



Mariposa County Civil Grand Jury

2023-2024

FINAL REPORT



Mariposa County Grand Jury

P.O. Box 789
Mariposa, California

June 26, 2024

Dear Judge Starchman Bryant:

The 2023-2024 Mariposa County Civil Grand Jury respectfully submits its final report for this term in compliance with §933 of the California Penal Code.

A little under a year ago 11 good citizens, plus alternates, of our county were sworn in to conduct the important business of a civil grand jury. These being inspecting the mandated facilities of confinement within the county, receiving and discussing all complaints sent to our attention and any special district or department within the county.

Some highlights of our term were the installation of a Grand Jury complaint form box at the Greeley Hill library to assist residents of our north county in hopefully with participating in the Civil Grand Jury process. We improved the Grand Jury procedures manual for future Grand Juries to follow and learn from some of our mistakes so they can benefit from our efforts.

I firmly believe this Civil Grand Jury accomplished the goals they set out for themselves. We couldn't have done this without the best efforts from each member. We especially want to thank the Court Admin staff, Sheriff Jeremy Briese and DA Walter Wall for their time and effort in assisting us in our work.

Lastly, we want to thank all the individuals who gave their time to come and talk with us, some multiple times, mostly without hesitation or reservations.

Finally, we all want to thank you, Your Honor, for selecting us to serve on this Grand Jury. It was humbling and educational at the same time.

Respectfully submitted,

Mike Henderson

Foreperson
2023-2024 Mariposa Civil Grand Jury



MARIPOSA COUNTY COURT HOUSE

Mariposa County Grand Jury

P.O. Box 789
Mariposa, California

June 26, 2024

We, the members of the 2023-2024 Mariposa County Civil Grand Jury respectfully submit our final report this 26th day of June 2024.

Michael Henderson, Foreman

Richard Crisp

Lisa Henderson

Polina Pivak

John Stewart

Daniel Wilson, Secretary

Ronald Greenstein

Frederick Libby

Dylan Shull

Susan Stonum



Superior Court of California County of Mariposa

Michael A. Fagalde
Presiding Judge

Anita Starchman Bryant
Assistant Presiding Judge

5088 Bullion St.
Post Office Box 28
Mariposa, CA 95338
(209) 966-2005

July 1, 2024

Michael Henderson
Grand Jury Foreperson

Mr. Henderson:

I have read and reviewed the 2023-2024 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 Anita Starchman Bryant
Assistant Presiding Judge

Mariposa County Civil Grand Jury

Final Report

2023-2024

TABLE OF CONTENTS

Glossary	Page 2
Background and Introduction	Page 2
Methodology	Page 4
Discussion	Page 7
John C. Fremont Healthcare District (JCFHD)	Page 7
General Inquiry into County Operations	Page 11
Workplace Culture, Training, and Organization	Page 11
Perception of County Government and Importance of Transparency	Page 15
Understanding the Roles of County Auditor, Assessor, and Tax Collector	Page 16
Explanation of Assessor/Auditor/Tax Collector Creation of Tax Roll	Page 17
Importance of Timely Audits	Page 17
Impact on Grants and Funding Mechanisms	Page 18
Analysis of Fiscal Year 2023-2024	Page 18
Continued Technology and Software Lessons	Page 20
Complaints and Code Compliance	Page 23
Development Services: Environmental Health Division, Building Department, and Planning Department	Page 26
Evaluation of Department Directors	Page 30
Understanding Conflict of Interest and Employee Abstention	Page 32
Rural Disparity in Combination with State Reimbursements	Page 33
Parallels Between County Government and JCFHD	Page 34
Observations of Elections	Page 38
Custodial Facility Tours	Page 39
Accessibility of Citizen Complaint Forms	Page 41
Misunderstandings of a Civil Grand Jury	Page 41
Continuity Report	Page 42
Bibliography	Page 44

GLOSSARY

BOD	Board of Directors
BOS	Board of Supervisors
C-Suite	Executive Management of JCFHD
CAO	Chief Administrative Officer (Mariposa County)
CEO	Chief Executive Officer (JCFHD)
CFO	Chief Financial Officer (JCFHD)
COB	Clerk of the Board
CNO	Chief Nursing Officer (JCFHD)
COO	Chief Operating Officer (JCFHD)
DPW	Department of Public Works
EH	Environmental Health
FY	Fiscal Year
HSA	Health and Human Services Agency
HR	Human Resources
IDF	Interview Debrief Form
JCFHD	John C. Fremont Healthcare District
MCCGJ	Mariposa County Civil Grand Jury
MPUD	Mariposa Public Utility District
PCI	Pavement Conditions Index
REHS	Registered Environmental Health Specialist
RFI	Request for Investigation
SO	Sheriff's Office

BACKGROUND AND INTRODUCTION

The Mariposa County Civil Grand Jury (MCCGJ) is a volunteer body of eleven (11) Mariposa County citizens charged and sworn by a Presiding Judge of the Superior Court. The Grand Jury is an investigative body, created to examine the workings of County government, public officials, special districts, or joint power agencies. The Jury is impaneled to respond to citizen complaints, inquire into matters of civil concern, inquire into the condition and management of adult detentions centers, and investigate and report on the operations, accounts, and records of County officers, departments, and functions.

The Mariposa County Civil Grand Jury responds to citizen complaints, 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 more efficient and effective. It has designated statutory authority to inquire into county government, including special districts and joint power agencies to ascertain whether the best interests of Mariposa County residents are being served.

The Mariposa County Civil Grand Jury functions lawfully only as a body; no individual juror acting alone has any power or authority. Meetings of the Civil Grand Jury are not open to the public. All matters discussed by the Civil 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 Civil 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 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 official(s) and appointed official(s) of the local government entity, but they are not 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.

Civil Grand Jury candidates must meet all of the following qualifications:

- Be a citizen of the United States of America
- Be at least eighteen (18) years of age
- Be a resident of California and Mariposa County for at least one (1) year prior to selection
- Possess ordinary intelligence, sound judgement and good character
- 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 (1) 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 Civil Grand Jury meeting place and for travel on Grand Jury business. Ten (10) percent of the 2023-2024 Civil Grand Jury jurors elected to not receive their reimbursements.

The 2023-2024 Mariposa County Civil Grand Jury (MCCGJ) began its term in July 2023. Two jurors had served at least once on a prior Grand Jury and nine jurors were new to the process. One juror resigned before the first scheduled meeting and two more jurors resigned within two months of the term. These jurors were replaced with three alternates. The Jury consisted of 11 jurors and complied with the mandate of eight votes constituting a supermajority for all actions. At the end of July, ten jurors participated in a two-day Civil Grand Jury training presented by the Civil Grand Jurors Association in Merced, CA. Seven jurors participated in a Report Writing workshop in December. The Grand Jury met weekly in addition to subcommittee meetings, interviews and other business.

New to this term, each juror was issued a Chromebook laptop for official jury use during the year.

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 Civil Grand Jury.

The 2023-2024 MCCGJ completed the following actions:

- Reviewed 11 complaints
- Conducted tours of County correctional facilities as mandated by law
- Observed the election activities of March 5th, 2024, including site visits to operational polling locations in Mariposa, Lushmeadows and Greeley Hill
- Met with Sheriff on two separate occasions
- Met with District Attorney on four separate occasions
- Served five Subpoena Duces Tecums for documents
- Served three Subpoenas for interview
- Conducted 33 individual interviews
- Prepared and sent nine certified letters
- Served 21 letters for interview

The 2023-2024 MCCGJ is honored to present this report. A wide breadth of topics were researched during the MCCGJ's term, as detailed in the Methodology below, and the MCCGJ hopes the report is useful and informative to its readers, resulting in positive changes for our community.

METHODOLOGY

In addition to documents willfully submitted, the 2023-2024 Mariposa County Civil Grand Jury requested the following documents through Grand Jury Subpoena Duces Tecum from relevant special districts and departments for review in their term:

John C. Fremont Healthcare District

- Agendas, attendance records (noting whether director's presence was physical or remote) and printed meeting minutes for all regular, finance and special meetings for the JCFHD Board of Directors during a specified time period.
- Current JCFHD Healthcare District procurement policy.
- Current organizational chart for the hospital, including clinics, departments, and personnel. [not provided]
- Copies of all job offer letters extended to employees for positions over \$75,000 annually for a specified time period for JCFHD.
- Name and tenure of the individuals holding the positions of Chief Executive Officer (CEO), Chief Financial Officer (CFO), Chief Operating Officer (COO), Chief Nursing Officer (CNO) and Director of Human Resources during a specified time period for JCFHD.

