If a complaint is with regard to an entity that is not directly linked to Mariposa County through fiscal or regulatory oversight, then such a complaint falls outside the Grand Jury's purview. Citizens who file a complaint form always receive acknowledgment of receipt but are not advised as to action, if any, taken by the Grand Jury. This Grand Jury received eight citizen complaint forms that are briefly described below along with the Grand Jury's disposition of each.

Complaint No. 1, concerned difficulties in securing a medical appointment at JC Fremont Clinic. After careful consideration, the complaint was deemed to fall outside the Grand Jury's purview and no further action was taken.

Complaint No. 2 cited the non-availability of transportation for a medical appointment in Fresno. A brief investigation determined that the County's limited transportation resource, consisting of a single, part-time driver, is unable to provide such a service and there is no indication that medical transport services are guaranteed in any case. No further action was taken on this issue.

Complaint No. 3 was received from a non-resident concerning a criminal issue that falls squarely with the State of California. After reading the complaint and associated documentation, it was determined to fall outside the purview of the Grand Jury and so no further action was taken.

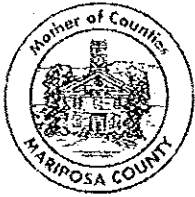
Complaint No. 4 claimed possible fiscal irregularities in a water municipality. This municipality is a private enterprise with no fiscal links to or oversight by Mariposa County. Therefore, it was deemed beyond the purview of the Grand Jury and no further action was taken.

Complaint No. 5 claimed unprofessional behavior exhibited by board members of a water municipality. As with complaint no. 4, this issue was found beyond the Grand Jury purview and so no action was taken.

Complaint No. 6 involved an alleged injury being blamed on a County employee. This case was actively being litigated and so the Grand Jury refrained from taking action.

Complaint No. 7 claimed a County department was non-responsive to a request for documentation. The director of the department in question was interviewed and the Grand Jury determined that approved procedures were followed and the complaint was found to lack merit. No further action was taken by the Grand Jury.

Complaint No. 8 was received in early June, just prior to the end of the fiscal year. Upon examination, this complaint is clearly within the purview of the Grand Jury and appears to warrant a careful investigation. Due to the lack of time for the current Grand Jury to initiate an investigation, this matter is being referred to the 2018-2019 Grand Jury.



Superior Court of California County of Mariposa

Michael A. Fagalde
Presiding Judge

F. Dana Walton
Assistant Presiding Judge

5008 Bullion St.
Post Office Box 28
Mariposa, CA 95338
(209) 966-2005

June 12, 2018

Robert Fox
Grand Jury Foreperson

Rob:

I have read and reviewed the 2017-2018 Mariposa County Grand Jury Final Report.

At this time I wish to personally thank you and the other grand jurors for your work on behalf of the citizens of Mariposa County. Without the dedication of those like you this vital part of our system would certainly fail.

Sincerely,

Honorable Michael A. Fagalde
Superior Court Judge