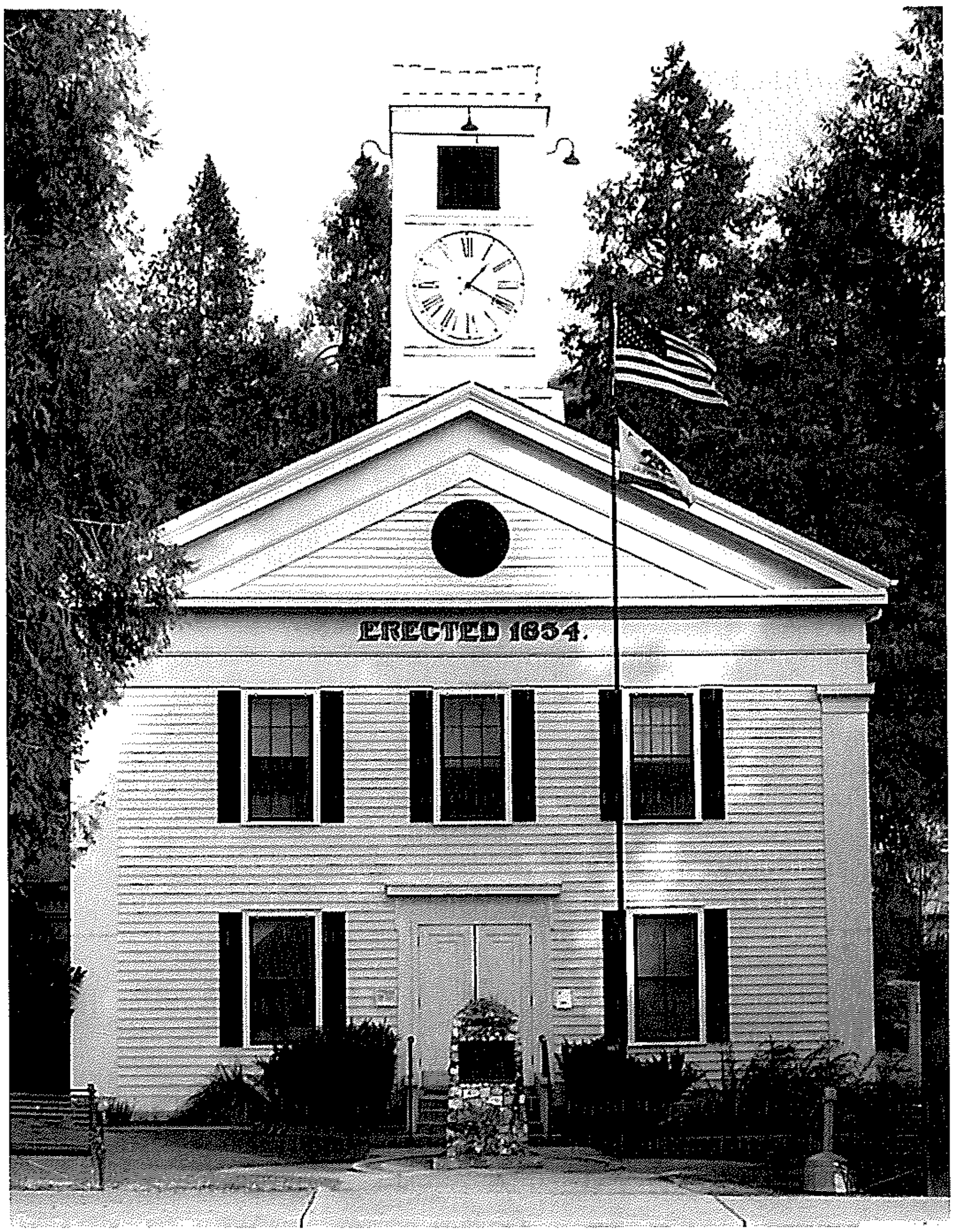
Midterm Report of the 2012-2013 Mariposa County Grand Jury



Superior Court of the State of California
County of Mariposa

Wayne R. Parrish
Presiding Judge

F. Dana Walton
Assistant Presiding Judge

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January 31, 2013

George Catlin
3526 Hwy 49 S.
Mariposa, CA 95338

Dear Mr. Catlin:

I have read and reviewed the 2012-2013 Midterm report have approved the report.

At this time I wish to personally thank you and the other grand jurors for your work on this interim report 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 F. Dana Walton
Superior Court Judge

Midterm Report

by the

2012–2013 Mariposa County Civil Grand Jury

Table of Contents

Retirement Benefit Costs and Liabilities 1
Introduction 1
Methods 1
Retirement pension plans and costs 1
Pension unfunded liabilities 4
Other post-employment benefits 5
Recent retirement law changes 6
Findings 6
Recommendations 7
Planning Department 9
Introduction 9
Background 9
Facts 9
Findings 10
Conclusions 11
Recommendations 11
Commendations 12
Employee Survey Results 12
Yosemite West Waste Water Treatment Facility 15
Introduction 15
Facts 16
Findings 18
Conclusions 20
Recommendations 21
Elections Department 23
Introduction 23
Facts 23
Findings 23
Conclusions 24
Recommendations 24

Technical Services Department 25
Introduction 25
Findings 25
Recommendations 27
Commendations 28
Mariposa County Grand Jury 29
Introduction 29
Composition of the Jury 29
Training of the Jury 30
Managing the Budget 31

MARIPOSA COUNTY COURT HOUSE

Mariposa County Grand Jury

P. O. BOX 789
MARIPOSA, CALIFORNIA

January 28, 2013

The Honorable F. Dana Walton
Judge of the Mariposa County Superior Court
Mariposa, CA 95338

Dear Judge Walton,

The members of the 2012-2013 Mariposa Grand Jury submit the following report constituting Part 1 of our full report. The second part should come to you toward the close of our term in June.

We have chosen to publish this section of our report early for two reasons. First we wanted to see what we would learn from pushing our various investigations through to completion early in the term. We hope that what we have gained from this experience will aid us in further investigations. Second, we see considerable advantages to remaining in our roles as the responses to this first report are submitted by the various agencies we have reviewed. If there are questions or comments about this report, we would like to address them ourselves rather than depending on succeeding juries to take up matters we have initiated.

One theme of our work this year has been to try to work with County Agencies and Special Districts. We see little advantage in adversarial relationships and hope that a spirit of cooperation will guide the work of all Mariposa Grand Juries.

While specific committees have conducted the investigations and written the reports in this document, they have all been endorsed by at least eight of the eleven members of the Jury. Thus, this report truly comes from the entire Grand Jury.

Respectfully submitted,

Steve Bacus	George Catlin (foreman)	Chery Davis
Yvonne Dixon	Mike Fagalde	Lynette Jackson
Greg Kittelson	Duncan Laing	Patrick McCall
JR Matchett	Laura Ullmann	

Retirement Benefit Costs and Liabilities

Introduction

The deteriorating condition of California's public employee pension plans has been the subject of many recent policy studies, newly enacted laws, and Grand Jury investigative reports in several other counties. In this report we examine the current status and recent trends in Mariposa County public employee pension and retirement benefit costs.

Methods

- We read recent assessments of California pension and retirement benefit programs to become familiar with how they are structured and to learn about general funding issues[1,2,3].
- We reviewed recent Grand Jury reports[4,5,6,7,8] by other counties that addressed employee pensions and retirement benefits.
- We conducted interviews with county staff, including the Auditor, Assistant Auditor, and Chief Administrative Officer.
- We compiled County pension and retirement benefit numbers from annual independent audit reports[9], CalPERS annual valuation reports[10], and summaries produced by the County Auditor's Office and Chief Administrative Officer.

Retirement pension plans and costs

Most Mariposa County employees participate in retirement pension plans managed by the California Public Employees Retirement System (CalPERS). Teachers participate in California State Teachers Retirement System (CalSTRS), which is a state-run plan without county involvement. These pension plans are referred to as *defined benefit* plans, which mean that an employee is guaranteed a defined level of benefits, usually based on their years of service and salary history. This contrasts with *defined contribution* retirement plans often provided in the private sector, such as 401(k) plans. In those plans, the employee and employer contribute money to an investment account from which the employee draws money during retirement, with the level of benefits depending on how much money was contributed and the account's investment performance.