Mariposa County

- Copy of any and all complaints, requests for investigation, and investigation materials (active, pending, or closed), including any communications or progress reports for the Code Compliance Division of the Planning Department and Environmental Health Division for a designated property address and time period.

- Copy of the Environmental Health Division current written policies and procedures for handling complaints and investigations.
- Copy of current Planning Department written policies and procedures for handling complaints and investigations.
- Copy of Mariposa County Planning Department Code Compliance Division complaint log(s) for designated time period.
- Copy of current Mariposa County Environmental Health Division written policies and procedures for handling complaints and investigations.
- Copy of Mariposa County Environmental Health Division complaint log(s) for a designated time period.
- Copy of any and all complaints, requests for investigation, and investigation materials (active, pending, or closed), including any communications and progress reports within Mariposa County Building Department for a designated property address and time period.
- Copy of current Mariposa County Building Department policies and procedures for handling complaints and investigations.
- Copy of Mariposa County Building Department complaint log for a designated time period.

The 2023-2024 Mariposa County Civil Grand Jury held 33 interviews with 30 individuals from the following entities:

- John C. Fremont Healthcare District
- Mariposa County Building Department
- Mariposa County Planning Department
- Mariposa County Environmental Health Division
- Mariposa County Department of Public Works
- Mariposa County Code Compliance Division
- Mariposa County Administration
- Mariposa County Specialists (individuals solely responsible for specialized work for the County)
- Mariposa County Elected Officials

Questions were developed for each interview specific to investigation/inquiry of the Grand Jury and included the following topics:

- ◆ Top four concerns as a Mariposa Resident
- ◆ Top four concerns as a County employee
- ◆ Audits
- ◆ Mariposa County Board of Equalization
- ◆ Employee Reviews
- ◆ Director Reviews
- ◆ Recusal
- ◆ Technology
- ◆ Accounting
- ◆ Complaints
- ◆ Advisory Committees
- ◆ County Advisory committees
- ◆ Written Policies
- ◆ Written Procedures

- ◆ Help Lines
- ◆ Landfill
- ◆ Biomass
- ◆ Interdepartmental collaboration/communication
- ◆ Organizational structure
- ◆ California State Gas Tax Reimbursement
- ◆ Rural inequity
- ◆ Communication and follow-up
- ◆ Meeting Management
- ◆ Staffing
- ◆ Hiring/Recruiting
- ◆ Admonishment
- ◆ 2022-2023 Civil Grand Jury Final Report
- ◆ Leadership Roles
- ◆ Board Management
- ◆ Board Officers
- ◆ Healthy Working Conditions
- ◆ Cell Phones
- ◆ Risk
- ◆ Retreats
- ◆ Strategic Planning
- ◆ Financial Review practices
- ◆ Minutes: how they are taken, stored, and shared
- ◆ Historical precedence
- ◆ Oracle
- ◆ Tyler
- ◆ BlueFin
- ◆ MegaByte
- ◆ GIS
- ◆ AS400
- ◆ Microsoft Office
- ◆ Roads
- ◆ Landfill
- ◆ Special Districts
- ◆ Yosemite National Park
- ◆ Training Opportunities
- ◆ County Budget
- ◆ JCFHD Budget
- ◆ Oaths of Office
- ◆ Election terms
- ◆ Re-election years

An average of 136 questions were administered during each interview. All interviews were recorded with the consent of the individual being interviewed and began and concluded with an admonishment of confidentiality. All interviews averaged 120 minutes. The shortest interview was 90 minutes and the longest interview was 200 minutes.

Immediately following each interview jurors completed a standardized "Interview Debrief Form" (IDF), listing factual information as it was presented during the interview. IDFs were collected, stored and used as a basis for the findings and subsequent recommendations in this report.

In addition to the above, the MCGGJ also attended and/or listened to several advisory committee meetings, Board of Supervisors meetings, and JCFHD Board of Directors meetings throughout the 2023-2024 term.

DISCUSSION

John C. Fremont Health Care District Investigation

Mariposa's first County hospital began operating in 1860 on a property purchased from L.A. Holmes and was referred to as "Rufus Lockwood's old house." In 1876 and 1882, additions were made to the hospital to better serve the patients. In September of 1900, the first women's ward was completed. On July 8th the Pine Hill Sanitarium was opened to treat maladies such as tuberculosis, as well as mental health. In February 1902, a "Pest House" was purchased on the Stanton ranch five miles below Mariposa for quarantine and care of those afflicted by Smallpox. The "Pest House" was closed by March 1st of the same year. In 1903, the Pine Hill Sanitarium was sold to the County and by August 29th, 1903, all patients were moved to the new hospital on the south side of Mariposa Creek. In 1907, the John C. Fremont Hospital District was established.

The Mariposa County Hospital closed in 1919 and care of patients was transferred to Merced County Hospital and later to Madera County. A new hospital was planned with a total estimated cost of \$483,439.19. The John C. Fremont Hospital was completed and ready for dedication on September 30th, 1951, and officially opened on October 3rd. The hospital had private and semi-private rooms, an X-ray department, a clinical laboratory, newborn nursery, as well as surgical services. A solarium was constructed in August of 1958 for healing sunlight and fresh air. The Ewing Wing for long-term care was approved on April 13th, 1964. The Ewing Wing is unique in that it provides long-term care in a homelike environment unlike any other facility in California. John C. Fremont Hospital is a 34-bed facility with 18 acute care beds and 16 long-term beds.

At the origin of the John C. Fremont Hospital District in 1947, a Board of Directors (Board) was appointed by the Mariposa County Board of Supervisors. Directors were then elected by the voters in staggered terms. The Board officers are Chair, Vice-Chair/Secretary, and Treasurer. The JCFHD CEO reports to the Board and the CEO is the only position in the healthcare district that the Board oversees.

In 1994, John C. Fremont Hospital District evolved into the John C. Fremont Healthcare District. Mariposa voters have approved property and sales taxes to support the hospital numerous times over the years. Measure O was approved in 2022 by Mariposa citizens, which authorized a one percent sales tax for forty years to fund the construction of a new hospital. The hospital is required to meet earthquake standards and has until 2030 to comply at an estimated cost of 65 million dollars. The hospital provides much needed services to the citizens of Mariposa County.

John C. Fremont Healthcare District is governed by a five-member Board of Directors. Each position on the Board is normally held for a four-year term, however it may be shortened to two years in the event of a vacancy from resignations or other circumstances. In 2022, four (4) individuals were elected in the same election to begin service in January 2023. The main responsibility for the JCFHD Board of Directors is financial leadership, strategic planning, and oversight of the Chief Executive Officer. Board members receive a monthly stipend of \$100. The Board of Directors meets twice monthly. Meetings are governed by Brown Act guidelines and are open to the public either by attendance in-person or via teleconference.

In its inquiry, the 2023-2024 MCCGJ held nine (9) interviews with individuals from the JCFHD and reviewed over 400 pages of documents that included contracts, budgetary journals, letters of correspondence, and Board agenda/minutes. Notably, minutes for three Board meetings were unavailable for three (3) Board meetings from March and April of 2023, which drew the attention of the Civil Grand Jury because these meetings occurred during a period of significant transition for the Healthcare District. The MCCGJ also attended a Board meeting via teleconference.

In their very first meeting together in January 2023, the newly elected board found the meeting full and over capacity because of an announcement that the JCFHD was dropping all hospice and home care services for the County. This announcement was received with great community interest and concern. The year of 2023 got even more challenging for the Board of Directors as they managed healthcare leave, appointed interim CEOs, C-suite resignations, incomplete mandated audit preparation, and palpable resistance from C-suite leadership to some of the Board’s inquiries. The JCFHD received a lot of attention through social media and newspaper articles during this time. Over the course of the year there was a resignation from one Board member that led to the appointment of a new one. It wasn’t until the end of 2023 that the Board of Directors were able to effectively address some the challenges they had faced earlier. Over the course of two years, beginning in January 2022, the JCFHD had six different Chief Executive Officers. The position was filled mostly on an interim basis and often for as short a time as two weeks or a weekend. By December 2023, the JCFHD completed a search for a new CEO. This search was completed by an outside consultant agency.

