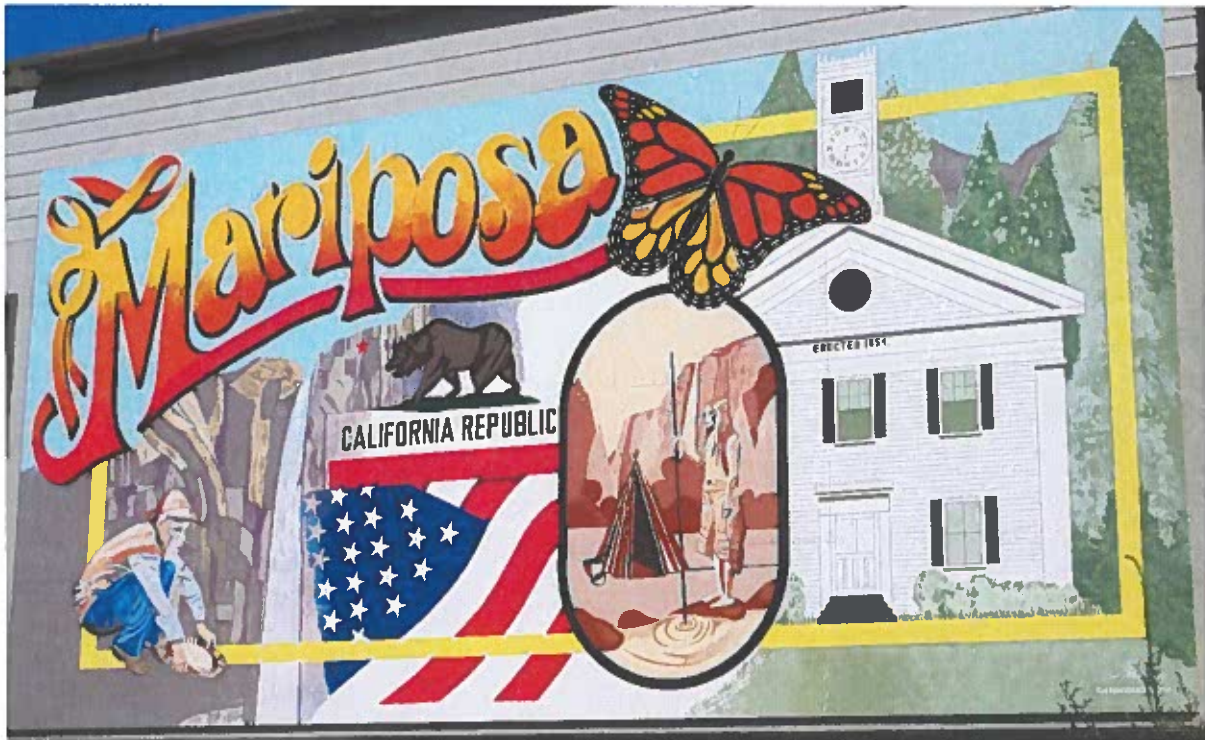


MARIPOSA COUNTY CIVIL GRAND JURY 2022 – 2023



FINAL REPORT



Superior Court of California County of Mariposa

Michael A. Fagalde
Presiding Judge

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

June 27, 2023

John Peele
Grand Jury Foreperson

Mr. Peele:

I have read and reviewed the 2022-2023 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

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GLOSSARY

AAC	Airport Advisory Committee
BOD	Board of Directors
BOS	Board of Supervisors
CAO	Chief Administrative Officer
CDWR	California Department of Water Resources
COB	Clerk of the Board
CSBA	California School Boards Association
GM	General Manager
HHSA	Health and Human Services Agency
HR	Human Resources
JFC	John C. Fremont Healthcare District
MCCGJ	Mariposa County Civil Grand Jury
MCIS	Mariposa County Improvement Standards
MCUSD	Mariposa County Unified School District
PC	Penal Code
PIO	Public Information Officer
PM	Project Manager
PRA	Public Records Act
PW	Public Works
PWD	Public Works Department
RICP	Mariposa County Road Improvement and Circulation Policy
RFP	Request for Proposal
RMA	Private Road Maintenance Agreement
ZOB	Zone of Benefit



Mariposa County Grand Jury

P.O. Box 789
Mariposa, California

June 23, 2023

To: Honorable Judge Michael A. Fagalde

On behalf of the 2022-2023 Mariposa County Civil Grand Jury and in accordance with California Penal Code Section 933 it is my privilege to present our Final Report. It has been a unique tenure starting with the Oak Fire, then the flooding throughout the County, followed by the extreme winter weather uncharacteristic for the area in recent years. Despite these events, the 2022-2023 Grand Jury has strived to work on looking into the inner workings of Mariposa County.

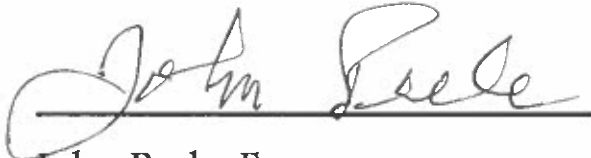
The Mariposa County Civil Grand Jury would like to thank Walter Wall, District Attorney for Mariposa County, and Jeremy Briese, Sheriff of Mariposa County for their support.

I am honored to have served with the Mariposa County Civil Grand Jury as Foreperson. The entire group brought their varied backgrounds and knowledge to this commitment. Every one of the Mariposa County Civil Grand Jury members was professional and collegial. They stepped up to serve Mariposa County.

Respectfully,

John Peele
Foreperson
Mariposa County Civil Grand Jury

We, the members of the 2022-2023 Mariposa County Civil Grand Jury,
respectfully submit our final report this 26th day of June 2023.


John Peele, Foreperson


Marilyn Blessing

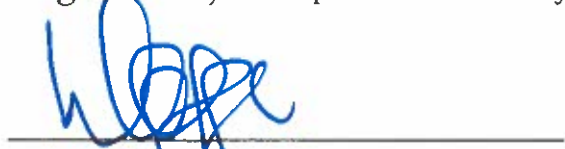

Reannon Broomfield


Cynthia Caballero

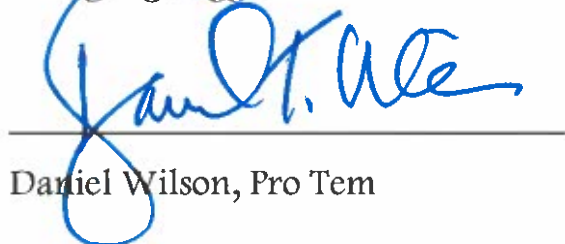

Nick Meraz


Megan Perez, Correspondence Secretary


Joseph Ritter


Wolfgang Rogge


Julia Schulze


Daniel Wilson, Pro Tem

Executive Summary

The Mariposa County Civil Grand Jury (MCCGJ) is a volunteer body of eleven Mariposa County citizens who are appointed by the Presiding Judge of the Superior Court. The Grand Jury is an investigative body, created to examine the workings of County government, public officials and special districts or joint powers agencies. The Jury is impaneled to respond to citizen complaints, inquire into matters of civil concern, inquire into the condition and management of adult detention centers, and investigate and report on the operations, accounts, and records of County officers, departments, and functions.

The Mariposa County Civil Grand Jury reviews and evaluates procedures, methods and systems used by governmental agencies to determine whether they comply with the stated objectives of the agency and if their operation can be made more efficient and effective. It has designated statutory authority to inquire into county government, including special districts and joint powers agencies to ascertain that the best interests of Mariposa County residents are being served.

The Mariposa County Civil Grand Jury functions lawfully only as a body; no individual grand juror acting alone has any power or authority. Meetings of the Grand Jury are not open to the public. All matters discussed by the Grand Jury and votes taken are required by law to be kept private and confidential. At the beginning of the term each member of the Grand Jury is sworn to uphold the confidentiality of its proceedings, both during, and after service. Every decision the Grand Jury makes requires concurrence of at least eight of the eleven jurors, called a supermajority. The Jury's findings and recommendations are released to the public as a Final Report which is approved, prior to release, by the Presiding Judge of the Superior Court.

Per California Penal Code §933(c) governing boards and elected county officials must respond to the Grand Jury's report findings and recommendations that are directed at them within the timeframe prescribed – 60 days for elected County officials and 90 days for governing boards. The additional time allotted to boards affords them adequate time to conduct a public meeting on the topic.

The Grand Jury may also invite responses from elected city officials or an appointed official of the local government entity -- those who cannot be required to respond. An invitation to respond may only be requested of an employee, contractor, or vendor of the entity. These individuals are usually asked to respond within 60 days.

Grand Juror candidates must meet all of the following qualifications:

- Be a citizen of the United States of America
- Be at least eighteen years of age
- Be a resident of California and Mariposa County for at least one year prior to selection
- Possess ordinary intelligence, sound judgement and good character, and
- Possess sufficient knowledge of the English language to communicate, both orally and in writing.

In addition, a candidate cannot:

- Be serving as a trial juror in any California court
- Have been discharged as a grand juror in any California court within one year of the beginning date of service, July 1
- Have been convicted of malfeasance in office, any felony, or other high crime
- Be serving as an elected public official

Grand Jurors are paid \$15 per meeting. Mileage is reimbursed for travel between jurors' residences and the Grand Jury meeting place and for travel on Grand Jury business.

The 2022-23 Mariposa County Civil Grand Jury (MCCGJ) began its term in July 2022. Each of the 11 jurors were new to serving on the Grand Jury. One juror resigned before the first scheduled meeting and a second juror resigned within the first 2 months of the term. These jurors were replaced with two alternates. The Jury at all times consisted of 11 jurors with the continued mandate of eight (8) votes constituting a supermajority required for all actions. The Grand Jury met weekly in addition to subcommittees meetings, interviews and other business. The ability to meet weekly was affected by the Oak Fire of 2022 as well as inclement weather conditions that occurred January-March 2023.

For a large portion of the term, the 2022-23 Grand Jury experienced resistance or lack of cooperation from entities and individuals from whom information was requested. Eventually, it took subpoena power to receive documents and information. The Grand Jury also experienced some technological difficulty, much left unresolved even now at the end of the term. This included not having access to the emails at the grandjury@mariposacounty.org email address, which is the address that citizens are to use to submit complaints for the Grand Jury to consider for investigation. This was a great hinderance to the Grand Jury's ability to serve the best interests of the County. The MCCGJ was able to complete inquiries, observe the election activities of November 8, 2022, prepared and submitted a midterm Continuity Report addressing responses and follow up to the 2021-22 MCCGJ final report and conduct tours of County correctional facilities as mandated by law.

County Counsel is most often used as legal advisory for civil matters to a Grand Jury. In Mariposa County there is concern that there may be a conflict of interest as that position is the only legal counsel for the County. Because of this, the District Attorney serves as main counsel for the jury.

Non-Investigative Reports

Methodology

The 2022-2023 Mariposa County Civil Grand Jury requested the following documents through Grand Jury Subpoena Duces Tecum from relevant departments for review in their term:

- A list of all current local government entities
- A list of all current local special districts and school districts
- A list of all governing boards, functions, commissions and committees in Mariposa County
- A detailed organizational chart for Mariposa County that included all departments **[Mariposa County does not have an organizational chart that includes all departments]**
- One copy of the final proposal for Oracle contract with Mariposa County
- One copy of the final proposal for Mitel contract with Mariposa County **[not provided]**
- One copy of the final proposal for Ricoh contract with Mariposa County **[not provided]**
- Current job description for Mariposa County Administrative Officer
- Current job description for Mariposa County Assistant Administrative Officer
- Detailed organizational work chart for Mariposa County
- Detailed organizational chart for Mariposa County Administration
- Detailed organizational chart for the Mariposa County Clerks office
- Current job description for Clerk of the Board
- Current job description for County Webmaster **[not provided/does not exist]**
- 2022-2023 Budget for County Clerks office
- Detailed organizational chart for Mariposa County Technical Services Department
- Itemized 2022-2023 budget for Mariposa County Technical Services Department
- One copy of all current job descriptions for all positions in Mariposa County Technical Services Department
- Mission statement for the Mariposa County Planning Committee
- List of current members of the Mariposa County Planning Committee
- Agendas from 8 meetings of the Mariposa County Planning Committee
- One copy of the most recent Mariposa County General Plan
- One copy of the of the most recent Mariposa County Master Plan **[does not exist]**

- Copies of any existing MOUs with the Mariposa History Center [none]
- Detailed organizational chart for Mariposa County Human Resources
- Current Job Descriptions for Human Resources Director and Human Resources Senior Analyst
- One copy of all onboarding documents used with all Mariposa County new hires
- One copy of the Mariposa County teleworking policy &/or agreement [not provided]
- 2022-2023 fiscal budget for Mariposa County Human Resources

The 2022-2023 Mariposa County Civil Grand Jury issued a Grand Jury Subpoena to appear in person for interview to twelve individuals from the following Mariposa County Departments:

- Administration
- County Clerks Office
- Human Resources
- Parks and Recreation
- Planning Department
- Planning Commission
- Public Works
- Technological Services

Questions were developed for each interview that were specific to overall department management (60%), technology systems and services (30%), diversity, equity and inclusion (5%) and healthy working conditions (5%). An average of 115 questions were used each interview. All interviews were recorded with the consent of the individual subpoenaed and began and concluded with an admonishment of confidentiality. Immediately following each interview jurors completed a standardized "Interview Debrief Form (IDF)" listing information as it was presented during the interview. IDF's were collected, stored and used as a basis for findings and subsequent recommendations in this report.