The defined benefit plans provided to county employees are generically named *X% @ Y*, where *X* indicates the percentage of salary an employee earns for each year of service and *Y* indicates the age at which an employee can retire and receive the full benefit. For example, in a 2% @ 55 plan an employee earns 2% of their salary for each year of service when they retire at age 55. The salary used in the benefit calculation in usually based on the highest amount earned. Continuing the example, if an employee worked for 20 years and their highest salary was $50,000, their yearly retirement payment would be 2% per year × 20 years × $50,000, which equals $20,000. The annual pension payment typically increases slightly over time because cost-of-living adjustments are added.

CalPERS requires that pension benefits be prefunded. Current employees and their employer contribute to an investment fund to cover future pension benefits. An employee receives benefits with at least 5 years of credited service (across any of CalPERS-covered employers or employers with CalPERS reciprocity agreements) and can retire at age 50 (although the percentage they earn for each year of service is reduced if retiring before the plan's age, for example retiring at age 50 while in a 2% @ 55 plan only credits 1.426% for each year of service). The highest salary used in the benefit calculation was often based on a single year, but is now typically based on the highest 3 years. This reduces the occurrence of *salary spiking*, which occurs when an employer raises the compensation of a favored employee for a single year so the employee will receive a higher retirement payment.

Miscellaneous employee plans

Miscellaneous employees are those in job positions not involved in public safety (i.e. law enforcement and fire). The retirement plans provided by Mariposa County to miscellaneous employees have varied over time. Employees hired before 2001 were in a 2% @ 55 plan, those hired between 2001–2011 were provided a more lucrative 2.7% and 55 plan, followed by a return to the lower-benefit 2% @ 55 plan for employees hired after 2011. When the County switched to the 2.7% @ 55 in 2001, the increased benefit was applied retroactively to all current employees. So for example, an employee who worked for 10 years prior to 2001 and had earned 2% for each of those years was now given 2.7% credit for those years. The reduced pension benefits enacted in 2011 apply only to new employees. Count rulings in California have established that state retirement statutes create a contract between the employer and employee, therefore detrimental changes to pensions benefits promised to current employees are generally prohibited[11].

Safety employee plans

The *Safety* pension plans are provided to county law enforcement and fire personnel. Generally these plans have lower retirement ages and/or higher benefit percentages compared to miscellaneous plans. In Mariposa County, employees hired before 2001 were provided a 2% @ 50 plan, benefits were raised for those hired between 2001–2011 when a 3% @ 50 plan was in effect, and the retirement age was increased for employees hired after 2011 when a 3% @ 55 plan was established. The increase in retirement benefits in 2001 was applied retroactively to current safety employees.

County costs

The yearly amount paid by Mariposa County to fund employee pension plans has increased dramatically over the past 12 years (figure 1). Prior to 2003, the total annual cost was just under $1 million (expressed in 2012 inflation-adjusted dollars[12]), but quickly escalated over the next several years, exceeding $5 million per year by 2009. The growth in costs has slowed during the past 4 years.

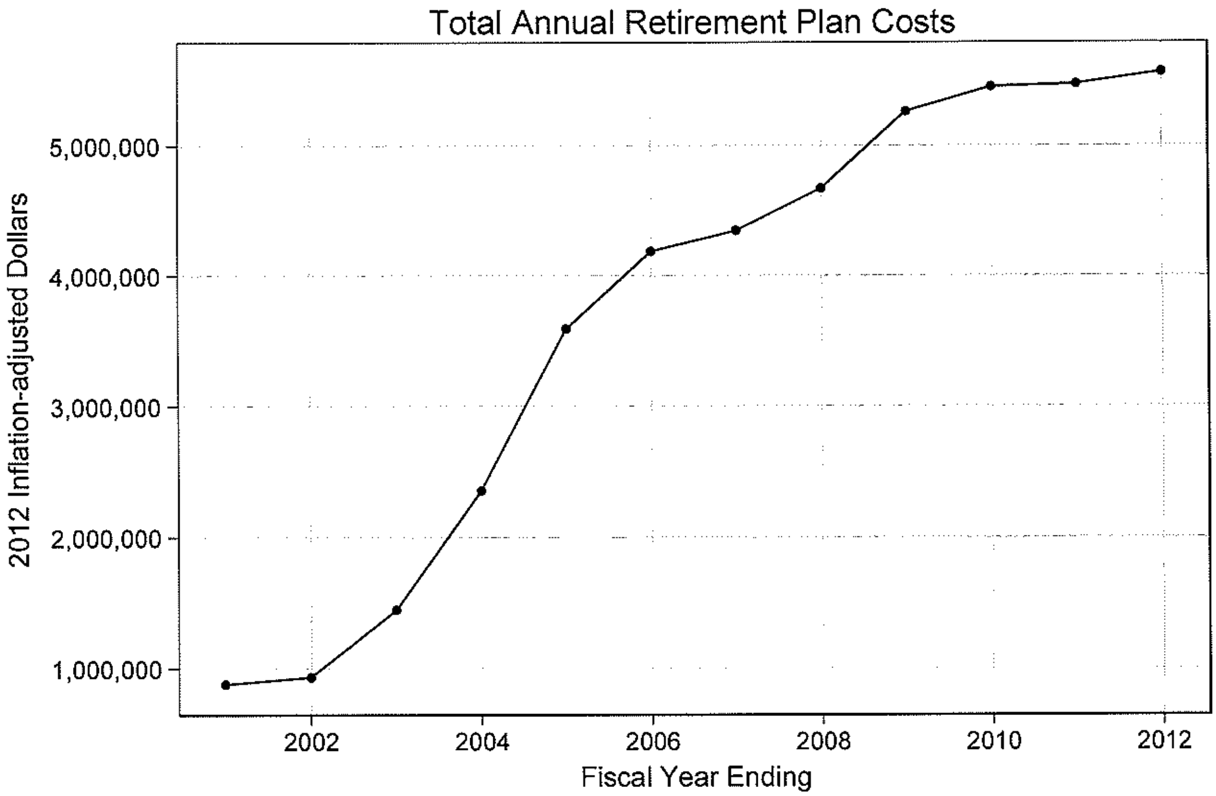

Figure 1. Total annual pension plan costs for Mariposa County.

Mariposa County also pays the employee portion of pension plan contributions. Employees are required to contribute a percentage (7–9% depending on the specific plan) of their gross compensation to the pension plan; however, the County has been paying these contributions in full. These are referred to as *employer paid member contributions.* In recent years, Mariposa County has been paying around $1.5 million per year in retirement plan contributions on behalf of its employees.

Most local California governments and the State experienced this rapid increase in retirement plan costs. Generally, three main factors caused this increase: a rise in the number of government employees, establishment of more lucrative retirement benefit plans, and poor performance of CalPERS investment accounts. In Mariposa County there were 339 full-time employees in 2003, followed by an increase to 399 employees by 2009, then a drop to 380 employees by 2011. The change to higher pensions plan benefit formulas in 2001, and especially the retroactive application of those benefits to current employees, also added to the County's costs. In 5 of the past 11 years, CalPERS investment fund returns have fallen below the expected 7.75% rate, including negative returns in 2001 (-7.2%), 2002 (-6.1%), 2008 (-5.1%), and 2009 (-24.0%).

We found that the County has been paying the required pension plan costs in full every year.

Pension unfunded liabilities

The employer and employee must prefund employee pension benefits, and this requires estimating costs that will occur in the future. CalPERS actuaries estimate how much should be contributed in an upcoming year by making a number of assumptions such as the number of participating employees, when they will likely retire, expected increases in salary, death rates, cost-of-living adjustments, and performance of CalPERS investment funds. At the end of the year, if the assumptions were not met (such as the number of employees increased or the CalPERS investment fund performance was lower than expected), the amount contributed that year will not fully cover the retirement plan's future costs. This creates an *unfunded liability*. The unfunded liability is not an amount that is needed immediately; rather it represents the total present value of unfunded costs that will occur gradually over many years in the future. CalPERS requires that a given year's unfunded liability be amortized (paid down) over a 20 or 30 year period (the time depends upon the cause of the liability) at a 7.75% (or more recently 7.5%) annual interest rate. The annual payments made on these unfunded liabilities are part of the County's total annual pension costs.