It was determined by the JCFHD Board of Directors in late March 2024 that a very large amount of money (~\$4,000,000) had been spent on new hire contracts, union staff bonuses, housing contracts, moving relocation expenses and outside consultants. This led to the decision by the JCFHD Board of Directors to name a new CEO. That decision was effective in the middle of April 2024.

Some facts and points of concern that were discovered by the MCCGJ include ineffective board oversight, high rates of Board and JCFHD staff turnover, inconsistent management compliance with operational procedures, financial challenges, and delays in financial reporting. Additionally, policies and procedures have not been revised by Board in at least two terms.

FINDINGS		RESPONSES
F1	Significant instability in Board leadership (3 board resignations, and 6 interim/new Chief Executive Officers	

	since 2022) and Executive C-Suite management led to the public's diminished confidence in the John C. Fremont Healthcare District.	
F2	The JCFHD Board of Directors withheld information between themselves leading to individual discontent and poor decision making.	
F3	The JCFHD Board of Directors did not have an opportunity to vet interim CEO which led to a longer period until issues could be legally responded to and resolved.	
F4	JCFHD Human Resources did not properly vet executive level positions leading to instability at C-suite level.	
F5	Multiple CEOs exceeded contractual spending limits without JCFHD Board notification eroding inherent checks and balances in organizational structure and straining the hospital financially.	
F6	The JCFHD found themselves behind in regular financial audits jeopardizing funding from governmental agencies.	
F7	Work and dialogue outside of regular, special, and emergency meetings between directors of the JCFHD puts the Board at risk of violating Brown Act practices.	
RECOMMENDATIONS		RESPONSES
R1	JCFHD Board should be more diligent in vetting CEO candidates.	
R2	JCFHD Board should be more diligent in financial review of the Healthcare District.	
R3	JCFHD should review existing vetting procedures for hiring C-suite level management within 6 months.	

R4	JCFHD Board of Directors should ensure adherence to existing vetting procedures for hiring C-suite level management.	
R5	Immediately, JCFHD should make it a priority to work together and function cohesively as a team.	
R6	Immediately, JCFHD Board of Directors should ensure procedures for financial oversight of CEO are being followed at all times.	
R7	JCFHD Board of Directors should review the organizational structure of the Healthcare District, specifically related to financial responsibilities of the CEO, COO and CFO with the intention of creating more financial oversight within their purview, within 9 months.	
R8	Immediately, JCFHD Board of Directors should review and establish mechanisms to guarantee timely production of accurate audits.	
R9	Immediately, the JCFHD Board of Directors should continue with the reimplementation of the JCFHD compliance hotline.	
R10	JCFHD Board of Directors should practice due diligence with the Board Clerk to make certain all meeting minutes are recorded and kept as required by law.	

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

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

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

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.

General Inquiry into County Operations

In the interest of inquiring into a wide breadth of topics regarding County government operations, the MCCGJ held many interviews with County employees and elected officials and asked an extensive range of questions. The MCCGJ discovered many repetitive themes and resultant findings, which are discussed further below. A Civil Grand Jury is authorized to initiate an independent inquiry even in the absence of a citizen complaint, per Sections 925-933 of the California Penal Code that delineates the powers and responsibilities of a Civil Grand Jury. 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 and observations. As a result, the MCCGJ was able to explore topics such as government efficiency, general process and procedure, fiscal accountability, transparency, and other matters within their jurisdiction (see “Methodology” section above).

Workplace Culture, Training, and Organization

There is no doubt that Mariposa County employs hard working and dedicated individuals. However, many County Departments experience high turnover rates, limited access to resources, and small, uncomfortable office spaces. Employees tend to endure heavy and broad workloads with minimal training. County positions can go unfilled for long periods of time, which puts additional pressure on current employees. MCCGJ found that County employees are discouraged from directly contacting County Supervisors and Administration (Human Resources is housed in the Administration Department), further isolating the employee in their experience, and thereby increasing workplace dissatisfaction. Department heads undergo a “sink or swim” culture and struggle to find time and resources for sufficient training and management guidance. Further, the Board of Supervisors does not require department heads to provide regular presentations or formal updates on their work, limiting accountability and regular progress reviews. All of this creates a negative feedback loop that makes it challenging for Mariposa County to hire and retain qualified employees, and causes a loss of institutional knowledge which leads to government dysfunction.

Part of the problem can be attributed to the historical rural inequity that is caused by an unbalanced supply of public services, which is not within the control of County leadership. Population distribution and mobility trends, as well as State-level decisions, are complicated sociological issues.¹ It can be difficult for leadership to adequately allocate funds, provide sufficient training opportunities, and build capacity for change when there is little support and external forces exacerbate the problem. However, there are structures and procedures that can be modified to ensure that County staff are able to be as successful as possible in their positions.

For example, there is a general lack of written policies and procedures for County operations across County departments. Procedures that are written, tend to be outdated. There has been recent

¹ Pan et. al

progress in this regard, like the adoption of a Code of Conduct and Ethics policy for the Board of Supervisors. However, crucial policies to guide County staff, such as a centralized purchasing policy and complaint management procedures (see “Complaints and Code Compliance” section below), are highly needed for effective government functionality. When a lack of written policies and procedures is combined with minimal training opportunities and high turnover rates, there are frequent errors and unstructured decision-making in County services. This leads to the public receiving inconsistent quality in County services and a general lack of transparency in government functions. For instance, the Building and Planning Departments have historically received public feedback regarding their ambiguous requirements and inconsistent standards. Additionally, high value is placed on legacy or institutional knowledge and when individuals leave their job at the County, for retirement, another job, or otherwise; the remaining or new employee(s) are left to surmise how to proceed, essentially “starting over” in learning the position’s challenges.

Workplace culture varies highly from department to department, each with their own strengths and opportunities for improvement. In terms of general Mariposa County government, the MCCGJ consistently heard that staff felt “accountable but not responsible” when it came to errors in government functions, particularly for operations between departments. While it is possible that responsibility is observed, treated, or taken differently in each situation, nobody has the luxury of being “hands free” from activities and outcomes that are within the scope of one’s duty. A general “your problem, not mine” rhetoric pervades Mariposa County government workplace culture, and therefore its processes. This unhealthy philosophy perpetuates government dysfunction and discourages the integration of County services between departments. Government processes inherently require collaboration and continuity to ensure transparency and the delivery of high-quality services for the public. The strength of internal communication translates to the strength of the communication to the public.

There is a need for greater internal collaboration and communication between County departments, especially for processes that transcend department lines, such as the determination and collection of property taxes. Although a unified system exists through the Megabyte software, staff between departments have restricted access to information. Similarly, while each department is responsible for applying their own requirements during building permit review, sometimes there is inconsistency in communication with applicants and contradictory application requirements, often leading to confusion and frustration among the public. Lastly, the determination, allocation, and accounting of the County budget is a process that needs constant communication and an understanding among County staff of each department’s contribution to the workflow. Organizational agility, the ability to work between different county positions and departments as needed, is an important factor in the delivery and quality of County services. Fostering partnerships between departments with intentional internal communication will empower staff to serve the public in an efficient manner. Though progress in changing the workplace culture is seen, MCCGJ reminds staff that all individuals must take ownership of their role in making the necessary changes to keep Mariposa County government viable, thriving, and evolving as one unit.

Another opportunity for improvement relates to how historical precedents in Mariposa County government have led to an illogical allocation of County functions between departments. Some examples include, the County Auditor is responsible for the distribution of staff benefits and management of payroll, when this is traditionally a function of Human Resources; the County Treasurer, Tax Collector, and Clerk are all responsibilities of one position; and the head of Human Resources is

also the Deputy County Administrative Officer. The MCCGJ found that County functions that seem to not belong in the designated department or position, have been the responsibility of that department or position for 20 years or more, therefore changing the organization is likely unfamiliar territory. Changes to existing systems can seem daunting but can help improve the efficiency of County services in the long-term. County staff would be better equipped to handle focused responsibilities of their department, rather than being burdened with learning broad and unrelated functions. Pairing the transfer of responsibilities with increased inter-departmental cooperation in County processes, will assist County staff in delivering the most efficient County services.