General Inquiry into County Government Operations

In California a Civil Grand Jury is authorized to initiate an independent inquiry even in the absence of a citizen complaint. Sections 925-933 of the California Penal Code delineates the powers and responsibilities of a Civil Grand Jury. Functioning as an autonomous investigative body, the Grand Jury is tasked with evaluating the operations of various county government entities, special districts and elected officials within their jurisdiction. They may scrutinize records, conduct interviews with witnesses, issue subpoenas, and gather evidence necessary for their inquiries.

To initiate an inquiry without relying on a citizen complaint, a Civil Grand Jury may select a topic of interest or concern based on their own research, observations, or discussions. This allows them to explore areas such as government efficiency, compliance with laws and regulations, fiscal accountability, transparency or any other matter within their jurisdiction.

Civil Grand Juries in California must maintain confidentiality and conduct discreet investigations. They are obligated to issue reports stating their findings and recommendations, which are published for public review.

From First Requests to Second Requests to Subpoenas

The Grand Jury faced significant challenges while attempting to carry out investigative duties or obtain basic information. Despite best efforts to gather vital information from various departments and agencies, the Grand Jury repeatedly encountered a pattern in the lack of response. Consequently, the Grand Jury was compelled to resort to the use of subpoenas to acquire the information they required.

The Grand Jury, comprised of individuals of diverse backgrounds, is mandated to conduct thorough investigations and present objective findings to ensure transparency and accountability in the County government operations.

Initially, the Grand Jury adopted a cooperative and collaborative approach by reaching out to relevant departments and agencies, seeking their assistance and voluntary cooperation in providing the required information. However, time and again, their efforts were met with apparent indifference and disregard. Requests for information, documentation, or even basic cooperation were met with silence or vague responses, leaving the Grand Jury frustrated and hindered in their efforts.

This persistent lack of cooperation had profound implications for the grand jury's ability to fulfill its duties effectively. The investigative body encountered substantial delays and obstacles due to the non-responsiveness of departments, which has compromised the timely completion of inquiries and impeded the pursuit of information.

As a result, the Grand Jury was ultimately left with no alternative but to employ more forceful measures to obtain the crucial information necessary for their investigations. Subpoenas, legally binding orders requiring individuals to produce requested documents or testimony, became a necessary tool employed by the grand jury. By leveraging the authority to issue subpoenas, the grand jury aimed to ensure that relevant parties were legally bound to provide

the information they had previously disregarded. The grand jury's primary objective is not to assign blame or engage in adversarial confrontations, but rather to identify systemic issues and develop comprehensive solutions. The grand jury recognizes that constructive change can only be achieved through a collaborative effort involving all stakeholders throughout departments. By seeking information, the grand jury aimed to gain a thorough understanding of the challenges faced by these entities and work in partnership with them to develop effective solutions. It is crucial to emphasize that the grand jury's role is not that of an adversary, but rather that of an impartial facilitator, striving to promote a more efficient and accountable government for the benefit of the entire community. The Mariposa County Civil Grand Jury begins its work from the premise that all Mariposa County employees are doing a good job for the county. It is the role of the grand jury to assist in making it possible to do even better.

While the decision to employ subpoenas marked a significant shift in the grand jury's approach, it should be noted that this measure was not taken lightly. It represented a last resort—a testament to the continuous evasion and stonewalling experienced by the Grand Jury during their pursuit of its mandate. The use of subpoenas not only signals the Grand Jury's determination to overcome obstruction but also highlights the pressing need for change to address the underlying issues hindering effective collaboration between the investigative body and County departments.

The Grand Jury's struggle to obtain information speaks to a larger problem within the framework of accountability and transparency in the County. It highlights the urgency for changes to streamline the process of information sharing, establish clear lines of communication, and foster a culture of cooperation between all county departments. The challenges faced by the Grand Jury underscore the need for collective action to ensure that the County operations are efficient, streamlined, and as unfragmented as possible.

Findings and Recommendations

FINDINGS		RESPONSES
F1	There is an adversarial perception of the grand jury modeled top-down within county governance that hinders efforts to improve operations within the county.	
F2	There is a lack of clear guidelines and communication channels between department heads and the Grand Jury, resulting in inconsistent responses and potential delays in providing requested information.	
F3	There is widespread disregard and failure to honor admonishment and confidentiality requirements county wide, leading to potential breaches of	

	sensitive information and compromised investigations.	
RECOMMENDATIONS		RESPONSES
R1	An assessment of the attitude and approach towards inquiries that is being modeled should be conducted, evaluating if it is fostering a cooperative and transparent relationship with the grand jury.	
R2	Administration should develop and distribute guidelines to department heads, ensuring prompt and consistent responses to grand jury requests aimed at improving coordination and adherence to obligations to respond to requests for information.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, R1, R2

The following appointed officials are invited to respond within 60 days:

County Administrative Officer: F1, R1, R2

County Counsel/Risk Manager: F3

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Technical Support for the Grand Jury: An insight into how Technical Services operations impact operations countywide

Lack of clarity surrounding the role of Technical Services posed significant challenges for the Grand Jury. When conducting investigations, the Grand Jury relies heavily on accessing and analyzing relevant data, digital records, and technical infrastructure. Yet, without clear channels for communication or well-defined role for Technical Services within each department, it became difficult for the Grand Jury to ascertain who was responsible for managing and providing access to the necessary technical resources and support. Including the email address that citizens are instructed to submit complaint forms to on the County website.

The absence of clear communication and delineation of the Technical Services role led to confusion, delays, and roadblocks in obtaining vital information. The Grand Jury was left grappling with questions such as who has control over the data systems, who is responsible for digital records, and who can provide the technical support required for basic access to information. As a result, the Grand Jury's ability to effectively carry out their oversight

responsibilities is compromised, hindering their efforts to uncover potential issues and make informed recommendations for improvement.

The challenges stemming from the undefined role of Technical Services highlight the urgent need for standardized guidelines and protocols across county departments. Establishing clear definitions of Technical Services roles, responsibilities, and lines of communication would provide a foundation for efficient collaboration between the grand jury and departmental Technical Services. This clarity would facilitate smoother information sharing, enhance data management practices, and enable more effective oversight.

Addressing this issue requires a collaborative effort between county departments, and technical services. By working together, they can establish protocols that ensure the timely provision of data and technical support, streamline information access, and enable the Grand Jury to fulfill its oversight responsibilities more effectively. Additionally, this collaboration would also provide an opportunity for Technical Services professionals to contribute their expertise in improving data management and information systems within government entities, resulting in enhanced efficiency and transparency across the board.

In conclusion, the Grand Jury's struggle with the undefined role of Technical Services within government departments is a small snapshot of what is experienced countywide and urges the importance of establishing clear guidelines and protocols. Defining Technical Services responsibilities, streamlining communication channels, and fostering collaboration will enable future Grand Juries to carry out their oversight function more effectively, and allow the County departments of function more effectively overall. Ultimately, such measures will contribute to strengthening governance, accountability, and the overall effectiveness of county operations.

Findings and Recommendations

FINDINGS		RESPONSES
F1	A discrepancy between the employee-to-tech employee ratio in the county compared to the industry standard exists that creates workload challenges for the technical services staff. [The county maintains a ratio of 100 employees per tech employee, while the industry standard ratio is 30 employees per tech employee.]	
F2	There is a lack of standardized technology training and support resulting in inconsistent knowledge and skills among employees.	
F3	Attendance at trainings within the different departments, including training for major rollouts for the	

	implementation of new technology systems, has been low which diminishes the investment in the new technologies.	
F4	Lack of mandatory training requirements, lack of allocated time for technical training and the absence of department head follow-through to encourage employee participation all contribute to the ineffectiveness of technology.	
F5	Technical Services does not have any involvement in the development of training programs related to the technology utilized by the individuals they support, leading to a disconnect between the training content and the specific needs and challenges faced by the end-users.	
RECOMMENDATIONS		RESPONSES
R1	The county should conduct a thorough evaluation of the county's technology requirements and workload distribution to determine how to optimize staffing levels and improving overall productivity	
R2	Identify trainings to be made mandatory in order to ensure employees receive the necessary knowledge and skills to effectively adapt and utilize technologies.	
R3	The county should consider flexible training options to accommodate employees' limited availability for trainings.	
R4	Recognize that employees struggle to find time for mandatory training while juggling their regular workload. Block off dedicated time slots on the calendar specifically for training purposes.	
R5	Technical Services should actively participate in the creation of tech training modules to ensure their	

	valuable input is incorporated, allowing for a more targeted and effective training approach that aligns with the technology system and requirements of the individuals they support.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, F5, R1, R2, R3, R4, R5

The following elected county official is agency heads are required to respond within 60 days:

Auditor: R2

The following appointed officials are invited to respond within 60 days:

Clerk of the Board: R2

County Administrative Officer: F2, F3, F5, R1

County Health Officer: R2

Health and Human Services Agency Director: R2

Planning Director: R2

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Technical Services Digital Divide

Technology and technical services play a major role in County government operations. Technology can save time and effort and additionally can increase the security of County entities, special districts and departments. Technology is one of the most crucial factors behind the success of a well-managed county. Although it is a big-ticket in terms of money, the value it provides can ultimately outweigh the higher cost. Moreover, the use of the latest technology can provide a competitive edge, making for better organization and allowing for the County to stand out as a “best practice model”. Ultimately improving the overall reputation of the County.

Ideally, technology makes business processes more efficient. What was once done with paper and pencil and entered into ledgers manually can be accomplished much more quickly and efficiently through computer software. Data can be entered, tracked, and analyzed all through programs designed specifically for the task. Additionally, it also cuts down on the cost of storage and transport, since everything can be stored and shared as digital files. This day and age technologies exist that can make any job go faster and easier. Authentic results provide a better picture of management, enabling necessary decisions to be made. Technology can be viewed necessary for further expansion.

Technology can also improve employee efficiency. The most recent technological equipment, applications and software enables employees to complete their tasks with better results and increased productivity: easily and successfully. Employees need technology to work efficiently.

Technology can also keep employees engaged. It allows them to telecommute to work and encourages them to collaborate with each other for sharing files and essential information. In addition to this, technology also reduces the level of stress. Workload decreases when the assigned tasks are completed in the given time. When the lines of communication are open and easy to access, every department can run more smoothly.

The county relies on different applications and software for communicating and for getting day to day work done. Technical aspects need to be considered before new technology is chosen and plans must be made to effectively make the switch when technology is changed. Effective technology transition ensures smooth operations and, in some cases, high level of motivation as well. Employees of the organization must be well-coordinated and informed about the tasks that they must perform. Breakdowns in a communication system can cause multiple problems for the employees, which can be harmful to the department.

While technology is a tool to help accomplish goals and to work more efficiently, it is only as good as those who manage and use it. According to CompTIA research, 93% of employers report an overall skills gap in their employee professionals, expressing a disparity between desired skill sets and existing ones. County leaders, beginning with the CAO, need to engage the right talent and training systems to maximize the tools before they can leverage innovation and emerging technology. In fact, 80% of organizations indicate that technological skills gap affects at least one business area: staff productivity, customer service/customer engagement and/or security. Technological strategy plays into overall strategy more and more; an investment in tech talent and training is an investment in goals and for future outcomes.

Just as technology may be viewed as beneficial, increased use can add to risk of security breaches, mismanagement of information critical for members of the community and contributions toward digital divide.

The digital divide is the gap between those who have access to technology, the internet and digital literacy training and those who do not. It affects all generations – both rural and urban communities – as well as a wide variety of industries and sectors. Factors such as low literacy and income levels, geographical restrictions, lack of motivation to use technology, lack of physical access to technology and digital illiteracy contribute to the digital divide.

Government is increasingly offering services online, and those without access to the internet and computing devices cannot access those services or participate in community activities equally.

The rapid pace at which technology and required technology skills are advancing in the workplace is leaving behind workers without digital skills, access to the internet and computing devices which has an impact on efficiency and competitiveness.

Technology use often disconnects or hollows out community. Systems that require technological ability can divide or leave out individuals that do not have access or ability to use the technology. County leaders must be aware of the impact of digital distancing and problems associated with loss of community while weighing the need for more-organic, in-person, human-to-human connection in an effort to maintain civic participation across all members of the community.

There is a widening gap between rural and urban as well as digital 'haves' and 'have nots.' As well, the ability to interact in a forum in which all members of society have a voice is diminishing as those with technology move faster in the digital forums than the non-tech segment of the population that use non-digital discourse (interpersonal). The idea of social fabric in a neighborhood and neighborly interactions is diminishing. Most people want innovation – it is the speed of change that creates divisions.

Lack of internet access can easily marginalize people politically, socially and economically. Moreover, these effects are easily compounded for other groups affected by lack of access, including those with low income, the elderly, marginalized communities and the disabled.

Technical systems that require or maintain personal information of individuals must be secured. Multiple experts see growing need for privacy to be addressed in online systems. Online websites that are constructed to share information must have systems to adequately guard against misinformation and ensure that correct information is accessible easily.

Approximately 43 of California's 58 counties have an appointed Chief Information Officer, or Director of Technical Services. This position serves as the chief technology executive in the County organizational structure, and usually has the responsibility for computer operations, internet and intranet services, telecommunications facilities, and automated systems integration functions between data, voice and video technology. This position is also responsible for planning the County's strategic direction in the use of technology. Many of California's Information Technology departments report directly to the County Executive Officer, although some remain under the General Services Administration office. [California State Association of Counties]

Mariposa County does not have an identified Chief Information Officer, instead it has a Technical Services unit in the Administration Department. The Technical Services Manager manages four employees and reports directly to the County Administrative Officer. The Technical Services unit is responsible for tech support across all Mariposa County departments except the Library, Superior Court and Child Support. Each tech person is responsible roughly for 100 employees (industry standard is one tech employee for every 30). The status of MOUs to clarify scope and depth of technological support for each department is unclear. All County employees have been switched from desktop computer monitors to laptops.