Each year an unfunded liability can occur (or sometimes an *asset*, if for example the investment fund performs better than expected) and the sum of all outstanding unfunded liability balances is the *unfunded actuarial accrued liability*. The unfunded actuarial accrued liability for Mariposa County's pension plans has rapidly increased over the past 12 years (figure 2). Prior to 2002 there was a net asset (liability was negative), but by 2011 the

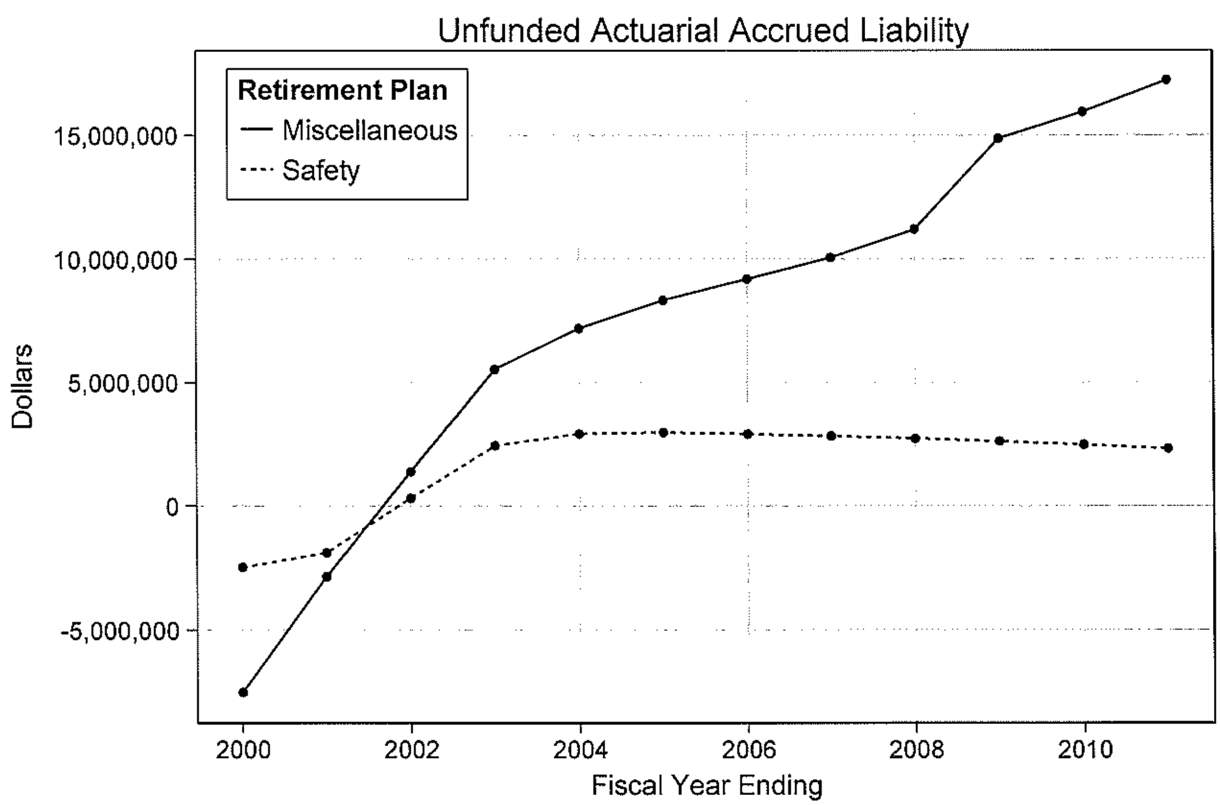

Figure 2. Unfunded actuarial accrued liabilities of Mariposa County pensions plans.

combined accrued liability for the Miscellaneous and Safety plans had grown to over $19.5 million. The accrued liability for the Safety plan peaked in 2004, which is a result of a CalPERS requirement that all pension plans with fewer than 100 active members be placed into a risk-sharing pool with other small pension plans. The County is still responsible for paying down the accrued liability that existed in 2003 (an amount now referred to as a *side fund* in the actuarial reports).

County attempts to reduce unfunded liabilities

The County became concerned about the increasing unfunded liability and considered a number of options to reduce it, including direct pay-down of the liability, issuing pension obligation bonds, and participating in CalPERS Fresh Start program.

Initially the Board of Supervisors and the interim CAO at the time proposed paying down the unfunded liability using money from the General Fund. $2 million was set aside in the County Budget for this purpose; however, the newly-hired CAO argued that the payment shouldn't come exclusively from the General Fund because a large portion of the unfunded liability was attributable to Human Services employees, whose funding is primarily from State and Federal sources. Ultimately, the $2 million set-aside was used to cover other shortfalls in the County's budget.

The County also pursued *pension obligation bonds*[13]. These would be bonds issued by the County that would finance the debt at interest rates lower than the 7.75% rate charged by CalPERS. The County hired a financial consulting firm and took the necessary steps to issue the bonds, but the economic downturn in 2007 resulted in unfavorable bond market conditions.

In 2006 the County participated in the CalPERS *Fresh Start* program. The program combined the unfunded liability balances from the Miscellaneous plans into a single liability that is being amortized over a 20-year period at a 7.75% annual interest rate. Annual payments are higher, but payoff time is shorter, thus saving on total interest costs.

Other post-employment benefits

Other post-employment benefits are additional non-pension benefits provided to retired employees, such as payments for healthcare, life insurance premiums, and other deferred compensation[14]. Mariposa County provides a medical and prescription drug benefit provided through CalPERS. Prior to 2012, this benefit differed substantially between employee bargaining units, ranging from around $300 to $800 per month. The Board of Supervisors recently enacted a single $500 per month benefit for all new retirees. The benefit will be fully used until the retiree qualifies for Medicare at age 65, at which time the benefit will cover the actual Medicare premiums. Prior to 2007, employees earned the full healthcare benefit after just 5 years of employment, but this was changed to require 20 years for full vestment, with partial vestment beginning after 10 years of service.

The County funds the healthcare benefit using a *pay-as-you-go* strategy. In contrast to pension benefits, there is no prefunding of costs and the County simply pays the benefits of retired employees out of its operating budget. The annual pay-as-you-go amount has been steadily increasing, going from $339,444 in 2001 to $1,015,956 in 2011.

Government accounting rules require an actuarial assessment of other-post employment benefit costs and liabilities at least every other year[15]. The 2010 estimate for Mariposa County placed the unfunded actuarial accrued liability at $27,702,407—an amount even greater than the pension unfunded liability. This amount does not represent an immediate cost to the County, but rather is the total present value of the benefits it has promised to pay current employees during future years. There is some debate about the certainty of this liability estimate, since it can be substantially influenced by factors such as changes in national healthcare policy and Medicare reforms, but several public policy organizations have highlighted the risks and burdens that will be caused by continued increases in retiree healthcare costs and unfunded liabilities[16,17,18,19]. Additionally, recent court rulings have found that, unlike pension benefits, other post-employment benefits are not necessarily a vested and contractually protected benefit[20,21,22,23]. Conceivably the County could substantially reduce or eliminate its unfunded liability by reducing or suspending healthcare benefit payments to current and future retirees.

Recent retirement law changes

In 2012 California enacted the *Public Employees' Pension Reform Act*, which makes a number of significant and complex changes to public employee pension systems[24]. The changes include new Miscellaneous 2% @ 62 and Safety 2.7% @ 55 plans, restrictions on employer paid member contributions, requirements for greater pension cost-sharing with employees, and many others. A detailed discussion on how these changes will affect Mariposa County and its employees is beyond the scope of this report, but in general, the act is designed to reduce pension costs and liabilities.

Findings

1. Mariposa County's annual pension costs have increased dramatically over the past decade. These increases have been experienced by most California governmental entities.
2. Mariposa County increased employee pension benefits in 2001 and retroactively applied those increases to the current employees. Pension benefits for employees hired after 2011 have been reduced.
3. The County has been paying the required pension plan contributions in full every year.
4. County employees have 100% of their required pension contribution paid for by the County.
5. The pension unfunded actuarial accrued liability has rapidly escalated. This is mainly a result of poor performance of CalPERS investment funds and the retroactive increases in employee pension benefits.
6. The County provides a post-employment healthcare benefit to retirees. This benefit is funded using a pay-as-you-go strategy.
7. The County has taken steps to reduce retirement costs and liabilities, specifically by reducing pension benefits for new employees, reducing the number of full-time employees, requiring 20 years of employment to receive full vestment in healthcare benefits, and paying down unfunded liabilities on an accelerated schedule.