MCCGJ found that while there are standardized trainings during onboarding of new staff through Human Resources, there is a general lack of training for advancing staff professional skills. The training that does exist is informal, inconsistent, and tends to be “on the job,” leaving little capacity for improving County functions. An additional consequence of a lack of training is a high frequency of consultant use, which presents a greater cost to the County. It was also found that training opportunities are not balanced between staff positions, whether for time or cost reasons. All positions require reliable training for effective and up-to-date County service, and should therefore improve workplace morale. Therefore, establishing consistent processes for training should be a high priority for County departments. “High quality practitioners” are the key to improving the quality of public services, especially in rural communities with minimal access to monetary resources.¹ Staff training can also build capacity for comprehensive change to existing systems so that County services become more efficient based on current industry best practices.

Budget cuts and high turnover rates are a few of the causes of staffing shortages in many County departments, which can have profound negative consequences on the citizens they serve by hindering the effectiveness and efficiency of essential services. Reduced staff availability leads to decreased service quality, and increased stress and burnout among employees. This can create a vicious cycle where overworked employees leave, further exacerbating the staff shortage problem. In critical areas such as public safety, health, and emergency services, slower response times due to staffing shortages can have serious consequences. Additionally, the economic impact can be significant, as delays in business permits and inspections deter new businesses and hinder economic growth. Higher caseloads in social services reduce the effectiveness of case management, leaving vulnerable populations without the support they need. Staffing shortages in County departments diminish the quality and availability of services, affect employee well-being, and jeopardize the community's health and prosperity.

FINDINGS		RESPONSES
F1	Lack of written policies and procedures across multiple Mariposa County departments make it difficult for staff to perform duties efficiently and for new department managers to lead effectively.	
F2	Inconsistent communication between Mariposa County departments has led to a lack of continuity and transparency in County services.	

F3	Loss of and anticipated loss of institutional knowledge across multiple Mariposa County departments has created and is expected to continue to create large gaps in County operations and efficiency.	
F4	Lack of training opportunities across multiple Mariposa County departments and for all level of job classifications leads to work errors, department inefficiencies and missed opportunities to learn best practices.	
RECOMMENDATIONS		RESPONSE
R1	Board of Supervisors should direct all department directors and managers to provide a review of essential policies and procedures within six (6) months.	
R2	Board of Supervisors should identify a central point of contact for review of necessary written policies and procedures within six (6) months. This should include review of policies and procedures to guarantee compatibility and consistency across departments.	
R3	Working with the Chief Administrative Officer, the Board of Supervisors should develop procedures that establish regular communication between departments within six (6) months.	
R4	Board of Supervisors, working with Human Resources, should make efforts to minimize the loss of institutional knowledge by facilitating a transition period where outgoing staff overlap with their successors.	
R5	Board of Supervisors, working with Human Resources, should review and develop standardized training opportunities for all County employees within six (6) months.	

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

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

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

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

Assistant CAO/Human Resources: F3, F4, R4, R5

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

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.

Perception of County Government and Importance of Transparency

How the community views County government is crucial for maintaining public trust and ensuring effective governance. Transparency is key to shaping this perception, as it creates an environment of openness and accountability. When County operations are transparent, citizens are better informed about how decisions are made, how resources are allocated, and how their local government functions overall.

Transparency means making information readily available to the public – like financial reports, meeting minutes, and policy decisions. This openness allows residents to engage in the governance process, provide feedback, and hold officials accountable. By promoting transparency, the County government shows its commitment to ethical practices and responsible management of public resources.

Transparency helps prevent corruption, reduces misunderstandings, and builds a stronger community. It enables citizens to see how their tax dollars are spent and ensures that government actions align with the community's needs and values. This fosters greater public confidence in county government, leading to increased civic participation and collaboration. How people perceive County government is greatly influenced by its transparency. By prioritizing openness and accountability, the County can enhance public trust, promote good governance, and build a more engaged and informed community.

One area that requires greater transparency is the roles, scope, and work of various County departments. Misunderstanding of identified departmental scope leads to confusion and a gap in communication between the government and the community. County departments are responsible for a wide range of services that impact daily life, from public health and safety to infrastructure and social services. However, many citizens are unaware of the specific functions and responsibilities of these departments, which can lead to unrealistic expectations and misconceptions about what the County can and cannot do. For example, residents might not fully understand the specialized nature of certain

departments, such as public health or social services, leading to confusion about the processes and limitations they face.

To address these issues, it's important for the County to improve communication and outreach efforts. Providing clear, accessible information about the functions and responsibilities of each department can help bridge the knowledge gap. Public forums, informational campaigns, and user-friendly online resources can all play a role in educating citizens about how their government works.

By increasing awareness and understanding, the County can foster a more informed and engaged community. When citizens have a clearer picture of how County departments operate, they are better equipped to interact with the government, seek appropriate services, and provide meaningful feedback.

Addressing the lack of awareness about County departments' roles and work is essential for improving the relationship between the government and the community. Through better communication and educational efforts, we can ensure that citizens have the knowledge they need to navigate and utilize County services effectively.

Understanding the Roles of the County Auditor, Assessor, and Tax Collector

All County government functions are vital to the well-being of our community. Each office of the County Auditor, Assessor, and Tax Collector plays a crucial part in maintaining financial integrity and supporting the County's fiscal health.

County Auditor

The County Auditor is responsible for overseeing the financial operations of the County. This includes conducting audits of County departments to ensure proper use of public funds, preparing, and maintaining accurate financial records and reports, monitoring, and reviewing financial transactions and expenditures, ensuring compliance with state and federal regulations, and providing financial analysis and recommendations to support County decision-making. One of the main functions of the Auditor's Office is to prepare the levy for all taxable properties in the County once assessed values have been provided by the Assessor's Office. The Auditor's Office calculates the tax rate for voter approved debt (considering debt service amounts), multiplies these rates times the assessed values and then adds any direct charges. This levy is used to create the tax bills mailed by the Tax Collector. In Mariposa County the Auditor an elected position that serves four years.

County Assessor

The County Assessor is tasked with determining the value of properties within the County for tax purposes. This role involves assessing the value of real estate and personal property, maintaining property records and assessment rolls, implementing property tax laws to ensure fair and equitable assessments, assisting property owners with assessment questions and appeals, and providing data on property values to other County departments and the public. In Mariposa County this is an elected position that serves four years and is a combined role with the County Recorder, who is responsible for recording documents like deeds and other documents into the County Official Record and ensuring that all documents comply with California law.

County Tax Collector

The County Tax Collector is responsible for collecting taxes and other revenues owed to the County. Their duties include issuing tax bills and collecting property taxes, administering the collection of other County revenues such as business licenses and permit fees, enforcing tax laws to ensure timely payment of taxes, managing delinquent tax accounts, conducting tax sales, and providing taxpayer assistance and information. In Mariposa County, this is an elected position that serves four years. The County Tax Collector is a position that is combined with the County Clerk and Treasurer positions and includes the responsibilities of those roles, as well.

Explanation of Assessor/Auditor/Tax Collector Creation of the Yearly Tax Roll

The Assessor is responsible for assessment, assigning the value of how much to bill for tax collection, for all County property. This information is used to create a yearly tax roll. The Auditor assigns the amount of tax due based on assessment information from the Assessor. These billable property tax amounts are recorded into the tax roll. The Tax Collector is responsible for billing property tax based on the information in the tax roll. Usually in Mariposa County, property tax bills are sent out by the end of October.

As mentioned previously, each of these positions are elected for four-year terms in Mariposa County. Of these, the Assessor/Recorder position is the only one mandated by law (California Constitution Article 11) to be elected. These positions are all elected on the same four-year cycle, meaning that it could be possible for three brand new individuals to be elected to serve in these positions in one election. Additionally, because these positions are elected, they have no direct supervision. As discussed above, the lack of training and support for County leadership positions, means that turnover is a cause for concern regarding the management of the County's finances.