Most tech support is managed through a helpdesk@mariposacounty.org email. There are no written policies for how problem tickets are managed and there is no system for logging requests, follow through and completion of help desk requests.

COVID-19 had impacts on how trainings were delivered to county employees. Most tech trainings happen on YouTube. There is no designated system for how employees are trained on specific technology and technological training can vary between departments. Attendance at group trainings has been low. Trainings have not been mandatory and there has been no supervisor follow through to encourage employee attendance.

Currently Technical Services is located in the building complex used by the Sheriff's Office. The reason for that relates to the need to house servers and computers within a space that has adequate air conditioning and more important, an adequate backup power system, should power fail. Electrical power failures occur frequently in Mariposa County. Emergency situations like wildfire and severe storms can persist for days. Due to the space needed by the Sheriff's Department Technical Services is required to move its office from the current locations, away from servers and computers.

Findings and Recommendations

FINDINGS		RESPONSES
F1	There is a digital divide and limited access to technology in Mariposa County hindering access to online services, and decreased community connections.	
F2	The new arrangement separating technical services staff from main county equipment will provide more time management challenges for staff. It may also be detrimental for county operation, especially during emergency situations.	
RECOMMENDATIONS		RESPONSES
R1	The county should prioritize outreach efforts to ensure that marginalized groups including low-income individuals, the elderly, and disabled individuals, have equal access to technology and its benefits.	
R2	Administration should develop a formidable plan to develop a stand-alone site that includes backup power and adequate air conditioning and additionally houses technical services staff under one roof in nine months.	
R3	Administration should research and identify potential private, state and	

	federal grants that could be a source for funding a stand-alone site.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, R1, R2, R3

The following appointed official is invited to respond within 60 days:

County Administrative Officer: R3

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refusal, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Use of Personal Devices

The use of personal electronic devices for official communication by department heads is a prevalent practice. This trend raised concerns regarding transparency, accountability, and the security of information. The use of personal devices for official communication also raises concerns regarding transparency requirements under the California Public Records Act (CPRA).

When official communication occurs through personal devices, it becomes challenging to maintain and access public records, hindering the public's ability to hold officials accountable for their actions (California Government Code, Section 6250 et seq.). Personal devices may lack appropriate systems to retain and archive official communication effectively. This poses a risk of losing vital information, violating record-keeping regulations, and impeding historical documentation.

Personal devices are generally less secure than County-provided devices, making them more susceptible to hacking and data breaches. Sensitive information related to County business may be compromised, leading to serious consequences, such as privacy breaches and identity theft. County employees using personal mobile phones may inadvertently expose sensitive information to unauthorized individuals. They may use unsecure communication channels, increasing the chances of leaks, compromises, or unintentional disclosure of confidential data.

The use of personal devices for official communication may violate public records laws, which require the preservation and accessibility of government documents. This can lead to legal repercussions and undermine public trust in the county government.

Official communication taking place on personal mobile phones may blur the line between personal and professional interests.

Findings and Recommendations

FINDINGS	RESPONSES
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F1	The lack of a clear policy addressing the use of personal devices for official communication creates potential risks for the county.	
RECOMMENDATIONS		RESPONSES
R1	Board of Supervisors should charge the newly formed Technical Services Oversight Committee with researching phone-based apps that allow for personal cell phones to be used for work while managing and protecting personal data and information retrievable per public records laws within six months.	
R2	Administration should determine if the use of phone based apps is more cost effective than providing county issued cell phones to employees that require them for official communications	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, R1, R2

The following appointed officials are invited to respond within 60 days:

Clerk of the Board: F1

County Administrative Officer: R1, R2

County Counsel: F1

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Clerk of the Board/Webmaster

The role of webmaster does not fall under the responsibility of technical services within Mariposa County. Considering the growing significance of online presence and digital communications, it is unexpected that the management of the organization's website and related tasks is not aligned with the dedicated technology support and expertise provided by Technical Services. This situation calls for a closer examination of the coordination and support provided to the webmaster role to ensure effective management of the organization's online presence.

Currently the Clerk of the Board is serving as the webmaster without these duties being explicitly mentioned in their job description which raises concerns about role clarity and alignment. While the Clerk of the Board may have taken on these responsibilities out of necessity, it is important to address this discrepancy to ensure transparency and clearly defined roles within the organization.

The county website's lack of user-friendliness and presence of inaccurate information are concerning issues that hinder its effectiveness as a reliable source of information for the public.

Findings and Recommendations

FINDINGS		RESPONSES
F1	Administration lacks a clearly defined and documented policy regarding county website updates leading to inconsistent practices and procedures for managing and maintaining the County website	
F2	The county website provides a suboptimal user experience due to outdated information, and inaccurate content create frustration and confusion for users seeking important departmental information or services.	
F3	The county lacks a comprehensive and finalized web governance policy resulting in inconsistent practices, standards, and guidelines for managing the county's online presence, including its website and social media accounts.	
F4	The Clerk of the Board job description has not been updated since 2008 and inadequately reflects the job which leaves employees, human resources and county at risk in the future.	
RECOMMENDATIONS		RESPONSES
R1	The department shall establish a formalized policy that outlines clear procedures and guidelines for website updates, ensuring consistency, accuracy, and timeliness of information presented to the public within ninety days.	

R2	The county should conduct periodic content audits of its website to identify outdated information, and inaccuracies.	
R3	The county should prioritize the completion and implementation of a comprehensive web governance policy within nine months.	
R4	The role of Webmaster should be incorporated into the job description for the Mariposa County Clerk of the Board	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, R1, R2, R3, R4

The following appointed officials are invited to respond within 60 days:

Clerk of the Board: F1, F2, F3

County Administrative Officer: F1, F4

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refusal, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Ambiguity in Rural County Definition

The Mariposa County General Plan lacks a clear definition of what a rural county is. A clear definition is essential for the planning department to ensure consistent decision-making, guide development and growth, address community concerns, avoid conflicts, allocate resources effectively, and plan for long-term sustainability. It provides a solid foundation for land use decisions that are in line with the unique character and needs of Mariposa County.

Ambiguity in defining a rural county can lead to conflicting interpretations and disputes among stakeholders. A lack of clarity may result in inconsistent decision-making, legal challenges, and protracted conflicts over land use issues. A clear definition helps minimize these conflicts by providing a common understanding of what is considered rural and establishing a foundation for resolving disputes.

A clear definition provides a consistent framework for land use decisions within a rural county. It helps planning department officials make informed choices regarding zoning, development permits, and resource allocation. With a consistent understanding of what constitutes a rural county, decision-makers can ensure that land use decisions align with the county's goals, values, and overall vision.

The inquiry revealed significant challenges in the permitting process, highlighting the need for improvement in communication, complexity, and consistency. These issues contribute to applicant frustration, delays, and a lack of trust in the permitting system.

The lack of proactive communication from the planning department is a key concern identified by applicants. This deficiency leaves applicants feeling like they are "getting the run around" and creates a perception that their applications are not a priority.

The Planning Commission is not an oversight committee looking over short and long term planning by the Planning Department. As such, the Planning Commission serves as an arm of the Planning Department for approval of matters when deemed necessary or ready for vote by the planning director. Despite increases in applications being made for code or variance approval, Planning Commission meeting are often cancelled.

The complexity and time-consuming nature of the permitting procedures is another significant challenge reported by applicants. The requirement to navigate through multiple departments and obtain various approvals adds unnecessary barriers and delays.

In addition to complexity, applicants' express frustration with the perceived inconsistency in the interpretation and enforcement of regulations. This lack of consistency erodes trust in the permitting process and creates confusion among applicants. To address this concern, the planning department should prioritize efforts to establish clear and consistent guidelines for interpretation and enforcement. Regular training and communication among staff members can help ensure a unified understanding of regulations and promote fair and equitable treatment of all applicants.

By implementing proactive communication measures, streamlining procedures, and enhancing consistency in interpretation and enforcement, the planning department can enhance applicant experience, reduce delays, and build trust in the permitting system.

Findings and Recommendations

FINDINGS		RESPONSES
F1	The County General Plan does not provide a clear and concise definition of what constitutes a Rural County leading to challenges in land use decision-making processes.	
F2	The lack of proactive communication from the Planning Department leaves applicants with the burden of follow up to obtain updates on their applications.	
F3	Permitting procedures are perceived as overly complex requiring applicants to navigate through multiple departments and obtain various approvals creating barriers and delays in the process.	

F4	Applicants perceive inconsistency in the interpretation and enforcement of regulations which erodes trust in the permitting process.	
F5	There is an increased risk of unintentional violations of the Brown Act by committee/commission members due to a lack of documented training. This can result in legal and ethical concerns regarding transparency and public access to decision-making processes.	
RECOMMENDATIONS		RESPONSES
R1	Evaluate the permitting procedures to identify opportunities for streamlining and simplification.	
R2	Planning Department should have a documented procedure in place for how permits for variance are reviewed and granted.	
R3	Planning Commission should take an active role in annual review of the General Plan.	
R4	Establish a system for regular and proactive communication with applicants and provide clear guidelines on response times.	
R5	Ensure consistent interpretation and enforcement of regulations by providing standardized training to planning department staff.	
R6	Implement a feedback mechanism for applicants to share their experiences and suggestions for process improvement.	
R7	Implement a process for tracking and documenting the completion of Brown Act training by county committee and commission members. This will demonstrate a commitment to compliance and can serve as evidence of the county's dedication to transparency.	

R8	Develop a standardized curriculum for Brown Act training, ensuring that it addresses the specific roles and responsibilities of commission and committee members.	
R9	Allocate resources to provide training opportunities focused on government transparency and open meeting laws	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, F5, R1, R2, R3, R4, R5, R6, R7, R8, R9

The following appointed officials are invited to respond within 60 days:

County Administrative Officer: R6

County Counsel: F5, R8

Planning Director: F1, F2, F3, F4, R5

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Diversity Equity and Inclusion in County Departments

Good governance is characterized by the ability of processes and institutions to produce outcomes that effectively meet the needs of society while optimizing the utilization of available resources. It encompasses the concept of efficiency, which extends beyond mere effectiveness to include the sustainable use of natural resources and the protection of the environment.

Transparency is a key attribute of good governance, ensuring that decision-making processes are open and accessible, and that information is readily available to the public. Responsibility is another essential aspect, emphasizing the ethical and effective management of public affairs. Accountability holds individuals and institutions responsible for their actions, decisions, and the responsible allocation of resources.

Active citizen participation is vital in fostering good governance, allowing for meaningful engagement and involvement in decision-making processes and public affairs. Finally, responsiveness to the needs of the people is crucial, necessitating timely and appropriate responses to address community concerns and adapt to changing circumstances.

Together, these attributes contribute to the foundation of good governance, promoting transparency, responsibility, accountability, citizen participation, and responsiveness to create a

governance framework that serves the interests of society while making efficient use of resources.

Inclusion, as a fundamental principle, entails ensuring that all individuals are esteemed, respected, and embraced within teams, workplaces, organizations, and society at large. Equity, on the other hand, involves implementing measures to guarantee equitable access to resources and the adoption of policies that foster the progress of all individuals, particularly those who face disadvantages. This necessitates the consideration of all members of society, particularly the most vulnerable, in policymaking, thereby preventing feelings of alienation, disenfranchisement, or neglect.

Diversity and inclusion offer tangible benefits to Mariposa County government in several ways:

An inclusive workforce enhances the county's capacity to serve and protect a diverse community. By reflecting the diversity of the community, County departments can provide high-quality, responsive, and equitable services, fulfilling their democratic responsibility.

Diversity and inclusion foster creativity and innovation within County departments. A workforce comprising individuals from varied backgrounds brings diverse perspectives, ideas, and solutions, leading to improved service delivery, challenging the status quo, and fostering collaboration.

Investing in diversity and inclusion initiatives improves the quality of the workforce, resulting in a better return on investment in human capital. By attracting and retaining the best talent, County departments can maximize their competitive advantage and optimize resource allocation.

The lack of diversity, equality and inclusion development efforts Countywide has been observed as a result of various factors that hinder progress in this important area. These factors include limited awareness, absence of leadership support, insufficient resources, lack of accountability measures, and resistance to change. Understanding the impact of these factors is crucial in addressing the existing gaps and fostering a more inclusive and equitable environment throughout the county. By acknowledging and addressing these challenges, the County can move towards cultivating a culture of diversity, equity, and inclusion that benefits both employees and the community at large.

County department employees lack awareness of specific diversity, equality and inclusion efforts within their departments, leading to a lack of engagement and understanding of the benefits of diversity, equity, and inclusion. This hampers progress and limits the positive impact diversity, equality and inclusion initiatives can have.

The lack of visible support and commitment from departmental leadership regarding diversity, equality and inclusion initiatives acts as a significant barrier to cultivating a diverse and inclusive work environment. Without strong leadership endorsement, efforts to foster diversity, equality and inclusion may struggle to gain traction or face resistance.

Departments face limitations in allocating adequate resources, including funding, time, and personnel, to implement effective diversity, equality and inclusion initiatives. The lack of

investment in diversity, equality and inclusion hinders progress and prevents the development of an inclusive culture and practices.