8. Recent pension law reforms should assist in stabilizing pension costs.

Recommendations

1. The County should consider reducing or eliminating the employer paid member contributions. This could reduce the County's pension costs by around $1.5 million per year.
2. The County should investigate the benefits of prefunding retiree healthcare costs through participation in an investment program, such as CalPERS' California Employers' Retiree Benefit Trust (CERBT) Fund[25].

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Planning Department

Introduction

The Planning Department was selected as a County Administration Department for an oversight review by the Grand Jury. Members of the Grand Jury visited the Planning Department on August 30, 2012 and interviewed the Department Head and one of the Planners. A request for items was given to the Department Head, and employee surveys were distributed at a later staff meeting.

Background

The Planning Department provides administrative support to the Planning Commission and the Board of Supervisors in the performance of their quasi-judicial and legislative functions in the areas of administration of the General Plan and the application of land use and development regulations. In addition to having normal planning functions and project review, the department is responsible for environmental review procedures under the California Environmental Quality Act (CEQA)[1], which is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

The department consists of a Planning Department Head who was promoted to this position in July 2012, an office technician, a secretary, five planners (two of which work half-time), and 2.8 (full-time equivalent) planning technicians. The total budget for payroll and non-payroll for 2013 is $1,129,633.

Facts

1. During the past year, the Department Head has initiated weekly staff meetings and has used these for training purposes including teaching employees how to do most of the jobs in the department sometimes called cross-training. One example of cross-training: if everyone in the department could provide zoning information, then customers would not have to wait for a particular staff member to assist them. This better serves members of the community who make Planning Department requests and allows employees to know the workings of the department, gives staff training opportunities, and provides more variety in their jobs.
2. The Senior Planner has been given more responsibilities with appropriate supervisorial guidance, for taking on additional management roles in the office.
3. The Current Planning Department Head has implemented Cash Handling Procedures "chain of custody" to prevent loss of funds. Cash handling is done by two people using separate drawers.
4. The department is in the process of writing and utilizing policies and procedures.
5. In February or March of 2013 a new Code Enforcement staff member will be hired.
6. A General Plan Review is required once a year and is taken to the Board of Supervisors.

7. There has been an increase in transient rentals (Bed and Breakfasts) and an increase in planning fees. This was the first increase in ten years.
8. The California Land Conservation Act of 1965—commonly referred to as the Williamson Act[2]—enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Open Space Subvention Act of 1971 provided local governments an annual subvention of forgone property tax revenues from the state through the year 2009; these payments have been suspended in more recent years due to revenue shortfalls. The County's policy for implementing the Williamson Act requires biannual reports. Enforcement will be shared with the Building Department.

Findings

1. Employee Annual Reviews have not occurred for numerous years and are yet to be done by the new Department Head.
2. The State Mining and Geology Board recommended sending Planning Inspection Staff to a two-day training.
3. The "Employee Survey," on a scale of 1 to 10 (1 being strongly disagree and 10 being strongly agree), indicated that the staff is generally pleased with the department. Seven out of ten surveys were returned or 70%. The two highest scores were for, "The people I work with are really committed to doing an excellent job," and "My manager/supervisor backs me up when necessary." Both items had an average of 8.86. The lowest score, at 6.57 was, "I get the training I need to do my job." The average score for all 12 items from the 7 surveys received was 8.02. Four employees commented on the excellent customer service provided by the department. On another item, one wrote, "Training and resources would go a long way to improve our department." Another employee added, "I have never had a review. The current Director does have this on her radar and ...I look forward to hearing how I am doing and how I might improve or obtain additional education." For details of the surveys see the attachment "Employee Survey.
4. A part-time employee provides expertise and services on the Geographical Information System (GIS). Several other departments utilize her services.
5. The Planning Department employees gave their opinions regarding the Sungard/HTE software and said, "I find that the modules are very limiting in searching capabilities and security." This employee went on to say, "We have experienced problems with our land use module with people being able to go in and change land use and zoning codes. And we requested that it be secured and it is not." Regarding accounting, she went on to say, "Because we don't do our own invoice inputting (the auditor does this) we cannot search for specifics if the specifics are not input by the auditor. We have to keep an entirely separate set of "books" using an excel spreadsheet so that means that we are doing double work every time we pay a bill." Another employee indicated that they need a software program that

tracks the transient rentals, Bed and Breakfasts, motels, hotels and interfaces between Planning and the Tax Collector.

Conclusions

1. By giving employees and customers regular evaluations, the department as a whole can make improvements. Some employees feel that the move to a new Department Head has been a positive transition as they see improvements. They commented on how well personnel issues have been handled and they look forward to seeing the new Department Head complete her goals.
2. Training will help employees understand the current planning needs and regulations.
3. The new Department Head received high ratings in most areas but employees want evaluations and are concerned that the Department Head may not support them in a pinch. They still feel the need for more team spirit, cooperation, training and cross-training. The weekly staff meetings are appreciated and help the employees share information and increase team spirit.
4. The employee who works with GIS could provide more assistance if her hours were increased and recharges were made to other departments.
5. The current computer system requires duplicate input and therefore is inefficient.

Recommendations

1. Provide annual reviews to all department employees. To enhance the evaluation process, provide a satisfaction survey to all customers including County Supervisors, realtors, contractors, and others requesting services. Develop an employee satisfaction survey and distribute it to all Planning Department employees on an annual basis.
2. Additional funds of approximately $1,500 are needed once a year for training. This includes California Environmental Quality Act (CEQA) and training for inspection planners.
3. The Department Head could tell the department employees her 3 strongest values so they can make choices when she isn't there knowing that she will support these choices. For example, one value might be to always be honest when communicating with customers. Continue to increase cross-training to improve timeliness and efficiency of responses and to build employee morale.
4. Several departments use the Geographical Information System (GIS) and need staff assistance; therefore, it is recommended that the current staff member be made full-time and be available to all departments throughout County Administration with recharges according to utilization. The cost of increasing this GIS technician's salary and benefits would be $1,059 per month.
5. Replace the Sungard/HTE software with a current system that not only meets the needs of the Planning Department, but also integrates with all other county departments. The department head for Technical Services said that this would cost $100,000 to $500,000 to replace everything except the tax program. A new tax software program would add another $500,000.

Commendations

As the Grand Jury, we appreciate the cooperation of Planning in providing us with written materials to respond to a very detailed request. The department went above and beyond our expectations and we think that they are doing everything they can to meet their customer and governmental requirements and needs by meeting high quality standards in planning.

Employee Survey Results

		←Disagree								Agree→	
Statement		1	2	3	4	5	6	7	8	9	10	Avg.
1	I like my job.							2	1	2	2	8.57
2	Everything considered, I am satisfied working for this department.						1	1	1	2	2	8.43
3	There is a strong feeling of team spirit and cooperation here.					3	1		1		2	7.0
4	The people I work with help each other when there are problems.						2	1	1	1	2	8.0
5	The people I work with are really committed to doing an excellent job.							1	2	1	3	8.86
6	I get the training I need to do my job.		1			1	2		1	1	1	6.57
7	I have the resources I need to do my job.					1		1	2	1	2	8.14
8	I have been cross-trained to do other jobs.			1			2	1	1	1	1	7.00
9	Customer satisfaction is a primary concern of all employees.					1		1	1	1	3	8.43
10	Customer complaints are resolved quickly and ethically.						1	1	1	3		8.0*
11	It is clear how my supervisor will evaluate my performance.				1		1				4	8.33*
12	My manager/supervisor backs me up when necessary.					1			1	1	4	8.86
	Average for all questions											8.02

*One person checked N/A

13. Please tell us just one thing you believe your department/agency does very well.

"Our department provides excellent customer service given the resources that are provided." Another employee wrote, "This department has just had a change in management and the change is a 100% change in the right direction. There is real leadership with (the department head). This department is very customer service oriented." Another person noted, "The new Director has an open door policy and has made changes to bring staff together. We are having weekly staff meetings to keep everyone informed as to what is going on in the office so that everyone knows about each others projects. The new Director is pro active and helpful to staff. Her goals have been clear from day one, to have a happy cohesive office, one that prides itself with quality work and great customer service and I think that she is well on her way to achieving these goals." Lastly an employee said, "Im (sic) so thrilled w/ (our department head) now as the Planning Director. She has created a professional and engaged atmosphere. I feel strongly that all staff in our dept (sic) help all requests from the public very well."