The Importance of Timely Audits

Audits are essential to ensuring the financial health and transparency of County operations. They hold County departments accountable for their financial practices, ensuring that public funds are used appropriately and effectively. Regular audits provide transparency, allowing citizens to see how their tax dollars are being spent and fostering trust in County government. Audits ensure compliance with state and federal regulations, preventing legal issues and potential penalties. They also help identify financial irregularities, inefficiencies, and areas for improvement, contributing to the overall financial health of the County. The absence of a fiscal year audit can affect budget projections, which can lead to undetected deficit outcomes midyear.

Impact on Grants and Funding Mechanisms

Timely completion of audits is critical for securing and maintaining grants and other funding mechanisms. Many grants require up-to-date financial audits as a condition of eligibility, so delays can result in the County being ineligible for important funding opportunities. Existing grants often require periodic financial reporting and audits; failure to meet these requirements can result in the loss of ongoing funding, impacting County programs and services. Additionally, delayed or incomplete audits can harm the County's financial reputation, making it harder to secure future funding and negotiate favorable terms with lenders and grantors.

Understanding the roles of the County Auditor, Assessor, and Tax Collector is essential for understanding how County government manages public funds and maintains financial integrity. Timely audits are crucial for accountability, transparency, compliance, and the financial health of the County. They also play a vital role in securing and maintaining grants and other funding mechanisms that support County operations and services. By ensuring these processes work effectively, we can foster a more transparent, accountable, and a financially stable County government, ultimately benefiting all citizens.

Analysis of Fiscal Year 2023-2024

The MCCGJ was able to identify a couple areas that contributed towards the necessary budget adjustments that occurred during the Fiscal Year (FY) 2023-2024. Adjustments were necessary to accommodate accounting mistakes, roughly in the amount of \$6.8 million dollars.

One contributing factor is the installation of the Oracle software system for Mariposa County in 2022, which required all departments to learn how to enter their own budget information. Prior to this time period, all financial journal entry for the County was completed by the Auditors Office using AS400 and paper tracking. The change in software systems led to the Auditor's Office stepping in to cross-train County departments for the new system, see the "Technology" section below. Consequently, the Auditor's Office was required to designate limited personnel and time to training, leading to the hiring of additional Payroll Specialists. Ultimately, this led to the Auditor's Office falling behind on daily and essential tasks, such as financial reporting, specifically the Fiscal Year audit for the year 2021-2022.

A second component of the FY 23-24 budget issues is that two (2) contributions were made from the general fund to the County reserve accounts, roughly in the amount of \$6.8 million. While the contributions were recorded on a balance sheet, these contributions were not correctly recorded on County operating sheets.

The precedent for creating a fiscal year budget for Mariposa County has been to establish a budget prediction for anticipated funds that will be available the first three (3) months of the fiscal year. The lack of a completed audit for FY 2021-22 and an error in reporting the transfer of reserve contributions, led to incorrect budget predictions.

FINDINGS		RESPONSES
F1	The annual financial audit for FY 2021-22 has not been completed for Mariposa County leading to incorrect fiscal year budget projections for FY 2023-24.	
F2	Incorrect FY 2022-23 budget projections and untimely communication led to a later than normal mid-year budget review.	
F3	The accounting error of reserve contributions resulted in necessary emergency budget reconciliation and redistribution across County departments.	
F4	Daily activities not completed and left incomplete over a long time put the County at risk, as shown with the lack of a completed audit for FY 2021-22.	
F5	Working relationships between the Auditor's Office and County Administration were negatively affected by the combination of miscalculated budget for FY 23-24 projections and lack of completed FY 21-22 audit.	
RECOMMENDATIONS		RESPONSE
R1	The Auditor should establish written procedures for how audits for the fiscal year shall be completed on a timely basis within the next three (3) months.	
R2	The Auditor should complete two (2) management/leadership trainings totaling a minimum of 16 hours within 12 months. Successful completion of this activity shall be documented with the 2024-25 Civil Grand Jury within 30 days of completion.	
R3	Board of Supervisors should establish procedures for regular financial review, including "check ins," for the completion of annual fiscal year audits within six (6) months.	

R4	Within six (6) months, the Auditor and Assistant CAO/Finance should participate in a facilitated debrief of activity and decisions reached between their offices over the last two (2) years.	
R5	After completion of R4, the Auditor and Assistant CAO/Finance will develop a plan to continue a strong working relationship	

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

Board of Supervisors: F1, F2, F3, F4, F5, R3

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

Assessor: Section Narrative

Auditor: F1, F4, F5, R1, R2, R4, R5

Tax Collector/Treasurer: Section Narrative

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

Chief Administrative Officer: F1, F2, F3, F4, F5, R3

Assistant CAO/Human Resources: F2, F3, F5, R4, R5

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

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.

Continued Technology and Software Lessons

County uptake in current technology and purchasing of various software systems was a topic of research for the previous 2022-2023 Mariposa County Civil Grand Jury. Their report described a digital divide that affects different generations, as well as rural and urban communities. However, “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.”²

The 2023-2024 Mariposa County Civil Grand Jury had similar findings in this regard. The MCCGJ would like to acknowledge that progress has been made in improving the accessibility and modernity of County technology, however there are still ongoing issues that affect the efficiency of County services, in addition to concerns with the implementation of new software.

Similar with specific investigations undertaken by the 2023-2024 MCCGJ, facts in the technology area emerged during the many interviews held with County employees, recognizing the use of computers throughout Mariposa County government.

Mariposa County uses various computer systems for different purposes. The legacy system is an IBM AS/400 system using “green screen” data terminals (IBM 3270). The AS/400 system is still in use in many County departments for essential functions. A newer system from Oracle was acquired several years ago and was intended to fully replace the AS/400 system, but thus far it has not. Other software products that have been procured by the County includes software from Megabyte, used for the accounting, auditing, and assessment of property taxes; and Tyler, which is a permitting software that is oriented to operate best with Apple client platforms and is currently in the implementation stage. Tyler is expected to go live this upcoming fall.

The Tyler software is intended to improve transparency, consistency, and tracking of development permits by allowing various users, including the public, to review the status of a permit and its outstanding requirements. One of the other key benefits offered by Tyler database products is improved efficiency and database integrity attained by moving databases to a cloud configuration versus using individual Excel spreadsheets spread around between various departments. The spreadsheet-based recordkeeping was developed on an as-needed basis over the years and has many vulnerabilities involving data loss, inconsistency in recordkeeping, and limited access to information between individual permit reviewers. Tyler is expected to increase the sharing of information and consolidate review processes when it comes to development permits. However, the process of implementing Tyler software within existing County systems will be integral to its success. The incomplete transition from AS/400 to Oracle offers a few lessons and forewarnings for Tyler implementation.

A number of obstacles have prevented a complete transition from AS/400 to Oracle from occurring. Based on the MCCGJ’s research, one of the main issues is a lack of adequate training and experience in using the new Oracle system, especially at its initial implementation, which occurred during the COVID-19 pandemic and was largely missed. Training is generally provided to individuals on an as-needed basis, rather than a comprehensive one-time training on Oracle’s modules. A weekly “office hours” and help line exist for County staff but these solutions do not address the lack of training within departments and incomplete implementation of Oracle’s modules, such as the Accounts Receivable module. As a result, many County departments use both Oracle and AS/400, if not paper, for various functions, especially for the management of finances. This requires double entry of critical data, wasting valuable staff time and capacity, while also increasing the rate of human error.

These issues with Oracle offer some points of consideration for the implementation of Tyler. Training at the onset of software implementation will be critical. It will be important to allow for adequate time for County staff to become comfortable with the software before it becomes available to the public. It is possible that existing systems for processing development permits may have to change to adapt to the structure created by the software and this requires plenty of time to determine. Additionally, Tyler’s

primary compatibility with Apple products is important to resolve when the majority of County employees rely on Microsoft technology.