The absence of clear accountability measures hampers the monitoring and assessment of diversity, equality and inclusion goals and objectives. Without established benchmarks and reporting mechanisms, it is challenging to track progress and ensure that diversity, equality and inclusion initiatives are effectively implemented.

There is resistance to discussions around diversity, equity, and inclusion, which impedes the implementation of diversity, equality and inclusion initiatives. Overcoming this resistance requires addressing concerns, providing education, and fostering an inclusive environment that welcomes diverse perspectives.

Findings and Recommendations

FINDINGS		RESPONSES
F1	County department employees lack awareness of specific diversity, equality, and inclusion efforts within their departments, resulting in a lack of engagement and understanding of the benefits of diversity, equity, and inclusion.	
F2	The lack of visible support and commitment from departmental leadership regarding diversity, equality, and inclusion initiatives acts as a significant barrier to cultivating a diverse and inclusive work environment.	
F3	The absence of clear accountability measures hampers the monitoring and assessment of diversity, equality, and inclusion goals and objectives, making it challenging to track progress and ensure effective implementation.	
RECOMMENDATIONS		RESPONSES
R1	Administration should develop comprehensive communication strategies to raise awareness about diversity, equality, and inclusion initiatives within county departments within six months.	
R2	Administration should implement diversity and inclusion training	

	programs tailored to address specific departmental needs and challenges within six months.	
R3	Administration should immediately begin encouraging visible support and commitment from departmental leadership by actively promoting and participating in diversity, equality, and inclusion initiatives.	
R4	Incorporate diversity, equality, and inclusion goals into performance evaluations and leadership competency frameworks, particularly at Board of Supervisor and management levels.	
R5	Advocate for increased resources, including funding, time, and personnel, to support the implementation of effective diversity, equality, and inclusion initiatives.	
R6	The Board of Supervisors should prioritize diversity and inclusion initiatives in departmental budget allocations, considering the specific needs and challenges of each department within six months.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, R1, R2, R3, R4, R5, R6

The following appointed official is invited to respond within 60 days:

County Administrative Officer: F1, R2, R3

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Administration: Leading by Example

Employees viewed the county as lacking standardized practices, whether in terms of policy, policy interpretation, or leadership approaches which further contributed to the sense of disconnection between departments. This fragmented structure poses challenges to effective communication and collaboration, hindering the organization's overall efficiency and productivity.

To address this issue, it is imperative for the administration to prioritize the development and implementation of policies that foster a cohesive and integrated working environment. Efforts should be made to break down the existing silos and create standardized policies that apply consistently across departments. By establishing clear guidelines and providing comprehensive training, the administration can ensure that policy implementation is uniform, reducing ambiguity and promoting a more unified organization.

Simultaneously, administration must lead by example in modeling healthy work-life balance. By emphasizing the importance of maintaining a healthy equilibrium between work and personal life, administrators can inspire employees to prioritize their well-being. This combined approach, focusing on both eliminating silos and promoting work-life balance, will help create a more cohesive and harmonious organization, fostering collaboration, innovation, and overall success.

Findings and Recommendations

FINDINGS		RESPONSES
F1	Administrators and department heads express a unified vision of "one county," while employees perceive a fragmented and siloed environment, leading to a lack of understanding and communication within the organization.	
F2	Administration is not effectively modeling healthy work-life balance, raising concerns about their commitment to employee well-being and potentially impacting the workforce.	
F3	The county lacks standardized policies, policy interpretation, and leadership approaches, contributing to a sense of disconnection between departments and hindering effective communication and collaboration	
RECOMMENDATIONS		RESPONSES
R1	Administration should address the gap in understanding and communication by fostering an inclusive culture that encourages cross-departmental collaboration, open dialogue, and shared goals.	
R2	County Administration should prioritize their own work-life balance and model	

	healthy work habits, such as taking earned leave time and setting boundaries.	
R3	Administration should prioritize the development and implementation of standardized policies that apply consistently across departments.	
R4	Implement a peer review process for administrators to ensure accountability, transparency, and effective decision making.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, R1, R2, R3, R4

The following appointed official is invited to respond within 60 days:

County Administrative Officer: F1, F2, R1, R2, R3

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refusal, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Human Resources: Organization

The absence of a central HR department in the county has resulted in a fragmented structure, with three separate departments handling HR functions independently. This lack of centralization has led to inconsistencies in HR policies, procedures, and practices across different departments.

Without a unified HR department, the county faces challenges in ensuring consistent application of HR policies and maintaining streamlined processes. This fragmentation can lead to confusion among employees, potential inequities in hiring and promotion practices, and difficulties in tracking and managing employee data.

To address these issues, it is recommended that the county establish a central HR department that can serve as a strategic partner to all departments. This centralization would enable the development and implementation of standardized HR policies, procedures, and practices, promoting fairness, transparency, and efficiency throughout the organization. Furthermore, a central HR department can provide expertise in talent acquisition, employee development, performance management, and compliance with labor laws and regulations.

By creating a central HR department, the county can ensure consistency in HR functions, enhance employee satisfaction, and mitigate risks associated with HR-related legal and

compliance issues. This centralization will ultimately contribute to a more cohesive and effective workforce within the county government.

Findings and Recommendations

FINDINGS		RESPONSES
F1	A high number of job classifications (230) for a relatively small number of employees (540) in the county is leading to excessive complexity and administrative burden.	
F2	The numerous job classifications are hindering effective teamwork, collaboration, and cross-functional interactions among employees.	
F3	A significant need for training development exists at all levels of the county, there is a substantial gap in the current training offerings varying by department.	
F4	The switch to Oracle and subsequent roll out has impacted the ability of Human Resources, diminishing their role.	
F5	No standardized training modules or materials that are consistently used across different departments exist, leading to fragmentation between departments.	
F6	Onboarding and hiring processes are not consistent across departments, creating an imbalanced employee experience upon hiring.	
RECOMMENDATIONS		RESPONSES
R1	A comprehensive review of the existing job classifications should be completed within 90 days to identify opportunities to merge or eliminate redundant classifications.	
R2	Administration should immediately begin promoting a culture of collaboration and interdisciplinary work by encouraging employees from	

	different job classifications to collaborate on projects and initiatives.	
R3	Develop and implement a standardized job evaluation system to ensure consistency in job responsibilities, qualifications, and compensation across all job classifications. Regularly review and update the system to adapt to changing job requirements and conditions.	
R4	A centralized training development department should be established for cohesive onboarding and ongoing employee training within six months.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, F5, F6, R1, R2, R3, R4

The following appointed official is invited to respond within 60 days:

County Administrative Officer: F1, F3, R1, R3, R4

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Oracle Rollout Reality Check: Unforeseen Challenges in the Rollout Journey

In the last 5 years, multiple technological systems have been changed in the county, and there are goals to introduce more in the future.

Mariposa County recognized the importance of an advanced and integrated software solution to streamline its operations. To meet these requirements, the county decided to undertake the procurement of a comprehensive software solution.

Mariposa County expected the solution to encompass various modules and functionalities, including but not limited to:

- Financial Management: Comprehensive accounting, budgeting, and reporting capabilities to ensure transparent and efficient financial operations.
- Human Resources: Robust HR management features, including payroll, benefits administration, and employee self-service.
- Public Safety: Integrated systems for emergency response, incident tracking, and records management.

- Document Management: Efficient storage, retrieval, and management of digital documents and records.
- Reporting and Analytics: Advanced reporting and data analysis capabilities to facilitate informed decision-making.

The roll out of Oracle Enterprise in July of 2021 ended a complex search initiated by Administration in 2020 to replace IBM AS400. Since 1992 AS400 had been used by the County for to manage payroll, auditing, accounts receivable, accounts payable, and billing systems.

The decision to replace AS400 with Oracle systems was made from an extensive search and review of eight proposals. The county decided on Oracle Enterprise with a consulting group named Graviton. The initial cost for the Oracle Enterprise system was \$1.6 million. A significant part of the original proposal was for Graviton to provide one year of onsite tutorial, implementation and development support for the county.

Upon install of the system, it was determined that the County system of managing payroll was not compatible with the Oracle software. Specifically, Oracle software is set up to support payroll that is processed weekly, bi-weekly or bi-monthly. The County pays employees once a month. This caused difficulties in the implementation of the software. The pandemic introduced unforeseen challenges that disrupted the implementation timeline of the Oracle system. Restrictions on physical gatherings, workforce limitations, and shifting priorities delayed key activities such as system testing, training sessions, and user onboarding. These delays had a cascading effect on the overall rollout plan, leading to a gap between the expected timeline and the actual implementation.

Due to COVID-19 the year of training and implementation from Graviton did not happen.

After two years, Mariposa County Accounts/Receivable is still relying on the old AS400 system. Trainings and implementation for the “new” Oracle Enterprise system has fallen onto senior staff that have interest and buy in for the success of the new system.

Mariposa County's Oracle system rollout was consistently reported to have been affected by the pandemic, leading to a disconnect between the expected rollout plan and the actual execution. Disruptions in the implementation timeline, remote work challenges, operational constraints, and communication gaps contributed to the perceived ineffectiveness of the system rollout.

Inconsistent reports regarding Mariposa County's Oracle system, with executives expressing satisfaction while many front-end employees have varying perspectives. Executives' high satisfaction is driven by a focus on overall outcomes and strategic benefits, while front-end employees' views are shaped by their day-to-day experiences with the system.

Addressing these inconsistencies requires a comprehensive approach, including enhanced training programs, improved user experience, and effective communication channels to capture and address feedback from all stakeholders. By actively addressing concerns and optimizing the system's usability and alignment with operational needs, Mariposa County can work towards a more cohesive and satisfactory experience for all users of the Oracle system.

Mariposa County maintains license agreements with over 25 vendors to manage and use 40 software systems across all departments. Technical Services plays an important role in the implementation, upkeep and management of these systems.

Findings and Recommendations

FINDINGS		RESPONSES
F1	The organization is not utilizing the accounts receivable module or functionality within the Oracle Enterprise System calling to questions the decision to make the switch to the enterprise system.	
F2	Functionality of the Oracle Enterprise System is not compatible with the county's pay schedule, indicating a mismatch between the system and the county's requirements.	
F3	The personnel files of employees are not contained in Oracle, which creates challenges in accessing and retrieving information in Human Resources and across departments.	
F4	The Covid pandemic contributed to the inefficient implementation of Oracle Enterprise System that are a reason discontent, aggravation and stress across multiple county departments	
RECOMMENDATIONS		RESPONSES
R1	Administration should immediately begin providing training and support for effective utilization of the accounts receivable module within Oracle.	
R2	Administration should immediately implement an integrated personnel file management system within Oracle Enterprise Services.	
R3	Make a concerted effort to come to the table to evaluate if a change in the county current pay schedule, from monthly to bi-weekly is possible and if so, develop a strategy for bringing the proposed change to pay schedule to all bargaining units.	

R4	A comprehensive analysis of the \$300,000 annual fee paid to Graviton should be conducted within a six-month timeframe to evaluate whether reallocating those funds towards hiring a county position dedicated to Oracle expertise would be a more beneficial investment.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, R1, R2, R3, R4

The following elected county official and agency head is required to respond within 60 days:

Auditor: F1, F2

The following appointed official is invited to respond within 60 days:

County Administrative Officer: F3, R1, R2, R3

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Mariposa Burial Grounds

The Graveyard

The graveyard is neglected
There is no body here at rest...
There's crosses and carved angels
Whole families as well...
No one knows about them
But in this field the dead lie still
About a mile east of Vickston
With the road, cars passing by
No one will go up there
To tend those who came before...

By Roger Turner

Summary

A cemetery or burial ground is a place that evokes the story of our past. It should be a clean and well-organized place where family and friends come for solace and peace with their loved ones. In it we recognize and honor those who have come before us and built our community.

Lack of funding, shortage of volunteers, and inadequate or outdated policies and procedures have hindered the Department of Parks and Recreation's ability to initiate changes that would improve the enhancement of the burial grounds and the accuracy and maintenance of its burial records to ensure privacy.

The "Mariposa Town Cemetery Committee" was created to advise the Department of Parks and Recreation on issues related to the Mariposa burial grounds. The committee encourages and represents Mariposa's interests in maintaining the beauty, health, and design of the burial grounds. Recently, all committee vacancies have been filled with community volunteers.

Background

The Mariposa County Civil Grand Jury conducted an inquiry into the Mariposa Public Burial Grounds (MPBG) on the basis of its own interest and concerns about its operation. Located at the north end of Mariposa near the intersection of Highways 49 and 140, the MPBG shares a single hillside with two private cemeteries. The area is divided into three distinct sections, each under separate control: the Mariposa public section, the Mariposa Masonic Lodge and the Mariposa Lodge of Odd Fellows. For clarification, Mariposa Public Cemeteries are technically not cemeteries at all—they are burial grounds. Although the terms “cemetery” and “burial ground” are often used interchangeably, it is important to recognize the distinctions. Cemeteries tend to charge fees for interments that can be used to maintain the property over time, while burial grounds have no fees and may therefore have only minimal maintenance.

The Mariposa Public Burial Grounds hold significant historical value as it serves as the final resting place for many founding members of the county and other Mariposa County citizens dating back to the early 1800’s and the first days of the California Gold Rush. Known at that time as “the little graveyard on the hill,” it was surrounded by many pine trees and a picket fence and maintained by the community. Besides Mariposa’s pioneer settlers, other well-known interments include Naval hero Commodore Byron McCandless, Jane Cody Keane, the granddaughter of Buffalo Bill Cody and William Costello, the original voice of the cartoon character Popeye the Sailor Man¹.