14. Please tell us just one thing you believe could be improved within your department/agency.

"Training and resources would go a long way to improve our department." Another employee added, "One thing that our staff is in need of is reviews. Although I have received multiple step increases over the years on a regular basis until I was topped out I have never had a review. The current Director does have this on her radar and says that she will be conducting employee reviews and I look forward to hearing how I am doing and how I might improve or obtain additional education." The final comment was, "Budget for training. More $ for that budget...although its tough in this economy and I understand that."

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[1] For more information see the California State CEQA Website at http://ceres.ca.gov/ceqa/more/faq.html

[2] For additional information on the Williamson Act see the State of California Website at http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx

Yosemite West Waste Water Treatment Facility

Introduction

Yosemite West is a subdivision consisting of 294 lots on 109 acres off Wawona Road surrounded on three sides by the National Park. Originally constructed in 1967, at present there are dwellings on 148 or about 50% of the lots.

Yosemite West Maintenance District (also known as Yosemite West Community Services District) is a special district within Mariposa County designed to finance and maintain the water, sewer and roads of Yosemite West. It is set up as a "dependent" district meaning its directors are the supervisors of Mariposa County (unlike "independent" districts such as the John C. Fremont Hospital and the school system that have their own directors).

The Yosemite West Waste Water Treatment Facility is located on 27 acres of steep, terraced ground above 5,000 ft. elevation. It receives an average of 47.2 inches of precipitation annually and often as much as five feet of snow. Located a considerable distance from the plowed road, the plant is reachable only via a recently purchased snow cat during the winter months.

The Yosemite West Maintenance District Advisory Committee (YWMDAC) "acts as a liaison between Yosemite West property owners and the Mariposa County Public Works Department, which is responsible for the daily operation of the Yosemite West Maintenance District. The recommendations that the YWMDAC makes to the Mariposa County Public Works Department are not binding. The Mariposa County Public Works Department reviews any recommendations and proceeds with those they feel have merit. Any major activities or policy issues generally go before the Mariposa County Board of Supervisors for approval."[1]

The Grand Jury's attention was drawn to the problems with Yosemite West's sewer system in two ways. First, as part of its review of the Public Works Department, the members of the Grand Jury interviewed the Director of Public Works. He reported that an inordinate amount of his time was devoted to the problems of Yosemite West. And soon after this interview was conducted, we received a citizen's complaint regarding the county's handling of the ongoing problems with the Yosemite West Waste Treatment Facility.

To date our investigation has involved a further meeting with the Director of Public Works, attendance at a meeting of the YWMDAC with numerous County officials followed by a brief meeting with members of the YWMDAC, and review of numerous documents provided to us by the Public Works Director and the YWMDAC. It is immediately apparent that the relation of the County to Yosemite West is long and complicated. However, in this initial report we will focus solely on the matter of the sewage treatment facility. And this discussion should be undertaken in light of the fact that, at least in retrospect, to some eyes it appears that the problems with providing adequate sewage treatment in this particular location are so extreme that perhaps the subdivision should never have been allowed.

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[1] Website of Yosemite West Property & Homeowners, Inc

Of course, such hindsight does us little good in the face of the existing situation. Now the only questions are how to go forward to provide adequate sewage treatment and who should pay for it. The County has secured the expert advice of the engineering firm of Provost and Pritchard to answer the first question. Their recommendations are currently under review by the state. Assuming approval is forthcoming, action will have to be taken quickly to finance and complete the necessary repairs in the remaining months before snow makes the site inaccessible. For that to happen the five individuals who are simultaneously the directors of the Yosemite West Maintenance District and County Board of Supervisors will have to determine how the repairs will be completed and paid for. It is hoped that this report will shed some light on that question.

Facts

As indicated above, the problems with the sewage system in Yosemite West have been long and complex. Below is a timeline of the major events regarding the treatment facility. Though we have not independently confirmed the validity of all of the events recorded below, they have been reviewed without objection by numerous parties concerned with this investigation, and the Grand Jury believes this account to be essentially accurate.

Yosemite West Wastewater Treatment Facility (WWTF) Timeline

1967 The Yosemite West Subdivision Unit #1, consisting of 294 parcels on approximately 109 acres, is built.

1985 The case of County of Mariposa v. Yosemite West Associates (the original developers of Yosemite West) awarded $344,684 ($153,500 for sewer repairs and $191,184 for water storage) to the [Yosemite West Maintenance] district. This lawsuit was initiated by property owners (Ringrose et al.).

1988 The Court of Appeal of California, Fifth Appellate District, upheld the 1985 Superior Court judgment in County of Mariposa v. Yosemite West Associates, enabling the Yosemite West Maintenance District to continue operating.

1998 Mariposa County Board of Supervisors Resolution 98-393 states "Whereas on or before May 15, 1998, the leach field which services the sewer system for Yosemite West Maintenance District suffered a total failure, causing treated and untreated sewage to flow from the leach field to open ground."

1998 The Mariposa County Board of Supervisors passed Mariposa County Ordinance No. 934 on June 23, 1998 instituting a building moratorium in Yosemite West "to prohibit additional hook-ups and to prohibit the issuance of permits...."

1999 Noting that YW WWTF was incapable of handling the sewage of the then-existing 110 built lots and 48 condominiums in the YW development, the Central Valley Regional Water Quality Control Board (RWQCB) issued Order No. 99-004, Water Discharge Requirements, April 30, 1999. This limited discharge flows to 60,000 gallons per day (gpd) and required modifications in the WWTF to meet full build out, monitoring of the WWTF, ground water monitoring, and reporting.

2002 At the April 23, 2002 meeting, the Mariposa County Board of Supervisors adopted Resolution 02-128 agreeing not to include the financial advances provided by the County to the District in the bond assessments; that is, to contribute $1.08m funds, already advanced by the County for repairs, to the Yosemite West Maintenance District.

2003 The RWQCB issued Cease and Desist Order from Discharging Waste Contrary to Requirements, Order No. R5-2003-0070, April 25, 2003.

2004 Mariposa County revised and set a rate structure designed to cover operations, maintenance and long term equipment replacement costs of the WWTF, as required by USDA Rural Development funding.

2004 On March 11, 2004, Mariposa County mailed the ballot(s) for the Yosemite West WWTF Upgrade Assessment to property owners, which were due back to the County by April 27, 2004. The ballot passed with a confirmed assessment of $9,996.21 per "equivalent dwelling unit" (EDU).

2004 Notice of Confirmed Assessments, Cash Prepayment Option and Corrections for the County of Mariposa Assessment District No. 01-1 (Yosemite West Wastewater Facilities Project) were due to Mariposa County by June 7, 2004.

2004 On November 15, 2004, the RWQCB further commented on Cease and Desist Order, Order No. R5-2003-0070. By this day Mariposa County was required (by the Cease & Desist Order, requirements) to submit a technical report on completion of high priority tasks, and certification from a CA registered civil engineer that the modified WWTF is capable of providing adequate treatment and disposal capacity. (The 30 August 2012 Notice of Violation states that the RWQCB was unable to find documentation that the technical report describing completed improvements in regard to the Cease and Desist Order was ever received.)

2004–2005 The WWTF was rebuilt with approximately $4m funds from the ballot assessment ($3.08m from the bond assessment, $242,496 federal EPA grant, and a USDA Rural Development loan to be repaid by property owners).

2006 The new WWTF was brought online.

2006 On April 25, 2006, the Board of Supervisors of Mariposa County voted in favor of lifting the building moratorium effective June 1, 2006. [It was later learned via the March 2, 2012 Preliminary Evaluation by Provost & Pritchard Consulting Group and in the 2012 Notice of Violation from the RWQCB that the County lifted the building moratorium prematurely because the required technical report assuring that the WWTF "could adequately treat and dispose of an average daily flow of 100,000 gallons" was never received by the RWQCB.]