FINDINGS		RESPONSES
F1	Incomplete implementation of Oracle and continued use of multiple software systems has necessitated double entry of data, which has led to increased rates of error and time dedicated to data entry in County services	
F2	Tyler's platform limitations and rigorous schedule for release raises concerns about the success of implementation	
F3	Technology and software support, training and assistance is lacking, leading to a slow transition to Oracle.	
F4	Multiple County employees use personal phones for county work, Multiple Factor Authentication, and communication, which raises concerns about security.	
RECOMMENDATIONS		RESPONSE
R1	Within six months, the Auditor, CAO and Assistant CAO/finance should complete a plan for elimination of AS400 from 90% of County activities by the end of FY 2025-26.	
R2	The County should examine methods of eliminating double entry in County functions within six (6) months.	
R3	The County should allow for ample time to implement Tyler while being aggressive about complete implementation of the new system.	
R4	The County should fully implement the Oracle Accounts Receivable module within one (1) year, in addition to any other areas of incomplete implementation.	

R5	The County should review use of private cell phones for work activities.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

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

The following elected county official is required to respond with 60 days:

County Auditor: F1, R1, R2, R4

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

Chief Administrative Officer: F1, F2, F3, F4, F5, R1, R2, R3, R4, R5, R6

Assistant CAO/Human Resources: F1, R1, R2, R4

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

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.

Complaints and Code Compliance

Multiple departments lack written procedures on how to handle, track, and respond to complaints. As a result, many citizens feel unheard and forgotten. The public is positioned to best understand the flaws of County processes; therefore, their complaints must be taken seriously. One of the County entities that handles the most complaints is the Code Compliance Division, housed under the Planning Department. The current Code Compliance Division processes and procedures illustrate some of the broader issues associated with complaint management across County departments.

The Code Compliance Division investigates complaints relating to code violations, for example, grading without a permit or structures built within setback areas, but life and safety issues are usually the primary concern with investigations. Investigations regarding code violations begin predominately with citizen complaints. A citizen can submit a Request for Investigation (RFI), anonymously or not. Reporting forms are available at the Planning Department and online. They can be mail, faxed, or emailed. Once an RFI is received, Code Compliance staff assigns an RFI number through the AS400/HTE system and tracks cases through an Excel spreadsheet with restricted access. The assigned RFI number does not necessarily carry through to other reviewing entities. Review of complaints by other County entities is generally completed via hard copy forms or over email.

Several County departments participate in the Code Compliance review process, like the Building Department, Assessor's Office, and Environmental Health Division. Processing RFIs properly takes time and adequate staff, however the Code Compliance Division currently has only two staff members, leading to delays in response time. Additionally, interdepartmental engagement can be slow, further preventing timely responses to potentially sensitive issues. Lastly, there are no clearly written processes and procedures for follow-through or enforcement of complaints, leading to approximately 400-500 active code cases in Mariposa County.

In an attempt to resolve issues associated with adequate functionality of and enforcement by the Code Compliance Division, the Mariposa County Board of Supervisors established a new Code Compliance Advisory Committee (CCAC) on June 8, 2021. The primary purposes of the committee are to 1) develop recommendations to the Board for an effective code compliance process and program, and 2) develop recommendations for innovative public policy and programs that address residents' needs while also mitigating alleged violations. The committee is also charged with 3) supporting the work of staff in the conduct of fact finding and data gathering, and 4) providing periodic assessment and evaluation of and feedback to the Board regarding the success of an amended process and program. The CCAC was intended to be temporary and disbanded once an appropriate system for code enforcement was established. The CCAC has yet to be disbanded. Although progress has been shown to the Board of Supervisors in terms of establishing an action plan for the CCAC, there have been limited results as of the release of this report.

Although other County departments do not have the same complaint-centered services as the Code Compliance Division, the MCCGJ found that complaints were inconsistently managed between departments. There are few established systems for recording and considering complaints that are received. This lack of standardized policies and procedures for complaint management has led to inconsistencies in how complaints are addressed and resolved, causing frustration and distrust among residents. When complaints are not managed uniformly, some may go unresolved or receive inadequate attention, undermining the confidence citizens have in their local government.

A transparent standardized system for handling complaints is essential for several reasons. Uniform procedures ensure that every complaint is treated with the same level of importance and urgency, promoting fairness and preventing any perception of bias or favoritism. Clear policies and procedures also hold departments accountable for their responses to complaints, ensuring that issues are addressed promptly and effectively, which maintains the integrity of County operations. A transparent process allows citizens to understand how their concerns are being handled, reassuring residents that their voices are heard and valued. Standardized procedures streamline the handling of complaints, making the process more efficient and reducing the likelihood of oversight or error, which helps resolve issues more quickly and improves overall service delivery.

It is crucial for the integrity and effectiveness of County government that citizen complaints are handled in a consistent and transparent manner across all County departments. A uniform approach to managing and resolving complaints will better ensure that all citizens receive fair and equitable treatment. By prioritizing the development of these policies and procedures, the County can enhance the way it handles citizen complaints, leading to improved trust, transparency, and overall satisfaction within the community. Addressing this issue is not only a matter of good governance but also essential for fostering a positive relationship between the county government and its residents.

FINDINGS		RESPONSES
F1	A lack of clearly written procedures and standards for management and enforcement of code compliance cases has led to an overwhelming number of active cases, inconsistent follow-through and compromised code enforcement.	
F2	Inconsistent management of complaints between County departments has led to public frustration and disempowerment in providing feedback on county processes.	
RECOMMENDATIONS		RESPONSES
R1	The County should codify code enforcement standards and provide clearly written procedures for case management through the Code Compliance Advisory Committee with one (1) year.	
R2	The Board of Supervisors should require that uniform standards for managing complaints specific to County operations be established within one (1) year.	

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

Board of Supervisors: F1, F2, R1, R2,

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

Planning Director: F1, R1

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

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.

Development Services: Environmental Health Division, Building Department, and Planning Department

Development Services is an umbrella term used by Mariposa County to refer to the combination of the Building Department, Planning Department, and the Environmental Health Division. The primary focus for Development Services is to assist in all phases of development-related projects through enforcement of County and State regulations, processing applications, and assisting with questions or concerns in all formats. Aside from the name “Development Services” on the building where Building, Planning and Environmental Health exist, and a webpage on the County website, Development Services only exists as an umbrella term for all development work in the county. Development Services does not formally exist on an organizational chart or have its own budget.

Underneath this umbrella, lies the Building Department, the Planning Department and Environmental Health Division. Each of these entities has its own budget. The Building and Planning Departments are managed by a director. Environmental Health is a division and is led by a manager. The budgets for Planning and Building are managed and directed by the appointed directors. Environmental Health has a budget that is managed by the Health Services Division under Health and Human Services Agency.

Each of these entities have had staff shortages, management changes and budget concerns in the last two years, affecting their work and the ability to meet the needs of the County. While the work of each entity is specific, there is great overlap in their functions. Often there is need for interdepartmental communication and coordination with other entities like CalFire, Law Enforcement, Department of Public Works, and the Mariposa Public Utility District.

Environmental Health is a division that is led by a manager. Although this unit is led by a “manager” versus a “director” like in the Building and Planning Departments, the job description begins with, “The Environmental Health Manager shall work as director.” It is believed that this wording is specific to allow designated managers the ability to join a statewide consortium of environmental health specialists that require the title of “director” to join. Regardless, it is clear that the position requires the scope and level of a director role, despite its designation as a manager under the County’s organization.

The Environmental Health Division manager reports to the deputy director of Public Health. Environmental Health can be considered an “enforcement branch” of Public Health, although enforcement is a challenge. The responsibilities are vast and include all of the following for Mariposa County:

- Air Pollution (including permitting for control burns)
- Hazardous Material
- Hazardous Waste
- Above/Underground Storage Tanks
- Solid Waste Disposal

- Septic Systems
- Water Well Systems
- Pool Safety Inspections
- Food Inspection for all retail facilities, restaurants, bars, bakeries, delis, grocery, convenient & liquor stores, cottage food kitchens, bed & breakfasts and hotels, schools and community kitchens, fairs, festivals, and special events.

For five months, all of this work has been the responsibility of the one (1) licensed REHS. Four (4) positions have been vacant. In the last five years, the Public Health Department was combined with HHS. Environmental Health may not have been served well by this change, as seen in the high rates of staff turnover and budget difficulties.

The Building Department is responsible for enforcement of California State and Mariposa County rules and regulations concerning the safety of structures. Public safety is a key component for the work of this department. Building permits are issued based on the current edition of the California Building Codes and local amendments, encompassing building, electrical, mechanical, plumbing, state energy requirements, and state accessibility laws. The stated goal of the permitting process is to ensure that development projects proceed according to safe building practices.