On January 15, 2023, 47 grave sites in the Masonic Lodge section of its cemetery were vandalized. As this section of the cemetery is private, the county did not provide assistance or repairs. This act of vandalism was the impetus for the grand jury inquiry.

Methodology

The grand jury conducted interviews with the Mariposa County Department of Parks and Recreation, which has primary responsibility for the Mariposa Public Burial Grounds, and with the Mariposa Public Works Department, which controls and manages Parks and Recreation. The burial grounds were visited by jurors on several occasions to observe and document its overall condition i.e. maintenance practices, cleanliness and appearance. Members of the grand jury also reviewed the Parks and Recreation website, which was instrumental in providing information about the burial grounds, as well as applicable laws, regulations and guidelines pertaining to cemetery and burial ground operations.

Discussion

The grand jury’s document analyses and county department personnel interviews revealed two notable issues of concern: the Mariposa Public Burial Grounds have no funds in the 2022-2023 Parks and Recreation budget specifically designated for its maintenance and the policies and

¹ From Mariposa County On Hold Narrative furnished by the Mariposa History Center. From Mariposa County on Hold Narrative furnished by the Mariposa History Center.

procedures of the Parks and Recreation department have not been updated in a number of years.

Fiscal

The Mariposa County Public Works Department has a 2022-2023 budget of twenty-five million dollars out of which approximately \$800,000 is allocated to the Department of Parks and Recreation. The Mariposa Public Burial Grounds do not have a specific portion of that \$800,000 assigned to its care and management.

The Mariposa Public Burial Grounds have no physical location markers or map in order to locate individual burial sites. Whereas both the Mariposa Masonic Lodge and the Mariposa Lodge of Odd Fellows have directories prominently displayed and easily accessible to visitors in their cemetery sections. The grand jury recognizes that Parks and Recreation has made strides to identify burial plots through an Eagle Scout project. No funds are currently available to number gravesites or design a directory.

Policy and Procedure

Parks and Recreation staff has not established a phone log to document incoming, outgoing and follow-up calls from members of the public.

All records concerning burial grounds are only kept in hardcopy paper form in a three-ring binder without digital back-up. There is no policy establishing the timeline from burial request to interment. There is no policy or procedure for verification of interment, which has led to families who have been assigned a grave site to discover on burial that the site is already occupied.

No training or guidelines exist for staff to handle personally identifiable information (PII) of Parks and Recreation program participants. No guidelines are in place to define how PII is received, stored and safeguarded. This can place personal information from children, seniors and other parties to potential exposure.

Findings and Recommendations

FINDINGS		RESPONSES
F1	The Parks and Recreation budget for fiscal year 2022-2023 does not include any allocation for burial ground management, which raises concerns about the ability of the county to effectively manage cemetery operations.	
F2	Phone calls are not logged by the Parks and Recreation office which leads to dissatisfaction, inefficiency, duplicated efforts and an environment which lacks accountability.	

F3	Cemetery/burial records are only kept in hardcopy paper form in a three-ring binder, which may limit access and make it difficult to manage and safeguard records effectively.	
F4	The lack of physical location markers or a map to locate burial plots at the Mariposa Public Cemetery is a concern for the public to locate burial plots.	
F5	The lack of training or guidelines for staff to handle personally identifiable information (PII) of Parks and Recreation program participants places the county at risk for mismanagement of sensitive information and non-compliance with applicable laws and regulations.	
F6	The absence of a policy outlining the timeline from burial request to interment result in delayed or unmet burial requests, potentially leading to negative impacts on the process for families and decreased public satisfaction with the County Agency.	
F7	Lack of policy and procedure for verification of interment results in inaccurate cemetery records and an inaccurate census of the public cemetery burial grounds.	
RECOMMENDATIONS		RESPONSES
R1	The Board of Supervisors should allocate a budget for burial ground management in the fiscal year 2023-2024 budget cycle to ensure efficient and effective cemetery operations.	
R2	The Board of Supervisors should approve a budget allocation for cemetery management annually.	
R3	The Parks and Recreation Department should implement call log documentation and follow-up procedures for staff to improve communication with members of the	

	public and establish accountability within sixty days.	
R4	The Parks and Recreation Department should transition from hardcopy paper form records to a digital management system for cemetery/burial grounds to ensure efficient and timely access and safeguard records effectively.	
R5	Parks and Recreation should implement physical location markers and a map to enable the public to locate burial plots within six months.	
R6	Public Works Director and Parks and Recreation Manager must receive training on compliance with the California Information Practices Act (IPA) to meet state standards within 90 days.	
R7	Parks and Recreation Department must develop training and guidelines for all staff on how to handle personally identifiable information (PII) of all program participants to ensure compliance with laws and regulations and safeguard sensitive information. Within six months this must be fully implemented within 90 days.	
R8	Parks and Recreation Department should establish a policy outlining the timeline from burial request to interment to ensure timely and accurate completion of burial requests and meet the needs of families and visitors within six months.	
R9	Parks and Recreation Department should establish a policy and procedure for verification of interment to ensure the accuracy of cemetery records and the maximum utilization of limited land.	
R10	A census of the Mariposa Burial Grounds should be completed within one year.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, F5, F6, F7, R1, R2, R3, R4, R5, R6, R7, R8, R9, R10

The following elected county officials and agency heads are required to respond within 60 days:

County Counsel: F5

Director of Public Works: F1, F2, R4, R6, R7, R8, R9, R10

The following appointed official is invited to respond within 60 days:

Planning Director: F4

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Observation of Elections

On November 8, 2022, the State of California held a general primary election. Prior to this event, the County Clerk/Registrar of Voters invited the Grand Jury to observe staff process absentee and collected ballots at the Department of Elections and also to observe voting places on Election Day. Two Grand Jury members observed staff over the course of three hours at the Lushmeadows Fire Station . They additionally observed staff at the Elections Office performing tasks related to Elections Management System and the Election Tally System.

In March 2020 based on Department of Elections recommendations, Mariposa County chose to switch to a voting by mail system. Currently, ballots are mailed to every registered voter in the County. The Mariposa County Elections Office receives lists from the State at least once a month regarding who is deceased and who has moved. Staff also checks obituaries in the local paper and gets lists from the Records Office on who has moved. Ballots are sent out about 20 days prior to an election.

The elections staff team is made up of personnel within the County Treasurer-Tax Collector and County Clerk office. Voting Centers are made up of election officials that have years of experience. All tasks completed in the Elections Office are done per California Election Code, and employees are trained through the State of California. On election day Mariposa County is in constant contact with the California Secretary of State.

Mariposa County maintains four Voter Centers for in person voting and ballot replacement. Designated places have sufficient Wi-Fi, specific computers and printers for use to print on-demand ballots and election voting terminals.

The locations of the four voting centers are:

- Mariposa County Elections Office
- Greely Hill Public Library
- El Portal Public Library
- Lushmeadows Fire Station

Ballot drop-box locations were open from October 11 – November 8, 2022. The locked ballot boxes are picked up and delivered to the County Elections Office by Public Works personnel. Processing of ballots can begin seven days prior to the election date.

There were eight designed ballot drop boxes for this election at:

- Mariposa County Elections Office
- Lake Don Pedro Community Services District Office
- Yosemite Public Library
- Bassett Memorial Library
- Triangle Market and Mini Storage

- The Oaks Deli & Gas
- Coulter Café & General Store
- Bootjack Equipment Rental and Feed

Security of elections is a top priority for the Elections office. Each ballot signature is checked as the ballots are checked in, before they are opened and processed. For any signature problems the ballot envelope is flagged and set aside. If a ballot is not signed there is a process to rectify the situation with the voter.

Once checked and sorted by district and precinct, the ballots go to one or two staff member stations where the envelope is opened, the ballot pulled out and straightened and stacked. Each precinct stack of ballots is secured by rubber band and put into a district bin.

Ballots processed through an Election Tally System made by Dominion and consisting of a special counting/scanning machine and multiple servers and screens. As each batch is processed through the machine the Elections Office staff member wrote down the number per batch. This number is balanced against the number that appears on the screen and saved in the database.

Ballots determined to have any flaw are flagged and reviewed by trained staff to resolve issues.

After processing ballots are kept in their precinct bundles and put back into stacks in their appropriate district boxes. Ballots are kept in storage for twenty-two months.

Final certification of elections results is delivered to the Secretary of State 28 days after the election.

During the election day at the Elections Center and the Lushmeadows Fire Station Voting Center Grand Jurors observed a number of voters dropping off their ballots, requesting to vote in person, asking registration questions, requesting assistance with lost ballots, and other miscellaneous questions.

Elections Office staff and election workers were helpful, polite and able to assist in all cases.

There were two small challenges on this specific Election Day. Neither presented any change in the outcome of the election and both were managed well by the Registrar. First, in the morning of the election there was some internet connection difficulties at the Coulterville Voting Center. Second, USPS did not have a regularly scheduled pick up of ballots for 2:00 pm ready on time.

Finding

FINDINGS		RESPONSES
F1	Elections in Mariposa County are administered professionally and are secure, enabling citizens to feel comfortable about election integrity.	<i>No response required.</i>

Custodial Facility Tours

Background

The Grand Jury is mandated by law to "inquire into the condition and management of the public jail, prison and detention facilities in the County," and is allowed access to do so by Section 921 of the California Penal Code. The County Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the Mariposa County Juvenile Detention Facility, and the California Department of Corrections and Rehabilitation Mt. Bullion Fire Camp #39,

Methodology

On December 8, 2022 at 9:30 AM the 2022-2023 Mariposa County Civil Grand Jury Public Jail

Inspection Committee met at the Grand Jury Office to arrange carpooling to the Adult Detention Facility. The inspection tour was scheduled to begin at 10:30am. The tour ended at 1:30pm. Prior to the inspection, jury members identified specific areas of interest (building, staff, nutrition, safety, etc.) at the facility to review. Information obtained from the California Grand Jurors' Association (CGJA) and the Board of State and Community Corrections (BSCC) websites were instrumental in preparing for the visit. Being fully prepared, the Grand Jury was ready to inspect the facility with the guidance and briefing of law enforcement personnel as needed.

Discussion

The current Mariposa County Adult Detention Facility has been in use since its construction in 1995. It is located on Highway 49 North approximately one mile north of the town of Mariposa. It is a Type II, modern, facility with the capacity of housing and caring for 58 inmates. On the day of the visit, there were 40 inmates in custody: 33 male and 7 female. Breaking down the population into subgroups, 50% are incarcerated for mental health reasons, 25% for drug offenses, and 25% for other crimes. The jail is a division of the Mariposa County Sheriff's office. It is headed by a Captain and staffed 24/7 by Custodial Sergeants and Jail Deputies. Lobby hours are 8:00 AM to 5:00 PM.

A "Smart Deposit" kiosk is located at the secured entrance to the facility lobby where interested parties may add funds to an inmate's account. The Administration office area is located on the other side of the lobby. It is cramped, with multiple staff sharing workspaces.

The booking area includes five temporary cells that can be used for holding, sobriety, and/or safety, depending on the situation. There is a separate room for the processing of inmates and storing restraint equipment. Included in this space is a room specifically for changing clothes and showering. Confiscated clothing is vacuum-sealed (for contamination control), labeled with the inmate's name, and stored during his/her confinement. All new inmates are issued a handbook outlining the rules of the detention center. These handbooks must be given to inmates within 24 hours of booking. On inspection, it is quite clear that the HVAC system is challenged to meet facility needs. In addition, power cords were hanging through drop down

ceiling tiles. When asked the Sheriff Deputy stated that these protruding wires are part of ongoing camera equipment upgrades.

The Nursing Unit is a small room with a computer station used for inmate chart entry. There is a medical lock box on wheels for inmate medications. Medicine is dispensed by LVN/NP/PA on a regular schedule. Medicines are coordinated through a Coarsegold pharmacy.

Inmate housing is organized into six cell blocks -- two group cells, A and B, for minimum/medium security for men; one dormitory cell, C, for women; and three smaller cells D, E and F, for maximum security and isolation purposes. Inmates are placed in cells according to biological gender, criminal offense, aggressiveness and mental health. All cell blocks have one-way glass providing an unobstructed view of inmates. Inmates are monitored by deputies 24/7, either on the floor or from the control room. Mounted cameras are located in each cell. There are phones in each of the cell blocks. Inmates may not receive incoming calls but are allowed to call out. Outgoing calls are managed by an outside vendor. All phone calls are recorded. Group cells are approximately one thousand square feet with five bunk beds and a sink. Toilet and shower facilities are separate. Cells A and B have access to an outdoor exercise yard. The exercise yard is available for use half a day every day with rotations between morning and afternoon times. Cell Blocks C, D, E and F (women and maximum security) have access one hour per day. State law requires half an hour of recreation time per week for all inmates. The women's cell is a set of seven dorm rooms with a community space. Women inmates have access to a separate recreation area. Isolation cells have access to the same exterior space. All exercise/recreation yard time is scheduled by staff. Each cell is safety checked every 30 minutes by staff and verified electronically by using a scan-tag. The priority during these checks is proof of life.

The Control Room is a raised island situated in the center of the cell blocks. Its height provides full visual monitoring of the cell blocks. Several large screens display live video from all cameras throughout the detention facility. Staff controls locks, door access, gates, lights, intercom and telephones. The jail is in the process of upgrading its camera system. The new cameras will have the ability to pan around areas where there are blind spots.

Inmates are granted one visit per week. The exact schedule of visiting times is based on where the inmate is housed and housing classification. A small room is equipped with three seated stations. Each station has separate windows and phones for visitation. All visit conversations are subject to monitoring and recording. There is a fourth seated station without monitoring or recording capability (to preserve attorney-client privilege) for legal consultations.