2006 Shortly before September 29, 2006, the Mariposa County Board of Supervisors voted in favor of transferring the balance of unspent ballot assessment funds (approximately $300,000) from the Yosemite West Maintenance District to the County's General Fund. This topic was further discussed at the October 27, 2006 Mariposa County

Board of Supervisors' meeting. (The appropriateness and legality of this transfer has never been resolved.)

2006–2012 Since the building moratorium was lifted in 2006, approximately 37 new houses have been built (28 have been completed, 8 are under construction, and 1 is a second house on a single parcel under construction).

2011 As of Nov. 15 the County appoints a new permanent Director of Public Works. Aware of the numerous problems in Yosemite West, he begins a search for an engineering firm capable of thoroughly addressing the issues in the District - ultimately selecting Provost and Pritchard whose services he first requests in January 2012.

2012 Provost & Pritchard Consulting Group prepares the County of Mariposa Yosemite West WWTP [sic] Preliminary Evaluation, March 2, 2012. Property owners learn that basically the $4m WWTF is failing after six years (i.e., the facilities "fail to perform in accordance with the Waste Discharge Requirements between 4 to 6 months per year") and the community recently learned that the facility was inadequately designed and improperly maintained per the March 2, 2012 Preliminary Evaluation prepared by Provost & Pritchard Consulting Group.

2012 The RWQCB receives a citizen complaint, April 2012, which leads to an inspection of the facility.

2012 Provost & Pritchard Consulting Group issues a Memorandum, with recommendations for initial actions, May 29, 2012.

2012 The RWQCB issues a Notice of Violation, August 30, 2012 citing numerous maintenance failures leading to discharge into the watershed.

2012 On October 9, 2012, the Mariposa County Board of Supervisors approved a $32,500 expense to hire an engineering firm to prepare an evaluation and report about needed repairs to the WWTF. This expenditure was authorized to come from the [Yosemite West Maintenance] Special District, not the County General Fund.

2012 Provost & Pritchard submits three new reports for the Yosemite West WWTP to Mariposa County on December 7, 2012:

Effluent Disposal Study (15 pages with Attachments A-G and Appendix);

Treatment Plant Upgrade Plan (13 pages plus 3 Exhibits, Appendices A-H); and

Monitoring Well Network Study (5 pages with 3 Exhibits)

Findings

Distilling the above timeline into a more manageable story of the history of this treatment plant, we arrive at the following:

1. In 1985 the court ruled that the original design and construction of the plant was flawed and awarded the County money to fix it. (Though it is tangential to this

report, it should here be noted that $36,000 of that award was specifically designated for the installation of gate valves and thrust block kickers for the fire hydrants; At the December 13, 2012 Yosemite West Maintenance District Advisory Committee meeting a County Technician reported that the Yosemite West hydrants do not have thrust blocks, and some (all?) were lacking gate valves. This obviously raises the troubling question of whether the County ever did, in fact, use the awarded money to install the gate valves and thrust blocks on the fire hydrants.)

2. In 1998 the leach field suffered a total failure resulting in the County declaring a building moratorium for Yosemite West.
3. In April 2002 the County released $1.08 million from the general fund for repairs to the Yosemite West Maintenance District some of which presumably went toward repairs to the treatment plant.
4. Faced with the need for major repairs to the plant, in 2004 the property owners of Yosemite West passed a ballot measure essentially charging each equivalent dwelling unit with a $10,000 fee to be used for the re-construction of the facility.
5. Major renovations at a cost of $3-4 million were undertaken on the plant with the County approving the design of those repairs. Work was completed in 2006 and the building moratorium was lifted (apparently without the County ever demonstrating that the plant could meet the requirement of adequately treating and disposing of an average daily flow of 100,000 gallons).
6. Six years later in 2012 both the State water quality board and the County's new engineers, Provost and Pritchard, assert that the plant is not functioning adequately. Apparently faulty design and inadequate maintenance are to blame.
7. The initial report from Provost and Pritchard (March 2, 2012) details numerous design and operational shortcomings of the plant. These include:
   a. the absence (since November 2011) of a functioning flow meter at the head works,
   b. the need for a self-cleaning screen rather than a grinder to eliminate non-biodegradable solids,
   c. the presence of a standpipe of "unknown benefit,"
   d. several diffusers in the lower lagoon in need of repair/replacement,
   e. a discharge pipeline of insufficient size (2") to handle projected flows,
   f. a lift station equipped with hydraulic capacity and pumps that are not appropriate to wastewater treatment facilities,
   g. more diffusers in need of repair/replacement in the upper lagoon,
   h. no apparent means of removing solids from the upper lagoon,
   i. a clarifier that was completely frozen over with one small heater "used to prevent the ice layer to essentially block a large portion of the weir,"
   j. difficult to access strainers and no information regarding the removal of solids by the strainers,
   k. non-functioning disposal facilities/leach field with a clayey layer of soil that "would present a direct impediment to disposal through percolation,"
   l. Geoflow Inc. products used to dispose treated effluent through evapotranspiration and to be used in biologically active soils – two characteristics not present in the YW site.

   m. No indication of the required maintenance procedures and specific winterization measures required for Geoflow products.
8. In the Notice of Violation issued by the Central Valley Regional Water Quality Control Board following their May 30 inspection of the treatment plant, the following instances of non-compliance were listed:
   a. Flow meter not maintained in good working order,
   b. Biolac diffusers not maintained in good working order,
   c. Clarifier not maintained in good working order,
   d. Failure to maintain leach fields in good working order (area brushed over and surfacing effluent and odor of sewage)
   e. Spill prevention and control plan not maintained on site,
   f. Written sampling plan not maintained on site.
9. At present plans to resolve these issues designed by Provost and Pritchard have been submitted to the State Water Quality Control Board. If they are approved, they will be put out to bid, and the question of how to pay for a second major re-build will have to be answered.
10. A meeting of all the interested parties including the State Water Board, Provost and Pritchard, the Public Works Director and staff, the Board of Supervisors (who are the Directors of the Maintenance District), property owners in Yosemite West, and the general public is scheduled for Feb. 5, 2013.

Conclusions

The property owners of Yosemite West have been poorly served by the County. The Public Works Director acknowledges that maintenance of the facility has been lacking, and clearly the design of the $3-4 million rebuild was deeply flawed. The fact that the subdivision is far from the town of Mariposa and has a large transient occupancy may make it easy to ignore. However, it should also be noted that the large transient occupancy does lead to a very large amount of annual Transient Occupancy Tax (TOT) and Business Improvement District Assessment (BID) revenue flowing to the County. For the fiscal year July 2011 to June 2012 the total was $679,549.19. So far in the current fiscal year $450,803.44 has been collected.

Any notion that Yosemite West is a net drain on County resources should surely be put to rest by these figures. It is also relevant that should the County fail to right all that is wrong with the Waste Water Treatment Plant, the state could certainly impose severe limits on the use of the sewage system in Yosemite West. This would surely have a significant effect on TOT revenue coming to the County from Yosemite West.

Looking forward, what are the property owners in Yosemite West to do? One possibility raised in the December 13, 2012 Yosemite West Maintenance District Advisory Committee meeting with County officials would be to sue the engineering firm Psomas that produced the faulty design. However, it was quickly pointed out that their defense might be that the County reviewed and signed off on that design and then failed to adequately maintain the plant.

A second possibility might be that the Yosemite West property owners sue the County for providing them with such a faulty product and then failing to maintain it. Yet this would essentially require the five individuals who are the directors of Yosemite West to sue the same five individuals who are the County Board of Supervisors. It simply won't happen. However, were it to happen or were a group of Yosemite West property owners to file a class action suit against the County for negligence, a court would have to rule on the degree to which the County is financially responsible for righting what is now so terribly wrong. Obviously it would be preferable to avoid such costly proceedings and arrive at a just financial resolution through fair, objective analysis such as a court might provide.

For better or for worse, the property owners of Yosemite West appear to be wed without alternative to a County that has consistently failed them on this and an array of other matters (the current absence of safe drinking water being high on the list). To restate the important central fact of the relationship, it is the County's responsibility to maintain the water, fire hydrants, sewage system and roads of Yosemite West, and all in are apparently serious disrepair at present. To fix the most pressing problem, the sewage system, in the short window before the snow flies in the autumn will require an extraordinary effort by the County. Those repairs must be designed, approved, financed and fully implemented in just ten months.

