

MARIPOSA COUNTY COURT HOUSE

Mariposa County Grand Jury

2021-2022

P.O. Box 789

Mariposa, California

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BOARD OF SUPERVISORS

Mariposa County
Board Of Supervisors
P.O. Box 784
Mariposa, CA 95338

Mariposa County Board Of Supervisors
District 1 Rosemarie Smallcombe
District 2 Tom Sweeney
District 3 Marshall Long
District 4 Wayne Forsythe
District 5 Miles Menetrey

December 08, 2021

Dear Mariposa County Board Of Supervisors,

As part of a current sitting Civil Grand Jury's responsibilities, The Mariposa Civil Grand Jury, 2021-2022, is tasked with the creation of a written Compliance and Continuity Report. This report is a review and evaluation of the previous Mariposa County Grand Jury Final Report and the required responses to the findings and recommendations by the culpable person or entity pursuant to the California Penal Code §933(a),(c). Various County Officials and agency heads have already responded to our requests and provided clarity and compliance with the previous Grand Jury Final Report.

California Penal Code §933(a) requires the grand jury to "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."

The governing body (BOS) is required to respond to the **Findings** and **Recommendations** directed to them within 90 days of the release of a grand jury's report (PC§933(c)). Every elected County official or agency heads are required to respond in 60 days (§933(c)).

We ask the Board of Supervisors to examine this review and correct or provide the proper responses required by the California Penal Codes so noted.

Upon examination the Mariposa Civil Grand Jury 2021-2022 found that under the Merced Irrigation District Settlement, were the following grand jury findings:

F1. The MID Settlement represents a significant opportunity for Mariposa County that should not be squandered.

F2. The county has a limited timeframe to utilize the MID settlement funds on water projects.

F3. A project of this magnitude will take considerable time to complete and yet to date, little has been done.

F4. This is particularly important opportunity as California is prone to frequent, and extensive periods of drought.

F5. Mariposa County needs to develop sustainable water supplies to maintain its current population and future growth.

To date the Mariposa County Board of Supervisors, pursuant to California Penal Code §933 and §933.05, has not responded or met the requirements to these findings. In order for the Mariposa County Civil Grand Jury 2021-2022 to publish an accurate and balanced Compliance and Continuity Report, we would like the Mariposa County Board of Supervisors to acknowledge and act in accordance with the afore mentioned penal code.

Upon examination the Mariposa Civil Grand Jury 2021-2022 found that under the Mykleoaks Subdivision-Road Conditions, were the following grand jury findings:

F3. The PW department did not supply any records of complaints regarding the roadways in the Mykleoaks subdivision.

To date the Mariposa County Board of Supervisors, pursuant to California Penal Code §933 and §933.05, has not responded or met the requirements to this finding. In order for the Mariposa County Civil Grand Jury 2021-2022 to publish an accurate and balanced Compliance and Continuity Report, we would like the Mariposa County Board of Supervisors to acknowledge and act in accordance with the afore mentioned penal code

Upon examination the Mariposa Civil Grand Jury 2021-2022 found that under the Mykleoaks Subdivision-Road Conditions, was the following grand jury recommendation:

R2. The Board of Supervisors (BOS) should establish a requirement for the PW department to develop, and maintain a complaint log within 90 days of the publication of this report. This complaint log should also contain the final disposition of each complaint.

To date the Mariposa County Board of Supervisors, pursuant to California Penal Code §933 and §933.05, has not responded or met the requirements to this recommendation. In order for the Mariposa County Civil Grand Jury 2021-2022 to publish an accurate and balanced Compliance and Continuity Report, we would like the Mariposa County Board of Supervisors to acknowledge and act in accordance with the afore mentioned penal code

Please note:

Acceptable responses to grand jury reports §933.05. (a) For the purposes of subdivision (b) of Section §933, **as to each grand jury finding,** the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent agrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of section §933, **as to each grand jury recommendation,** the responding person or entity shall report one of the following action:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the finding or recommendations affecting his or her agency or department.

We appreciate the work that the Board Of Supervisors put forth in their efforts to respond and comply properly with the Mariposa County Civil Grand Jury Report. It is our candid belief that presenting the requirements afresh here will serve to contribute to future concise and clear responses.

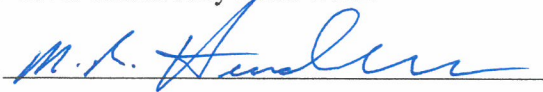
Please advise us within 10 days of the date of this letter as to the date you will submit this response to the court and the Mariposa County Civil Grand Jury 2021-2022.

Thank you for your attention and action on this matter.

Respectfully Yours,

Compliance and Continuity Report Action
Mariposa County Civil Grand Jury 2021-2022

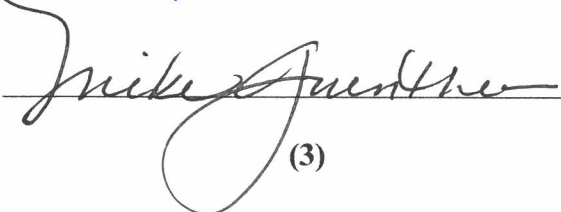
Mike Hendersen



Dated:

12/8/21

Mike Guenther



Dated:

12/8/21