Next to the visitation area, a multipurpose room is available for inmates. Scheduled library time is available to check out one book at a time. There is a large screen TV and three computer stations. Inmates may access a law library. Additionally, this room is used for religious services, AA meetings, group sessions, GED study, and onsite meetings. This room appeared to lack ventilation, which is compounded by inadequate HVAC circulation and temperature control.

Each inmate is assigned a learning tablet which enables them to do online schooling. Inmates in good standing may also access movies, books and videos. Inmate activities are restricted and monitored. Tablet usage is not allowed between 11:00 PM and 5:00 AM.

This Facility has one storage room for clothes, cleaning supplies, playing cards, board games and food dry storage. Space issues made it necessary for kitchen staff to store bread in this area.

Meals are provided by an outside vendor and prepared daily on site. The kitchen prepares two hot meals and one bag breakfast each day. All meals meet the required calorie count as directed by the State of California. Special meal concerns will be met. The outside vendor employs three kitchen staff. The kitchen layout is modern and professional, including grill, stove, oven and dishwasher. Cold and/or frozen items are stored appropriately. Refrigeration units are equipped with warning alarms to notify workers about concerning temperature fluctuations. Prep stations were clean and designed for efficiency. Pantry items are neatly stored and separated from any cleaning supplies or chemicals as required by State law. Stock overflow is taken to the all-purpose storage area.

Laundry services are managed by an inmate trustee. The washing machines and dryers are modern and functioning. Dust was seen collecting on the air vent screen in the ceiling.

Outside areas of the building are secured by locked gates, chain link fencing and razor wire. There are some storage units available for overage. The facility parking lot has 17 parking spaces, some dedicated to handicapped parking. These are covered by a new solar energy collection system. For security this outside area is well lit.

Overall the detention facility was clean, organized and secure.

Findings and Recommendations

FINDINGS		RESPONSES
F1	The administration office is cramped and lacks sufficient workspace creating workplace conditions that are not favorable for best practices.	
F2	Camera wires are protruding from the ceiling creating possible hazard for inmates, staff and the building.	
F3	Medical prescriptions are filled outside of the county leaving an appearance that the county does not support local business.	
F4	HVAC is not effective throughout various areas of the facility contributing to uncomfortable environmental exposure for inmates, staff and visitors.	
RECOMMENDATIONS		RESPONSES

R1	Investigate the possibility of increasing square footage for the administration office.	
R2	Safe off electric wires in booking area ceiling immediately	
R3	Discuss bringing back the filling of inmate medications to Mariposa County	
R4	Repair/adjust HVAC in the all areas that are necessary.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, F2, F3, F4, R1, R2, R3, R4

The following elected county official and agency head is required to respond within 60 days:

Sheriff: F1, F2, R1, R2

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refusal, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Oversight of Mariposa Mt Bullion Conservation Camp #39

The minimum security conservation camp at Mt .Bullion was built in the 1950's as a facility for the California Youth Authority. In October of 2004 the camp was converted into an adult conservation camp overseen by CAL FIRE in conjunction with California Department of Corrections and Rehabilitation (CDCR) staff. The Camp is adjacent to a Cal Fire Station and is located on 239 acres of State property. The camp's maximum capacity is 110 male inmates with a current population of 55 inmates.

Employees from both CDCR and CAL FIRE led the tour of California Conservation Camp #39 on March 16th, 2023. Under the instruction and guidance of CAL FIRE and CDCR staff, which includes one Lieutenant, one Sergeant, and seven officers, camp personnel oversee the inmates and camp. There are usually two staff members on duty per shift, but only one staff member is in charge during night shift. In the event of an emergency, staff is backed up by fellow law enforcement from other capacities. The camp facilities are primarily maintained by inmates.

The CDCR program provides educational opportunities including GEDs and future college opportunities, on the job training and experience in food service, metal fabrication, small engine maintenance, grounds work and housekeeping. Fire Science is the main educational focal point in the camp and if the inmate firefighters qualify they may become employed with CAL FIRE.

The 2022-2023 Mariposa Civil Grand Jury was charged with the oversight of the Mt Bullion Conservation Camp #39. Civil grand jury oversight of the camp is required by California Penal

Code. The Mariposa Civil Grand Jury performed a general overview of the facility and found no deficiencies in the care and maintenance of Camp #39. Therefore no recommendations are made regarding the facility. During the March 16, 2023 tour a few areas were observed were under construction.

Accessibility of Citizen Complaint Forms in Mariposa County: A Grand Jury Initiative

The Grand Jury became aware of a significant barrier preventing certain community members from accessing or obtaining complaint forms, which are primarily available online. To address this concern and ensure equal access to the complaint process, the Grand Jury undertook an initiative.

The primary objective of this initiative was to make citizen complaint forms readily available to all residents of Mariposa County, regardless of their internet access or technological proficiency. By implementing this measure, the Grand Jury sought to encourage community members to voice their concerns and report potential instances of mistreatment or County government misconduct.

To achieve its objective, the Grand Jury worked with Mariposa County Library staff. As a result of this collaboration, a pamphlet holder containing hard copies of citizen complaint forms was installed outside the entrance of the library. While these forms are already accessible online, this physical availability ensures that all County residents, irrespective of their internet access or familiarity with digital resources, can easily obtain and utilize the complaint forms.

The Grand Jury extends its gratitude to staff members of the Mariposa County Library for their support and cooperation throughout the implementation of this initiative.

The Mariposa County Grand Jury is honored to have served the County and its community during the 2022-2023 term. The accessibility of citizen complaint forms has been improved through the installation of a citizen complaint form holder outside the Mariposa County Library. By eliminating barriers to participation, the Grand Jury remains committed to upholding fairness, transparency, and accountability within Mariposa County.

Procurement of Laptops and Improved Technical Support for Subsequent Grand Juries

After getting sworn in, the Mariposa Civil Grand Jury members were provided a juror email account and login information. The email account serves as a means of communication among Jurors during their tenure. Initially, all Jurors were able to access the email account without any issues. However, it soon became evident that the emails had not been cleared from previous years, causing some initial complications as well as creating a breach of confidentiality of the preceding year's Grand Jury's investigations. Furthermore, as Jurors continued to utilize the email account, some Jurors encountered ongoing difficulties in accessing it. This included being unable to access the email account grandjury@mariposacounty.org, which is the email that all citizen complaints are to be sent to. This resulted in the 2022-2023 Grand Jury being unable address any complaints that may have been submitted via email during that term.

In August of 2022, the Grand Jury was issued new email addresses by Technical Services in an attempt to resolve the aforementioned challenges. However, this transition presented issues for every member. Some individuals faced obstacles in accessing the new email platform, while others experienced compatibility problems with their respective devices. Subsequently, the Grand Jury proposed a solution to streamline future terms. The suggestion involved exploring the possibility of providing and assigning all future Grand Jury members with laptops or similar technological devices to ensure unrestricted access to the materials required for fulfilling their term.

Recognizing the significance of the concerns raised, members of the Grand Jury discussed with a representative of the Technical Services department to address these issues. During these discussions, it became apparent that no comprehensive policy, procedures, or effective Memoranda of Understanding (MOU) were in place to govern the interactions between the Grand Jury and Technical Services. In addition to addressing the challenges faced, the discussions also explored the feasibility of acquiring Chromebooks for future Grand Juries.

By engaging in these discussions and collaborating with Technical Services, the Grand Jury aimed to establish a framework that addresses the email access issues, streamlines technological processes, and ensures seamless communication and access to essential materials for future Juries.

Public Service Policy

Resolution No. 98-231 was adopted by the Mariposa County Board of Supervisors on June 16, 1998, as a Public Service Policy for the county of Mariposa. This document was brought to the attention of the Grand Jury through a Subpoena Duces Tecum requesting all onboarding documents currently in use with new hires from the Human Resources Department. It reads:

All officials and employees of Mariposa County will strive to provide high quality, courteous, timely and cost-effective services to assist individuals and serve the broader public interest.

Excellent public service includes:

- *Addressing all citizens seeking information, assistance and/or services with courtesy and respect;*
- *Being a patient listener;*
- *Assuring that public inquiries are guided to and addressed by the appropriate departments;*
- *Working together across department lines to resolve problems;*
- *Cooperating with citizens to develop workable alternative to achieve common goals that are in the public interest;*
- *Being fair, consistent and honest in our dealings with citizens;*
- *Following the Golden Rule: Do unto others you would have others do unto you;*
- *Always remembering that we work for the public benefit.*

Only one of the county individuals interviewed by the Grand Jury were aware of this policy. This individual indicated that it had been posted in their workplace by a former supervisor. All of the individuals that were asked about this policy agreed with it. Further, they suggested that it be brought to the attention of the Board of Supervisors for review and re-adoption.

Findings and Recommendations

FINDINGS		RESPONSES
F1	The public service message of Resolution 98-231 from the Mariposa Board of Supervisors (1998) has been overlooked by the county personnel in recent years.	
RECOMMENDATIONS		RESPONSES
R1	The Board of Supervisors should revisit Resolution 98-231 for modification, re-adoption and broadcast.	

The following governing boards are required to respond within 90 days pursuant to Penal Code §933 and §933.05:

Mariposa County Board of Supervisors: F1, R1

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code §933.5 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

Explanation of Amendment to Continuity Report Previously Released April 2023

The 2021-2022 MCCGJ Final Report included findings and recommendations regarding the following:

- #1 Airport Advisory Committee – Board of Supervisors Meeting Discussion
- #2 County Process for Contracting Outside Services – Coulterville Visitor Operations
- #3 County Cemetery Operations
- #4 John C. Fremont Healthcare District – Board Meeting Violations
- #5 Mariposa County Unified School District – Board Member Conflict of Interest
- #6 Road Maintenance Agreements: Standards and Provisions for Long-Term Maintenance

The 2021-2022 MCCGJ issued 25 findings and 20 recommendations.

Per CA Penal Code §933(c) governing boards and elected county official must respond to the grand jury's report's findings and recommendations that are directed at them within the timeframe prescribed – 60 days for elected County officials and 90 days for governing boards. The additional time allotted to boards affords them adequate time to conduct a public meeting to conduct a public meeting on the topic.

The grand jury may also invite responses from elected city officials or an appointed official of the local government entity -- those who cannot be required to respond. An invitation to respond should only be requested of an employee, contractor, or vendor of the entity. These individuals are usually asked to respond within 60 days.

The 2021 – 2022 Grand Jury indicated in their Final Report that the Airport Advisory Committee (AAC) was required to respond to specific findings and recommendations within 90 days. However, the AAC is an advisory committee and not a governing board. Therefore, the 2021 – 2022 Grand Jury should have instead invited the AAC to respond within 60 days.

In preparation of the Continuity Report by the 2022 – 2023 Grand Jury, the error of the previous Grand Jury was not identified and the report therefore indicated the AAC was negligent in providing the response that was required. No response was required by the AAC.

The Continuity Report included in the 2022 – 2023 Grand Jury's Final Report has been amended to correct the misinformation identified above and follows below.

Continuity Report (AMENDED June 12, 2023)

SUMMARY

The Mariposa County Civil Grand Jury (MCCGJ) is a group of volunteer citizens who, over the course of a one year term, are tasked with investigating the operations of local government including county government departments and agencies, joint powers authorities, special districts, and school districts. The MCCGJ conducts multiple investigations, many based on public requests. The MCCGJ must also, by statute, inspect local detention facilities each term.

The goal of the MCCGJ is to determine if local government can be made more efficient, effective, and responsive to the needs of our community. If the answer is “yes,” the MCCGJ creates a report that includes findings on items that need to be addressed, recommended fixes, and required due dates for responses from the elected officials who can ensure implementation as well as invited responses from relevant appointed officials. Because of the one-year term limit of each grand jury, it becomes the responsibility of the next grand jury to track responses.

The 2021-2022 MCCGJ Final Report¹ included findings and recommendations regarding the following:

1. #1 Airport Advisory Committee – Board of Supervisors Meeting Discussion
2. #2 County Process for Contracting Outside Services – Coulterville Visitor Operations
3. #3 County Cemetery Operations
4. #4 John C. Fremont Healthcare District – Board Meeting Violations
5. #5 Mariposa County Unified School District – Board Member Conflict of Interest
6. #6 Road Maintenance Agreements: Standards and Provisions for Long-Term Maintenance

The 2021-2022 MCCGJ issued 25 findings and 20 recommendations.

Per CA Penal Code §933(c) governing boards and elected county official must respond to the grand jury’s report’s findings and recommendations that are directed at them within the timeframe prescribed – 60 days for elected County officials and 90 days for governing boards. The additional time allotted to boards affords them adequate time to conduct a public meeting to conduct a public meeting on the topic.²

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The grand jury may also invite responses from elected city officials or an appointed official of the local government entity -- those who cannot be required to respond. An invitation to respond should only be requested of an employee, contractor, or vendor of the entity. These individuals are usually asked to respond within 60 days.

The 2021 -2022 Grand Jury indicated in their Final Report that the Airport Advisory Committee (AAC) was required to respond to specific findings and recommendations within 90 days. However, the AAC is an advisory committee and not a governing board. Therefore, the 2021 – 2022 Grand Jury should have instead invited the AAC to respond withing 60 days.