Can this be done? We certainly hope so. The remarkable speed with which the Pizza Factory rebuild has been approved and implemented alerts us to the County's ability to move quickly when it confronts a crisis. It is the opinion of this Jury that the problems with the Yosemite West Waste Water Treatment Facility, though so different in nature, represent a crisis demanding an equally dedicated response by the County. The Feb. 5 meeting is ideally scheduled as a starting point for this decisive action.

Recommendations

1. That the County Board of Supervisors makes it a top priority to see this project to a timely completion. To do so would involve establishing a realistic schedule for each step in the process and instructing all the various county agencies involved in the process to make every effort to expedite matters.
2. That the County immediately address the question of its share of the responsibility for the earlier failed $3-4 million renovation of the facility and allocate proportionate funds from the County General Fund to offset the cost of the forthcoming repairs.
3. That as soon as the cost of the next round of repairs is known, procedures be set in motion to raise from Yosemite West that portion of the costs not being born by the County General Fund.

Elections Department

Introduction

The Elections Department was selected as a County Administration Department for oversight review by the Grand Jury. Members of the Grand Jury made an oversight visit to the Election's Office during the 2012 Presidential campaign on November 2nd to observe absentee ballot counting and make inquiries of the Department Head.

Facts

1. Mariposa County has one of the highest percentages of absentee ballots in the State due to the rural nature of the county. Each signature on the absentee envelope is compared to the voter registration card. They must match for the vote to be counted. With this mechanism, fraud is minimal.
2. Errors made on ballots often require the Department Head and a staff member to make a "duplicate ballot." For example, a voter might mark his or her selection with an "X," but the computer only reads a straight line. Another voter might mark the ballot in an area not intended for marking; therefore, the voter's choices are put on a new ballot called a "duplicate." To make a "duplicate" requires two staff members, one calling out the voter's selections and the other marking the ballot. Each time a duplicate is made, it is carefully documented. We noted that every process of counting ballots requires two people to be involved.
3. Viewing ballot counting is open to the public at the elections office.
4. The County of Mariposa pays for its election costs. A non-payroll budget of $60,000 for this one-ballot election was provided.
5. One employee is budgeted for this process. Additional staff members assist during elections. Overtime is paid for evening hours (i.e. after the office is closed). The staff is cross-trained.
6. Volunteers staff voter precincts.

Findings

1. The 5,286 ballots mailed prior to the November 2012 election were counted using a computer processor over several evenings. The ballots were boxed by precinct. The vote counting machine worked well at counting the ballots, but it was difficult to collect the processed ballots as they dropped onto the floor after passing through the machine.
2. On November 6, Election Day, 3,816 Mariposans voted.
3. It is the policy of Mariposa County not to include candidates on official ballots that are running unopposed. It was stated this policy was a potential cost saving measure due to printing costs.

Conclusions

1. Employees were careful and doing a good job.

Recommendations

1. Find an easier way of catching the absentee ballots coming through the counting machine.
2. List all candidates on the ballot even if they are the only person running.

Technical Services Department

Introduction

Members of the Grand Jury met with the Department Head of Technical Services on August 30, 2012 as part of an oversight review. Jurors also met with other County department heads that utilize Technical Services, including the Sheriff, Planning, Tax Assessor, and Treasurer/Tax Recorder/Clerk/Elections.

Findings

1. The Technical Services department is responsible for the management and operation of all centralized information technology
2. The department employs 3 staff and one director. They provide support to approximately 300 county employees who utilize around 450 computing devices.
3. The total approved budget for 2013 is $683,017. This includes payroll and non-payroll.
4. The three Technical Services employees cover the weekends by being on-call for 16 hours. They are paid ~$2.00 an hour, unless called into the office, and then they are paid for a minimum 4 hours at their normal salary.
5. Technical Services maintains 14 computer servers. They are in the process of migrating the individual servers to a virtual server environment that will consolidate data storage, reduce power consumption, reduce software-licensing costs, and allow for easier recovery in the event of hardware failure.
6. Technical Services replaced its aging IBM AS/400 server with a new IBM POWER7 server. This mission-critical server runs several software applications used by eleven departments, including the Sheriff, District Attorney, Probation, County Clerk, Treasurer/Tax Collector, Auditor, Assessor/Recorder, Administration, Personnel, Planning, and Building.
7. A critical software application is the County's enterprise management system, variously referred to as "HTE", "Sungard", "The Green Screen", or "AS400". This application is several versions out-of-date and uses an older text-based user interface that many users call "archaic".
8. Upgrading the various modules of the enterprise software application will cost between $100,000 and $500,000, with the exception of the property tax module. Because of the complexity of California's tax laws and a lack of software vendors willing to develop a system, upgrading the property tax module will likely cost over $500,000. Department Heads are not aware of a single system that would meet all needs.
9. While the County's enterprise software application handles and stores substantial amounts of data, the ability for users to readily query and utilize that information is often limited. This has lead to instances of departments redundantly maintaining data in separate spreadsheets and databases.
10. The County utilizes over 50 different software applications. The County will be implementing a virtual desktop environment in which applications are hosted on a

central server, as opposed to having applications directly installed on users' computers. This will reduce software-licensing costs, make upgrading easier, and reduce employee misuse of computers.

11. The County has considered outsourcing email and productivity applications to third-party vendors, such as Google or Microsoft. The Human Services Department does use Google Apps. The Technical Services Director felt that outsourcing was not cost-effective for the County as a whole because the County must maintain computer servers for other purposes even if the servers are not providing email, plus the County utilizes the software licenses it purchases for several years, while an outsourced option would require a yearly payment for each license.
12. The County has a policy directing that emails be automatically deleted after 6 months. Some departments expressed a desire to extend the retention time since they often need to refer back to older emails.
13. The County has deployed an Internet web filter that helps protect users from malicious software and blocks access to unauthorized web sites. Policies limiting personal use of the Internet, such as for shopping or accessing websites like Facebook and YouTube, are at the discretion of department heads. For example, law enforcement accesses Facebook for some investigations.
14. Internet bandwidth is limited and expensive in Mariposa County. The County pays $2000 per month for Internet access that has a capacity similar to residential connections in larger cities and costs around $50 per month.
15. Cellular voice and data coverage are also limited within the County, and cellular phone companies are unlikely to expand service because of the small population and rugged terrain. Cellular communication is increasing used by law enforcement, such as for transmitting data between patrol vehicles and to avoid radio communications that can be scanned by criminals. The County is participating in a multi-agency intercommunications project that is establishing additional microwave communications towers. The additional coverage will provide enhanced voice and data communications for safety and law enforcement agencies.
16. County employees are not required to take information technology security training. They are provided the County's security policy document when hired and they sign-off indicating their agreement.
17. The Sheriff said, "We stay in tune with today's technology and what is around the corner." The Sherriff's Department maintains case files and evidence in a computerized tracking system. This facilitates easy transfer of the information to other entities, such as the District Attorney, defense lawyers, and the courts.
18. The Treasurer/Tax Collector/Elections Department Head said that the enterprise management software is "good enough." He stated that the cash-receiving module works well. Other counties use tax programs that cost between $550,000 and $750,000.
19. The Planning Department employees gave their opinions regarding the enterprise management software and said, "I find that the modules are very limiting in searching capabilities and security." This employee went on to say, "We have experienced problems with our land use module with people being able to go in and change land use and zoning codes. And we requested that it be secured and it is not." Regarding accounting, she went on to say, "Because we don't do our own invoice

inputting [the auditor does this] we cannot search for specifics if the specifics are not input by the auditor. We have to keep an entirely separate set of "books" using an Excel spreadsheet so that means that we are doing double work every time we pay a bill." Another employee indicated that they need a software program that tracks the transient rentals, Bed and Breakfasts, motels, hotels and interfaces between Planning and the Tax Collector. "Microsoft Access will not cost anything, [an employee] knows how to design a program that we can use and it is robust enough to hold all of the TOT's."