California Civil Code Section 55.53 requires local governments to employ or retain the services of at least one (1) Building Official. The Building Official shall be responsible for enforcement of the provisions of the California Building Code Standards for all projects within the Building Official's authority. In the last year, during the absence of an identified Building Department Director, Mariposa County contracted a Building Official, however that individual did not oversee anything that involved budget or personnel management. Mariposa County named an interim Building Department Director in April 2024. This interim Building Director serves as the Building Official and is responsible for managing budget and personnel.

County Ordinance #1173, adopted by the Board of Supervisors on May 10, 2022, became effective June 9, 2022. If a violation exists on a parcel, Mariposa County Building Department cannot accept any permit application for that parcel. No permit can be issued, no inspections can be requested or completed, and no approvals are given, except in the cases of life and safety concerns or if the requested permit is to correct the violation. This ordinance has had a vast effect on the work of building inspectors, County residents and interpretation of code enforcement in the county.

The Building Department, along with Solid Waste and Recycling, is one of two designated “enterprise” funded departments for Mariposa County. The “enterprise” designation implies that a department with a defined mission/goal is responsible for managing its own risks and performance, and therefore must accrue revenue to support the department. As an enterprise, the budget of the Building Department is separate from governance by the Administration Department. Building Department fees should be established to cover costs and maintain a budget that covers the work of the department. Despite an increase in fees, revenue the last year has been down, and there is a department deficit of about \$300,000. Until the appointment of a new interim Building Director in April 2024, the Building Department was without an identified individual with budget oversight for a period of at least six (6) months.

Review of the Building Department budget shows that budgeting does not adequately reflect it as an enterprise fund. Line items of the budget are unclear. As an enterprise department, fees are collected to support development projects. Fees that are collected are used after collection to pay for county time, outside building consultants, retained contracts special to unique projects and other things. Currently, fees collected are reported as revenue without escrow. When fees that are collected are only identified as revenue, there must be an accountable balance with when they are later paid. It is very common for fees to be paid (and marked as income) in one fiscal year and be used in a later fiscal year. This makes for a revenue and expense imbalance between fiscal years. Distribution of fees such as this into an “escrow” account could minimize confusion and assist in making things clearer from an outside account audit situation.

The Planning Department Director was appointed by the Board of Supervisors in January 2023. This department, much like other County departments, has faced budget challenges and staff shortages. The Planning Department has been without a Deputy Director since the appointment of a new director in 2023. There have been multiple vacant staff positions over the last year.

The Departments of Building and Planning and Division of Environmental Health are combined under the umbrella term “Development Services,” but each entity has separate policy and procedure practices, budgetary domains, and staff. There can be no doubt about the interconnectivity of this work on behalf of the County and therefore the importance of efficient processes and procedures within each entity. The problems associated with staff shortages and differing policies and procedures are discussed further in other sections of this final report (see “Complaints and Code Compliance,” “Technology,” and “Workplace Culture, Training, and Organization” sections).

FINDINGS		RESPONSES
F1	Inconsistencies in the permitting process have led to confusion and complaints from the community.	
F2	Staff shortages in Environmental Health have created an overwhelming workload, putting the County at risk for timely identification of environmental hazards.	
F3	The continued vacancy in the position of Deputy Director and other staff positions for the Planning Department is having a direct effect on time management of County projects and timely department communications.	
F4	Building Department budget does not effectively reflect the department’s revenue and expense streams as an enterprise fund, making the Building	

	Department budget unclear and confusing.	
F5	Although lumped together under the term Development Services, the Departments of Planning and Building, and the Division of Environmental Health have separate procedures for how work is managed leading to confusion, lack of efficiency and complaints from the community.	
F6	Lack of formal written policies and procedures for the Planning and Building Departments and the Division of Environmental Health has led to confusion in completing job tasks among employees, affecting quality and timeliness of work in Development Services.	
RECOMMENDATIONS		RESPONSES
R1	The Planning Department, Building Department, and Environmental Health Division should create informational resources to help the community understand permitting processes for Mariposa County within one (1) year.	
R2	Immediately, effort should be made to address staff shortages in the Environmental Health Division	
R3	Immediately, effort should be made to address the Planning Department Deputy Director and other staff vacancies.	
R4	Working with Administration, the interim Building Department Director should evaluate and establish an effective reflection of the department's budget as an enterprise within six (6) months.	
R5	Immediately, policies and procedures should be written for the Departments of Planning and Building and the Division of Environmental Health.	
R6	Within one (1) year, written policies and procedures for the Departments of Planning and Building and the Division	

of Environmental Health should be reviewed for consistency and accuracy across the units.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

Board of Supervisors: F1, F2, F3, F4, F5, F6, R1, R2, R3, R4, R5, R6,

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

Building Interim Director: F1, F4, F5, F6, R2, R5, R6

Chief Administrative Officer: F4, F6, R1, R5

HHSA, Interim Director: F2, F5, F6, R3, R6

Planning Director: F1, F3, F5, F6, R1, R4, R6

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

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.

Evaluation of Department Directors

Individual performance reviews are a crucial part of supervision. They serve as an opportunity to summarize ongoing performance and develop conversations for work. Additionally, they can provide a record of measurable performance objectives used for comparative review in the future. They are an opportunity to ensure that directors are aware of county goals and that supervisors are aware of current work within individual departments.

Mariposa County is divided among eighteen (18) departments. Each department is led by a designated director. Reviews for department directors in Mariposa County are scheduled annually and occur in May or June of each fiscal year. These reviews are the only opportunity that the Board of Supervisors have to hear from directors, provide supervisorial feedback or ask questions of directors.

While the work of some departments (Building, DPW, Planning) puts those department directors in front of the Board regularly (to address agenda items), there is no requirement for directors to attend meetings or address the Board outside of their annual review. It is possible that a full year may take place without report from a director to the Board of Supervisors. Reviews are closed session with only the supervisors, the department director and the Clerk of the Board attending (the Clerk of the Board is required by law to be present at all Supervisor meetings).

Performance reviews should include:

- balanced feedback that acknowledges strengths and accomplishments while also identifying areas for improvement
- communication of objectives and goals for the County and how the department fits within
- progress reports for all completed and ongoing department activities
- measurable rating systems that differentiate between high and low performance.
- departmental needs review that provide a clear opportunity for supervisors to learn of shortfalls the departments may be experiencing

Consistent, measured performance evaluation of each department director should be a goal and desired outcome for the Board of Supervisors.

FINDINGS		RESPONSES
F1	The Board of Supervisors does not have clear written procedure for consistent, measured performance evaluation of department directors.	
RECOMMENDATIONS		RESPONSES
R1	The Board of Supervisors should create clear written procedures for the evaluation of department directors within the next 12 months.	

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

Board of Supervisors: F1, R1

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

Assistant CAO/Human Resources: F1, R1

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

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.

Understanding Conflict of Interest and Employee Abstention

In the interest of maintaining integrity and transparency within the County government, it is essential for employees, and/or elected officials, to abstain from certain job functions if they may have a conflict of interest. This means that if an employee's/elected official's personal interests could potentially influence their professional duties, they should voluntarily withdraw from those specific tasks or decisions. However, a formal County policy or procedure for abstention does not exist.

Abstention ensures that all actions and decisions made by County employees and elected officials remain impartial and free from personal bias. By doing so, the County upholds ethical standards and promotes public trust in its operations. Employees and elected officials should be encouraged to identify and disclose any potential conflicts of interest to their supervisors and take the appropriate steps to withdraw from related duties. This practice not only protects the integrity of the County government but also fosters a culture of accountability and ethical behavior.

County employees may need to recuse themselves from a matter if they have a conflict of interest that could compromise their judgment or actions. A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace. For example, a public official may have a disqualifying conflict of interest if a decision they make could financially impact them or their family or if a reasonable person, knowing the situation, would conclude that the public officials may have bias in decision making regarding the situation. A standard test to determine whether a recusal is necessary is to ask if a reasonable person, knowing the situation, would conclude that the employee or elected official has a bias for the project or work at hand.