In preparation of the Continuity Report by the 2022 – 2023 Grandy Jury, the error of the previous Grand Jury was not identified and the report therefore indicated the AAC was negligent in providing the response that was required. No response was required by the AAC. This amended report corrects the

1 The complete text of the 2021-2022 Mariposa County Civil Grand Jury Final Report can be found here: <https://www.mariposacounty.org/DocumentCenter/View/92397/2021-2022-MCCGJ-FINAL-REPORT?bidId=>

2 The full text of the specific Penal Codes that are referenced in this report are included in TABLE 2 at the end of this report.

previous error.

This continuity report was completed by the 2022-2023 MCCGJ based on elected and appointed officials' initial responses to the findings and recommendations of the 2021-2022 MCCGJ Final Report.

The Board of Supervisors, John C. Fremont Healthcare District and Mariposa County Unified School District Board provided responses as required by Penal Code § 933.05. The Clerk of the Board, Chief Administrative Officer, Director of Public Works, and Director of County Planning were invited to provide responses and did not. All responses and lack of responses are noted in Table 1 of this Compliance and Continuity Report.

GLOSSARY

AAC	Airport Advisory Committee
BOD	Board of Directors
BOS	Board of Supervisors
CAO	Chief Administrative Officer
CDWR	California Department of Water Resources
COB	Clerk of the Board
CSBA	California School Boards Association
GM	General Manager
HR	Human Resources
JFC	John C. Fremont Healthcare District
MCCGJ	Mariposa County Civil Grand Jury
MCIS	Mariposa County Improvement Standards
MCUSD	Mariposa County Unified School District
PC	Penal Code
PIO	Public Information Officer
PM	Project Manager
PRA	Public Records Act
PW	Public Works
PWD	Public Works Department
RICP	Mariposa County Road Improvement and Circulation Policy
RFP	Request for Proposal
RMA	Private Road Maintenance Agreement
ZOB	Zone of Benefit

BACKGROUND

In reviewing past Grand Jury final reports, the 2022-2023 MCCGJ found that none included Compliance and Continuity Reports prior to that which was prepared by the 2021-2022 MCCGJ. These are not mandated, and given the one year time limit of service, each grand jury establishes its top priorities and utilizes its resources accordingly.

The 2022-2023 MCCGJ decided that continuing to prioritize the preparation and submission of an annual Compliance and Continuity Report was important to fulfill the Grand Jury's function as the mechanism of accountability within the County.

Clarifying Penal Code

According to California Penal Code Section §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."

When findings and recommendations are directed to an entity board, the board is required to respond within 90 days of the release of a grand jury's report. Elected county officials or agency heads, on the other hand, are required to respond within 60 days (PC §933(c)).

California Penal Code §933.05 mandates how the local governing board and how the elected officials must respond to the findings and recommendations that fall under their jurisdictions.

To begin, for each Grand Jury finding, the board or official must respond either (PC §933.05(a)):

1. The respondent agrees with the finding; or
2. The respondent disagrees 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 thereof.

Next, for each grand jury recommendation, the board or official must respond (PC §933.05(b)):

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been 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 thereof.

California Penal Code §933.05 (c) goes on to say:

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 findings or recommendations affecting his or her agency or department (§933.05 (c)).

Goals of Continuity and Compliance Report

The purpose of this report is to provide the community an understanding of, and more accurate compliance to, the California Penal Code. The jury believes that if respondents answer questions raised in findings and recommendations as clearly and comprehensively as possible, they will create a higher level of trust and support from the Mariposa County community at large.

This report may offer a model for future MCCGJs.

METHODOLOGY

For background, the MCCGJ read through a number of past MCCGJ Final Reports and studied their findings, recommendations, and responses.

The jury read, analyzed, and used as guidance Continuity and Compliance Reports generated by other county grand juries, especially those highlighted by the California Grand Jurors Association as being especially effective.

The MCCGJ applied the California Penal Code section §933.05 in their analysis of the responses received to the 2021-2022 MCCGJ Final Report findings and recommendations to determine whether the responses were compliant. The jury also noted if any finding or recommendation was missing a response.

DISCUSSION

Using a table format, TABLE 1 provides a quick summary of each of the 2021-2022 MCCGJ reports, details the findings and recommendations from each report, the responses the grand jury initially received from respondents, and the follow up responses the grand jury received when it requested clarification from the respondent.

FINDINGS OF THIS CONTINUITY REPORT 2022-2023

- F1. The MCCGJ received no responses to the 30 invitations to respond to the investigative findings and recommendations of the 2021-2022 MCCGJ Final Report.
- F2. Some respondents did not make clear commitments (e.g., timeframes, further analysis) for implementing agreeable recommendations in the 2021-2022 Final Report.

RECOMMENDATIONS OF THIS CONTINUITY REPORT 2022-2023

- R1. Invited respondents should take the opportunity to prepare and submit responses when invited to do so to demonstrate to the Mariposa County community their efforts to improve the services their department provides to the County.
- R2. Respondents should include timeframes and commitments implementing agreeable recommendations.

REQUEST FOR RESPONSES

Per Penal Code 933.05 (a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per Penal Code 933.05 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

The following governing boards were required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

#1 Airport Advisory Committee – Board of Supervisors Meeting Discussion

Board of Supervisors F4, R1, R2

#2 County Process for Contracting Outside Services – Coulterville Visitor Operations

Board of Supervisors F1, F2, R1

#3 County Cemetery Operations

Board of Supervisors F1, F2, F3, F4, R1, R2, R3, R4

#4 John C. Fremont Healthcare District – Board Meeting Violations

JCF Board of Directors F1, F2, F3, F4, F5, R1, R2, R3, R4, R5

#5 Mariposa County Unified School District – Board Member Conflict of Interest

MCUSD Board F1, F2, R1, R2

#6 Road Maintenance Agreements: Standards and Provisions for Long-Term Maintenance

Board of Supervisor F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3, R4, R5, R6

Per Penal Code 933.05 (a)(1) and (2), responses must include acceptance, refutation, and/or clarification of the findings. Per PC 933.05 (b) (1) (2) (3) and (4) a commitment to implementing the recommendations, as appropriate.

The following department heads were invited to respond within 60 days:

#1 Airport Advisory Committee – Board of Supervisors Meeting Discussion

Clerk of the Board F4, R1, R2

#2 County Process for Contracting Outside Services – Coulterville Visitor Operations

Chief Administrative Officer F1, F2, R1

#3 County Cemetery Operations

Director of Public Works F1, F2, F3, F4, R1, R2, R3, R4

#6 Road Maintenance Agreements: Standards and Provisions for Long-Term Maintenance

Director of Mariposa County Planning Department F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3, R4, R5, R6

Director of Mariposa County Public Works F1, F2, F3, F4, F5, F6, F7, F8, R1, R2, R3, R4, R5, R6

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

TABLE 1

A brief overview of each of the 2021-2022 MCCGJ reports, the findings and recommendations of each report, the responses the 2022-2023 grand jury received.

#1 Airport Advisory Committee – Board of Supervisors Meeting Discussion		
INVESTIGATION: The 2021-2022 Mariposa County Civil Grand Jury (MCCGJ) investigated a complaint alleging that an Airport Advisory Committee (AAC) topic was placed on the 2021 Board of Supervisors (BOS) agenda without following proper procedure, including not giving suitable notice to the AAC. Additionally, the complainant was concerned the BOS discussion would address purported inappropriate conduct at past AAC board meetings, leading to unwarranted defamation of character of some AAC board members.		
ANALYSIS:		
FINDINGS		RESPONSES
F1	The August 17, 2021, BOS Regular Meeting Agenda item “J.3. Clerk of the Board of Supervisors-Discussion and Direction to Clarify the Airport Advisory Committee Purpose,” was put on the BOS agenda following policy and procedure.	
F2	In regard to this agenda item, the COB made a good faith attempt to inform the AAC chairperson prior to the BOS meeting.	
F3	Supervisors informed the AAC board of the BOS agenda item at an AAC meeting prior to the BOS meeting.	
F4	Clerk of the Board (COB) and county staff members were aware of the allegations of misconduct at AAC board meetings, but did not take timely action to investigate.	COB was invited to respond by 8/26/22. No response received.) <u>Response from BOS received 10/4/22:</u> The Board agrees that the former clerk of the board memo dated August 17, 2021, discusses “heated dissention” and that an environment “contrary to the county’s Discrimination and Harassment Policy” was discovered while researching the purpose of the airport advisory committee. Once discovered, the former clerk of the board states that she requested a board action to clarify the topics causing the “heated dissention” and improve the meeting environment.
RECOMMENDATIONS		RESPONSES
R1	The County should follow the “Mariposa County Policy Against Discrimination and Harassment in the Workplace” policy when	COB was invited to respond by 8/26/22. No response received.

	made aware of the type of allegations noted in the memo from the COB to the BOS included as an attachment to the AAC agenda item in the August 17, 2021, BOS meeting packet.	<u>Response from BOS received 10/4/22:</u> The Board agrees that the Mariposa County Policy Against Discrimination and harassment in the Workplace should be followed by all staff at all times. In addition, on February 15, 2022, the BOS adopted a policy governing its various committees. Among other things, this policy clarifies that volunteers serving on advisory boards are subject to the discrimination and harassment policy and that establishes a clear procedure for the reporting of issues to HR and the prescribed response up to and including removal of committee member found to be in violation.
R2	County employees and agencies should be made aware that they must file formal written complaints with a County staff supervisor or manager per the "Mariposa County Policy Against Discrimination and Harassment in the Workplace" policy in order to have the issues addressed in a timely manner.	COB was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board partially agrees that employees and departments should be aware of policy requirements to report in writing. This agreement is only partial because, while we agree that employees should be aware of what the policy says, we also believe our employees and department heads must be held to a higher standard. We simply cannot, will not, and do not tolerate acts of discrimination or harassment. Staff are trained to report any and all awareness of discrimination or harassment to HR; and HR staff are directed to investigate allegations in a timely manner regardless of whether a formal complaint was filed.

#2 County Process for Contracting Outside Services – Coulterville Visitor Center Operations
INVESTIGATION: The 2021-2022 Mariposa County Civil Grand Jury (MCCGJ) received a complaint claiming that when the County had posted a Request for Proposals (RFP) for the Coulterville Visitor Center Operations service in 2020, the County had been biased in its choice of vendor. Further, when the County chose to renew the contract in 2021 rather than opening a new RFP process, the County unfairly excluded interested parties from bidding and showed favoritism to certain individuals.
ANALYSIS:

FINDINGS		RESPONSES
F1	When it comes to contracts for outside services, the County does not have a set of policies and procedures used by all County departments. This is in violations of County Purchasing Code Chapter 3.08, Section 3.08.040 (C).	CAO was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board disagrees that the County does not or has not had purchasing policies and procedures for all departments. In addition to Mariposa County Code Section 3.08 itself, the County maintained no less than eight resolutions focused on various areas of purchasing policy (1987-22, 1998-130, 1988-046, 1990-448, 1993-489, 1989-159, 2007-225, and a policy adopted without a resolution number on June 21, 1988.
F2	In 2021, the Chief Administrative Officer (CAO) used his authority as purchasing agent to renew the Coulterville Visitors Center Operations contract.	CAO was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board agrees that the CAO used his authority to enter a new agreement for the operation of the Coulterville visitor center. The agreement was with the same vendor who had been selected through a competitive solicitation process one year earlier and had operated the visitor center in the intervening time.
RECOMMENDATIONS		RESPONSES
R1	The CAO should develop a set of policies and procedures for contracting outside service to be used by all County departments, consolidating them into a manual within 90 days.	CAO was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board agrees that a consolidated purchasing policy would be advantageous, which is why it adopted an amended purchasing ordinance on July 12, 2022, rescinded the previous policies noted above, and adopted comprehensive purchasing and purchasing card policies on August 16, 2022. The adopted policies have been distributed to all staff.

#3 County Cemetery Operations

INVESTIGATION:

The 2021-2022 Mariposa County Civil Grand Jury (MCCGJ) received a complaint indicating that the family wanted to inter their deceased loved one in the Mariposa Town Cemetery but faced a number of obstacles. The obstacles included initial difficulty in finding information about the interment process and, soon after, receiving incorrect information from a Public Works employee. The

interment process for their loved one took over a year and ultimately ended in the family interring their loved one's remains in an Oakhurst cemetery.

ANALYSIS:

FINDINGS		RESPONSES
F1	Information about Mariposa County cemeteries, cemetery committees, and the interment process is difficult to find and is very limited.	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board agrees that information about public cemeteries is limited.
F2	There is no active Mariposa Town Cemetery Committee to effectively manage public requests for interment.	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board agrees that the Mariposa Town Cemetery Committee is not currently active. The Mariposa Cemetery itself is active and currently taking caskets and cremations for burial.
F3	The County does not have a set of guidelines for County staff to use to respond to public inquiries regarding interment at its three cemeteries, leading to the public sometimes receiving erroneous information.	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board does not agree that there are no staff guidelines for cemeteries.
F4	The upkeep of the three County cemeteries is insufficient.	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board does not agree that the upkeep of the cemeteries is insufficient.
RECOMMENDATIONS		RESPONSES
R1	The BOS should direct staff to add links to, and information about, Mariposa County cemeteries, cemetery committees, and the interment process to the County website within the next three months.	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> The Board agrees that more information about public cemeteries should be available online and will direct staff to update the County website before the end of the calendar year
R2	The BOS should re-establish a cemetery committee for the Mariposa Town	Dir. of PW Dept was invited to respond by 8/26/22.