20. The Tax Assessor Department Head Assistant said that the computer system was antiquated, cumbersome and looks old to the public. A concrete example of its inefficiencies is that they are not able to make queries. He thought that new computers and training were needed. For his department, drawing programs are needed as well as comparative reports. He thought that Technical Services provided good support and responded quickly.

Recommendations

1. Develop a system for County employees to give feedback to Technical Services.
2. Any new enterprise management system should include both tracking capabilities as well as code compliance for the Planning Department. Land use and zoning codes need to be secured so users cannot make changes.
3. Allow e-mails to remain on the server for up to 2 years if requested by the department head. If this is not feasible, provide employees with training on how to properly archive messages on their local computer.
4. The financial accounting system needs to be readily accessible across departments so "double books" are not kept.
5. Software is needed to tract transient rentals, Bed and Breakfasts, motels, and hotels. Bed and Breakfast information is not currently integrated with the Tax Assessor's programs. This information needs to be shared between Planning and the Tax Collector's Office. Planning also suggested that any new programs should track current caseloads and should not require duplication of data entry, as is needed for invoices.
6. There appears to be a growing need for Geographical Information System (GIS) support and expertise by several departments. We recommend a fulltime GIS position that would be available to assist all departments.
7. Since security issues are constantly evolving along with changes in technology, we recommended that all employees be required to review and acknowledge the County's current written security policies on an annual basis and/or when there are significant changes made to the policies.
8. Purchase a new enterprise management software system within the next two years. Add a budget item as soon as possible to begin this process.
9. Consider moving Technical Services to a larger more secure facility where servers will be secure and new staff can be added as needed.
10. An additional position would be helpful to the department, but space is not available. The Department Head indicated that one technical staff member for every

75 to 100 computers is needed. The County has approximately 400 computers; therefore four staff members would be best.

Commendations

- Department Heads and staff were very effusive about Technical Services. All users that we questioned said that the Technical Services Department provides excellent service. They made comments such as, "They are the best." "Very responsive, come within minutes." "Sometimes they remotely fix the problem."
- The Department Head is very familiar with the County's computers, with additional equipment and software available and balances this to provide excellent service within budgetary constraints.
- As the Grand Jury, we appreciate all of the cooperation of Technical Services in providing us with pertinent materials. We also commend the efforts of a variety of departments they serve for the input they gave us.

Mariposa County Grand Jury

Introduction

The Mariposa County Grand Jury consists of eleven citizens annually appointed by the presiding judge and charged with the responsibility of reviewing a wide range of organizations within the county. Some are specific county agencies directly funded by tax dollars and others are "special districts" such as the John C. Freemont Hospital and the Lake Don Pedro Water District. The Grand Jury also reviews and investigates complaints filed by citizens into the functioning of any of these organizations. Most simply put, the task of the Grand Jury is to bring the light of public attention to all these organizations trusting that within that light the delivery of services will be maintained and improved. The existence of the Grand Jury is mandated in this and every county by state law.

Aware of numerous problems in the current structure and functioning of the Grand Jury, this year's jury decided to investigate itself. We believe significant changes can and should be made to the organization of the Grand Jury that will substantially improve its functioning for the good of the citizens of the county.

Composition of the Jury

Findings

1. This year ten of the eleven members of the Grand Jury were entirely new to the process. One juror carried over from the previous year providing invaluable perspective on the task. On the previous Grand Jury there were no carry over jurors.
2. Most juries in California try to have about a third of the jurors carry over to a second one-year term.
3. At a training put on by the California Grand Jury Association for jury leadership, it was discovered that among those in attendance only the Mariposa Foreperson and Pro Tem were new to their respective Grand Juries. The leaders in every other county in attendance had previously served on their jury before assuming leadership roles.
4. On this year's Mariposa Grand Jury – and apparently on previous years' juries as well – an inordinate amount of time and energy had to be put into learning the job. The foreperson spent a great deal of time trying to understand the "big picture" well enough to run the initial meetings, and jurors had to basically "reinvent the wheel" in identifying sites for review and conducting investigations.
5. Over the last six years women have comprised 46% of the Grand Jury members (30 out of 66) yet it does not appear that a woman has been appointed Foreperson in that period.

Conclusions

1. The practice of starting each year with a completely new or almost completely new panel of jurors is not optimal for the work of the Mariposa Grand Jury.

Recommendations

1. We recommend that a target of three or four carry over jurors be established for future Grand Juries. To meet this goal the judge is advised to include mention of the possibility in his initial interviews with prospective jurors. Once the jury is formed, the foreperson should emphasize the need for some jurors to seriously consider planning toward a second term.
2. In the appointment of roles within the jury, it would be ideal if either the Pro Tem, the Treasurer or a committee chair would be inclined toward serving a second term and be willing to act as the Foreperson in that term.
3. At the conclusion of the term the jury should openly discuss candidates for a second term and who the jury recommends to the judge as a Foreperson. Recognizing the judge's ultimate authority to choose the jury and appoint a Foreperson, those recommendations should be approved by the jury and passed on to the judge in writing.
4. The Presiding Judge be aware of the need for female leadership on future Juries.
5. The Presiding Judge make every effort to ensure the jurors represent all five districts of the County, ideally with two from each.

Training of the Jury

Findings

1. For the past many years the Mariposa Grand Jury has been trained by the author of the book, California Grand Juries. Though in the past he has trained many Grand Juries, this year Mariposa was the only county where he trained a jury. His interests have moved on, the technology central to his training (overhead projector) is no longer available, and he expressed some desire to end this aspect of his work. It should also be noted the panel was deeply appreciative of this good man's expertise and many years of service.
2. With the exception of the very large counties that employ their own legal teams to train their Grand Jury, every county in the state except Mariposa employs the services of the California Association of Grand Jurors to train its panel.
3. This year's foreperson and pro tem attended the California Grand Jury Association leadership training and found it tremendously useful.
4. Most Grand Juries rely heavily on a Handbook to guide their policies and practices. This year the members of the Mariposa Jury were not issued a Handbook addressing the tasks before them. The existing Handbook was found to be poorly organized, outdated and often irrelevant.

Conclusions

1. The county would be best served by employing the California Grand Jury Association to train its jurors in future years and maintaining an up to date, useful Grand Jury Handbook.

Recommendations

1. Training with the California Grand Jury Association be budgeted and scheduled for the summer of 2013. This training could take the form of 1) the general two day training for many Grand Jury members (this year conducted in Visalia), 2) a shared training with Merced County at a total cost of $2500 (perhaps one day there and one day in Mariposa), or 3) a two day training solely for the Mariposa Grand Jury at a cost of $2000. Of these three, we suspect the return for the dollar would be greatest with the second option, a shared training with Merced County – assuming they were willing.
2. Each Jury assume the responsibility of passing on to the next year's panel a Handbook that they believe adequately addresses the major aspects of Jury work.

Managing the Budget

Findings

1. The largest expense for the Jury is the reimbursement for travel ($.55/mile) and per diem stipend ($15) associated with Grand Jury Meetings. The amount necessary to cover this expense varies depending on 1) the distance the jurors have to travel for meetings, and 2) the number of meetings.
2. Lacking knowledge of the cost per meeting, the current jury does not know how many or how few meetings it can afford.
3. It is not clear if travel is covered for jury business such as attending a Grand Jury Association Meeting in Fresno. It is not clear who makes such a decision.
4. It is difficult for the jury to determine if it can afford purchases it deems necessary for its work such as a digital voice recorder.
5. Apparently jurors cannot be reimbursed for travel to conduct interviews which, of course, puts the financial burden of doing this part of our job on the individual jurors.
6. The final Jury expense of the year, printing the Final Report, hangs over the jury as an unknown, and this variable can have the effect of suggesting a shorter report is better/necessary.

Conclusions

1. The members of the Grand Jury lack sufficient understanding of their own budget to make good, informed financial decisions. This impairs their functioning, reduces their sense of responsibility, and necessitates a confusing process communication through the judge's administrative assistant to clear expenditures.

Recommendations

1. Responsibility for managing the budget of the Grand Jury be given to the panel itself with the Foreperson and Treasurer co-signing all requests that checks be issued.
2. If there are County funds that have in the past been made available to meet exceptional expenses that exceed the budget, the jury be fully informed of these funds and the process of applying for them.

3. Each jury be charged with the responsibility of making a recommendation to the County for the necessary funds for the forthcoming budget year.