	Cemetery within the next six months. (12/28/22)	No response received. <u>Response from BOS received 10/4/22:</u> The Mariposa Town Cemetery Committee is already established but is not active due to a lack of volunteers. Members of the public who would like to volunteer are welcome to contact public works for more information about the responsibilities and application process.
R3	The County should work with the cemetery committees to develop a set of guidelines for staff and committees to use to respond to public inquiries regarding interment at its three cemeteries within the next six months. (12/28/22)	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> Guidelines are already developed. The Board will direct staff to redistribute and provide training on these guidelines to the relevant parties before the end of the calendar year.
R4	The BOS should direct the Parks and Recreations staff to work with current cemetery committee members to develop a plan for regular upkeep and maintenance needs and, until the Mariposa County Cemetery Committee is back up and running, staff should assess the needs at the Mariposa Town Cemetery. The BOS should work with staff to determine an adequate budget for cemeteries to cover upkeep and maintenance for the 2024 budget.	Dir. of PW Dept was invited to respond by 8/26/22. No response received. <u>Response from BOS received 10/4/22:</u> By way of clarification, Mariposa public cemeteries are technically not cemeteries at all – they are burial grounds. While the names are used interchangeably, there are many differences between a cemetery and a burial ground. Most relevant to this response is the cost: cemeteries tend to charge large fees for interment that can be used to maintain the property over time while burial grounds have minimal or no fees can therefore provide only minimal maintenance. Additional maintenance for our burial ground would require taking away funds from our local sheriff, roads, and other vital services. A change in service priorities can be considered, but the decision to increase maintenance should be made in the context of the fees that would need to be added or the services that would need to be proportionally reduced.

#4 John C. Fremont Healthcare District – Board Meeting Violations

INVESTIGATION:

The 2021-2022 Mariposa County Civil Grand Jury (MCCGJ) received a complaint regarding improperly worded agendas and improper actions at John C. Fremont Healthcare District (JCF) board meetings.

ANALYSIS:		
FINDINGS		RESPONSES
F1	The JCF Board does not always comply with the Brown Act, California Health and Safety Code §3200-32499.4, and California Government Code §54956.87 regarding the wording of closed session agenda items and actions at board meetings.	<u>Response from JCF Board received 8/29/22:</u> JCF's Board agrees partially with this finding, in that the Board always endeavors to word closed session agenda items and take actions at Board meetings in a manner that is fully compliant with the Brown Act and Health and Safety Code. However, to the extent there have been inadvertent instances of noncompliance, the Board agrees to take all necessary corrective actions to ensure no such instances occur going forward.
F2	The JCF Board does not have a lawyer present during closed session litigation or potential litigation discussions.	<u>Response from JCF Board received 8/29/22:</u> JCF's Board partially agrees with this finding; JCF's counsel has, from time to time, attended litigation-related closed session discussions, but the Board will work in conjunction with the CEO to ensure is present at every litigation-related closed session going forward.
F3	Regarding a November 2021 agenda item about the request for registered nurse union recognition, there was improper board discussion of this item during closed session.	<u>Response from JCF Board received 8/29/22:</u> JCF's Board agrees with this finding, and will ensure no such discussion of agenda items occur in closed session going forward.
F4	The JCF bylaws state that the agenda and minutes are the responsibility of Administration and yet neither the CEO nor the COB have had Brown Act, Health and Safety Code §3200-32499.4, and GC §54956.87 training.	<u>Response from JCF Board received 8/29/22:</u> JCF's Board partially agrees with this finding; the Clerk of the Board has not been formally trained in Brown Act or Health and Safety Code §3200-32499.4, but has received some on-the-job training. Further, the CEO has received formal training in these matters in recent years. Still, the Board commits to ensuring that the CEO, and all pertinent staff, receive regular Brown Act and Health and Safety Act trainings from qualified individuals going forward.
F5	The JCF board members are not required to attend Brown Act training. While some have received this training, none retrain on a regular basis.	<u>Response from JCF Board received 8/29/22:</u> JCF's Board partially agrees with this finding. Board members have, in the past, been required to attend Brown Act training. However, with respect to regular retrainings, the Board and CEO have already begun the process of scheduling a refresher training course, and will ensure that all Board members will be required to attend regularly scheduled trainings going forward.
RECOMMENDATIONS		RESPONSES

R1	The JCF board must follow Brown Act, Health and Safety Code §3200-32499.4, and GC §54956.87 requirements. One way to ensure this would be to use the GC templates.	<u>Response from JCF Board received 8/29/22:</u> This recommendation has been implemented in all Board meeting agendas published since the Grand Jury Report, and will continue to be implemented on an ongoing basis in the future.
R2	JCF's legal counsel must be present for all closed session items regarding litigation.	<u>Response from JCF Board received 8/29/22:</u> This recommendation has been implemented, as the Board recently held a litigation-related closed sessions after the release of the Grand Jury Report and ensured that legal counsel will attend <u>all</u> litigation-related closed sessions in the future.
R3	The JCF Board must ensure it is only discussing items in closed session that fall under the purview of closed session and are properly noticed.	<u>Response from JCF Board received 8/29/22:</u> This recommendation has been implemented, as the Board recently held a closed session after the release of the Grand Jury Report. At that meeting, the Board was careful to discuss only those items in closed session that were properly noticed and fell within the scope of the agendized closed session item. In addition, the Board is committed to ensuring continued compliance at all future meetings.
R4	The JCF Board should ensure staff drafting meeting agendas and minutes have the training they need to carry out that job function.	<u>Response from JCF Board received 8/29/22:</u> This recommendation has not yet been implemented, but the Board, through the CEO, is in contact with personnel who are capable of and willing to provide such training, and is in the process of scheduling the training for the coming weeks.
R5	The JCF Board should schedule Brown Act training on a regular timeframe.	<u>Response from JCF Board received 8/29/22:</u> The recommendation has not yet been implemented, but the CEO is in contact with personnel who are capable of and willing to provide such training, and is in the process of scheduling the training for the coming weeks.

#5 Mariposa County Unified School District – Board Member Conflict of Interest

INVESTIGATION:

The Mariposa County Civil Grand Jury (MCCGJ) received a complaint regarding alleged conflict of interest among the Mariposa County Unified School District (MCUSD) Board. The complainant noted that a school board member made a motion and voted on the subject even though he had a relative who was directly impacted by the issue and its resolution. The complainant states that the motion and vote appeared to benefit the board member's relative. The motion involved COVID testing for all teachers regardless of vaccination status. The relative of the board member was not vaccinated and did not want to be treated differently than vaccinated teachers through mandatory COVID testing.

ANALYSIS:

FINDINGS		RESPONSES
F1	A School Board member made a motion and voted on it when the subject involved a relative.	<u>Response from MCUSD Board received 8/24/22:</u> The District agrees with this finding.
F2	School Superintendent and School Board Members must avoid the appearance of a conflict of interest in order to maintain public trust.	<u>Response from MCUSD Board received 8/24/22:</u> The District agrees with this finding.
RECOMMENDATIONS		RESPONSES
R1	School Board Member should recuse themselves from making motions or voting on matters that involve a conflict of interest or give the appearance of a conflict of interest.	<u>Response from MCUSD Board received 8/24/22:</u> This recommendation will be immediately implemented.
R2	The language in the bylaws should be written to more clearly define conflicts of interest, and the process to determine if a conflict of interest exists.	<u>Response from MCUSD Board received 8/24/22:</u> The District, like most school districts in the State of California, utilizes the services of the California School Boards Association ("CSBA") related to the creation, adoption, and revision to the District's Board Policies/Board Bylaws/Administrative Regulations. The Board has directed the Superintendent to ensure that the District's policies related to conflicts of interest are updated in accordance with the most current policies/bylaws released by CSBA. In the event of any of the conflict of interest language set forth in the District's policies is out-of-date, the Board will adopt updated versions as promulgated by CSBA.

#6 Road Maintenance Agreements: Standards and Provisions for Long-Term Maintenance

INVESTIGATION:

The MCGJ received a complaint regarding the County changing a zone of benefit (ZOB) to a private road maintenance agreement (RMA) in 1993. In a ZOB mechanism, the County collects fees and provides regular road maintenance activities. In an RMA, the property owner(s) are responsible for all road maintenance activities (e.g., fee collection and maintenance contracting) with little involvement from the County once the RMA is recorded by the Clerk of the Board.

ANALYSIS:

FINDINGS		RESPONSES
F1	A major subdivision ZOB was dissolved by a BOS resolution and the RMA(s) which replaced it did not include conditions for County oversight of effective road management.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u>

		The Board agrees that a major subdivision zone of benefit was replaced with a road maintenance agreement that was not subject to County oversight.
F2	There is no mechanism by which the BOS can make certain that a successful RMA application establishes a committee to ensure the condition of the agreement were met.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that it is not responsible for ensuring private road maintenance agreements are enforced and/or effective, nor is there a mechanism for the Board to do so.
F3	There is no mechanism by which the BOS can make certain that a successful RMA applicant requires a committee to collect and manage funds for routine road maintenance and emergency repairs.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that it is not responsible for ensuring private road maintenance agreements are enforced and/or effective, nor is there a mechanism for the Board to do so.
F4	There is no mechanism by which the BOS can make certain that the successful RMA applicant applies enforcement tools (e.g., liens) to ensure delinquent fees and assessments are collected.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that it is not responsible for ensuring private road maintenance agreements are enforced and/or effective, nor is there a mechanism for the Board to do so.
F5	The RICP identifies the duration of road maintenance to extend through the life of the project, a vague term with opportunities for multiple interpretations.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees the Road Improvement and Circulation Policy (RICP) provides general guidance in relation to road maintenance and lifespans.
F6	There is concern that public access to privately maintained roads can result in	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22.

	additional wear and tear as well as safety and liability concerns.	No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that there is concern that public access on private roads can result in additional wear and liability issues.
F7	Some Mariposa County regulations and policies regarding road design and maintenance standards (e.g., RICP and MCIS) are older than ten (10) years.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that some road design and maintenance standards are at least ten years old.
F8	Mariposa County has no review authority for amendments to an RMA.	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that it does not have review authority for road maintenance agreement amendments,
RECOMMENDATIONS		RESPONSES
R1	Within the next six (6) months, the BOS should ensure that the changes or amendments to road maintenance agreements should be consistent and in conformance with standards set in the RICP and MCIS. (F1, F5, F7)	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board does not agree that it is the responsibility of the County to ensure private road maintenance agreements are in conformance with the current RICP, but encourages the private parties engaged in such agreements to review their agreements and current standards.
R2	Effective immediately, approved BOS resolutions should document clarity of decision and reasoning for the resolution (e.g., rescinding or amending road maintenance agreements). (F1, F5, F7)	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that resolutions should clearly document the decisions that are made and believe that, as a rule, this is already the practice of the County.

R3	With the next six (6) months, a standard RMA template guideline should be developed and adopted by the BOS with the following provisions: a. Define the roles and responsibilities for implementing the conditions of the agreement (e.g., establishment of a road maintenance association). (F2) b. Specifications for collection and allocation of funds for road maintenance. (F3) c. Lien authorities to ensure compliance. (F4) d. Road maintenance duration responsibilities per the updated RICP. (F5) e. An annual self-inspection and compliance report. (F6, F7)	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board does not agree that the County should provide a template for private road maintenance agreements. These agreements are the responsibility of private parties and each should seek its own legal counsel for support drafting or updating legal documents.
R4	Within the next six (6) months, the BOS should approve by resolution an update of the RICP including clearly identified standard duration periods and responsibilities with clearly defined terms. Approved changes should be made in an act by BOS resolution and should document clarity of decision and reasoning for the resolution. (F5, F7)	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that updates to our road improvement and circulation plan and other road related processes and procedures are necessary (R4-R6). It cannot commit to completing these updates within six months. Public works already has a significant workload and, like many county departments, is attempting to manage that workload with a high number of vacancies. When the department can be staffed appropriately or other work can be completed, there will be time to focus on the needed updates.
R5	Within the next six (6) months, the BOS should approve by resolution an update of the MCIS. Approved changes should be made in an act by BOS resolution and should document clarity of decision and reasoning for the resolution. (F7)	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that updates to our road improvement and circulation plan and other road related processes and procedures are necessary (R4-R6). It cannot commit to completing these

		updates within six months. Public works already has a significant workload and, like many county departments, is attempting to manage that workload with a high number of vacancies. When the department can be staffed appropriately or other work can be completed, there will be time to focus on the needed updates.
R6	Within the next six (6) months an amendment procedure should be established that requires interdisciplinary review by the County when a project and associated RMA is amended. (F8)	Directors of Mariposa County Planning Department and Mariposa County Public Works were invited to respond by 8/26/22. No responses received. <u>Response from BOS received 10/4/22:</u> The Board agrees that updates to our road improvement and circulation plan and other road related processes and procedures are necessary (R4-R6). It cannot commit to completing these updates within six months. Public works already has a significant workload and, like many county departments, is attempting to manage that workload with a high number of vacancies. When the department can be staffed appropriately or other work can be completed, there will be time to focus on the needed updates.

TABLE 2

The following is the full text of the California State Penal Codes that are referenced in this report.

929.

As to any matter not subject to privilege, with the approval of the presiding judge of the superior court or the judge appointed by the presiding judge to supervise the grand jury, a grand jury may make available to the public part or all of the evidentiary material, findings, and other information relied upon by, or presented to, a grand jury for its final report in any civil grand jury investigation provided that the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released. Prior to granting approval pursuant to this section, a judge may require the redaction or masking of any part of the evidentiary material, findings, or other information to be released to the public including, but not limited to, the identity of witnesses and any testimony or materials of a defamatory or libelous nature.

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. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when

applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

933.05.

(a) For 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 disagrees 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 therefor.

(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 actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been 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 therefor.

(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 findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.