Recusal is often left up to ethical or moral standard of the employee rather than relying on a written policy. There are no set procedures for ensuring that the work continues if an individual needs to recuse. County employees and elected officials with decision making authority must recognize how not recusing themselves may appear to members of the public. Employees are strongly encouraged to document their recusals in writing to maintain transparency and accountability.

FINDINGS		RESPONSES
F1	Lack of clear, concise policy and procedure regarding recusal and appearance of conflict of interest puts the County at risk for increased complaints, possible legal action, and overall poor appearance for County operations.	
RECOMMENDATIONS		RESPONSES
R1	The County should create a written policy and procedure accurately	

reflecting when any official or representative of the County must declare recusal.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

Board of Supervisors: F1, R1

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

County Counsel: F1, R1

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

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.

Rural Disparity in Combination with State Reimbursements

As one of California's six entirely rural counties, Mariposa contends with an unbalanced supply of public service demands and federal/state reimbursement structures. While County leadership cannot fully control these imbalances, there are no reasons for not taking positive action that would have a measurable affect for the County.

For example, Mariposa County relies heavily on the tourism industry. A large percentage of this derives from visitors (4 million per year) to Yosemite National Park. Use of public roads by large number of visitors has an effect on public road conditions. In the past few years, investment in local maintenance of public road surfaces has continued to be a challenge for the County. MCCGJ found that road conditions are consistently the most significant concern for County staff and residents.

In recent years, the Pavement Conditions Index (PCI) for Mariposa County has become "Fair." The Pavement Condition Index (PCI) is a numerical rating that measures the condition of a road's pavement on a scale of 0 to 100. A score of 100 indicates a newly paved road, while 0 is the worst possible condition. The PCI is calculated based on the type and severity of distresses observed on the pavement surface, such as potholes, cracking, spalling, rutting, and scaling. This will not be going away in the near future. In order to maintain a "Fair" rating the State recommendations for Mariposa County are to invest a minimum of \$8,000,000 annually. To be able to reach a higher rating of "Good" it is suggested \$12,000,000 be spent annually.

Review of budgets from the last few years for DPW indicate that it was a challenge to even be able to budget \$4,000,000 per year for this activity. California gas tax is a reimbursement given to local authorities specifically for road maintenance activities. This reimbursement is calculated by registered

car ownership (specific to gas-powered vehicles) in the County. The roughly 20,000 registered vehicles in Mariposa does not equate to the number of vehicles that use the public roadways within the County. Further, there is a percentage of registered vehicles that are “non-operational” or electric, for which no tax reimbursement is generated.

A lack of representation for rural counties such as Mariposa makes it difficult for leaders to allocate funds effectively. In the California State Assembly Mariposa County shares one elected representative with six other counties. In the State Senate, Mariposa County shares representation with twelve other counties. The existence of rural disparity is amplified when urban areas have multiple elected officials advocating for their concerns.

For Mariposa County's leadership, managing these challenges requires a nuanced approach that balances the needs of residents with the realities of its tourism-driven economy. The impact of millions of annual visitors on local government resources underscores the urgent need for sustainable planning and cannot go unrecognized.

Parallels Between County Government and JCFHD

The MCCGJ accepted the opportunity to examine two entities governed by an elected board during the 2023-2024 term. These entities, the John C. Fremont Healthcare District and Mariposa County, both experienced accounting issues that led to a budget shortfall, debt, and or ultimately, a mismanagement of the funds belonging to the institution. A common thread of systemic problems created the accounting issue, such as difficulties navigating the Brown Act, a lack of cooperation and accountability between Board members, inaccessible information, untimely action, and more.

Similar to the discussion on Mariposa County's workplace culture above, John C. Fremont board members were also observed to operate individually rather than a team. Opinions regarding operations were often withheld and board members accused others of inaction. Board members did not feel personally responsible for resolving issues. This lack of teamwork and responsibility is unacceptable when it comes to leadership, whether it be government, a special district, or organization. Leaders must make the effort to communicate with one another and make the attempt to understand all perspectives. When it comes to County operations, leaders must have a greater understanding of how different departments participate in processes by learning and accepting interdepartmental roles. In addition, both elected boards expressed concerns with obtaining information regarding the operations of their respective institutions, which should be resolved by regular communication between leaders.

The Brown Act is often used as an excuse for a lack of communication between elected board members. It is true that the Brown Act has strenuous noticing and quorum requirements that make it difficult for board members to discuss important issues outside of in-person scheduled meetings. It is understandable that the rules can slow down communication. Both County and JCFHD board members receive training(s) on the Brown Act and comply with the law, yet a lot of concern was expressed around violating the Brown Act. It is problematic that the Brown Act is cited as a reason for inadequate communication and subsequently, poor leadership, when the purpose of the Brown Act is to allow for transparent engagement.

There seems to be a general reticence to discuss controversial issues publicly during meetings. MCCGJ found that Board members wanted to be able to discuss situations privately prior to a public

meeting. However, the purpose of public meetings and the Brown Act is so that concerned citizens can participate in important deliberations and have transparency on board operations. A board should not be concerned that public deliberations will taint their image and subsequently risk mismanaging the organization by not having difficult conversations openly. There will always be members of the public that will have negative opinions of their leadership and avoiding difficult conversations will not resolve issues in a timely manner. The structure of public meetings also ensures that concerned citizens have a designated space for voicing their opinions and not interrupt potential discussions between board members. Additionally, there are staff members that can operate outside of the Brown Act to obtain necessary information in advance. Therefore, it is important that board members set aside their fear and need to perform for the public, especially when it comes to resolving difficult crises.

The relationship between elected County officials, accountability practices, and citizen participation is crucial for the long-term well-being of our County. When each of these elements function effectively, they create a strong foundation for good governance and community trust.

Elected county officials are entrusted with making decisions that impact the entire community. Their role requires a high level of integrity and a commitment to serving the public's best interests. When officials are transparent and accountable, they help build trust and ensure that decisions are made fairly and responsibly.

Accountability practices are essential for maintaining this trust. These practices include transparent decision-making processes, regular audits, and clear communication about the use of public resources. By holding officials accountable, we can prevent misuse of power and ensure that County operations are conducted ethically and efficiently.

An important aspect of accountability is having a transparent process for handling citizen complaints regarding county practices. When citizens can easily report issues and see that their concerns are taken seriously and addressed promptly, it reinforces their trust in the County government. On the other hand, when complaints go unaddressed, it undermines confidence in the County's ability to govern effectively and fairly.

Citizen participation is the third vital component. When citizens are actively involved in local government, they provide valuable feedback and help shape policies that reflect the community's needs and values. Public forums, community meetings, and accessible information channels all encourage greater civic engagement.

When elected officials, accountability practices, and citizen participation are all working well, they create a positive feedback loop that benefits the entire County. Transparent and accountable governance earns the trust of the public, which in turn encourages more citizens to participate. Active citizen participation provides officials with the insights they need to make informed decisions, further enhancing the quality of governance. In summary, the collaboration between elected county officials, robust accountability practices, and active citizen participation is fundamental to the long-term well-being of our county. By fostering transparency, accountability, and civic engagement, we can ensure a prosperous and thriving community for years to come.

It is imperative for elected officials and directors to move beyond merely acknowledging accountability and take decisive ownership of the challenges they face. Rather than spending extended

periods seeking outside consultants to analyze problems, it is essential to begin implementing effective solutions immediately. By proactively addressing issues and taking responsibility for resolving them, leadership can drive positive change and ensure the well-being of the community. The focus should be on swift, actionable steps that deliver tangible results, reinforcing a commitment to effective governance and public service.

It is essential for elected officials and directors to stop deferring problems for future leaders to handle. If a Capital Improvement Plan and line item had been included in the budget earlier, many current issues could have been mitigated. Instead of postponing solutions, it is crucial to take immediate action. Even if these actions do not lead to re-election, prioritizing what is best for the County’s future should be the primary focus. By addressing problems now, elected officials can create a more stable and prosperous environment for the community.

The reliance of the John C Fremont Healthcare District and Mariposa County on external consultants is another parallel that exists between the two entities. Special projects deemed too complex or time-consuming for internal staff or that require very specialized knowledge make for the common practice of hiring outside consultants. While some consulting contracts prove beneficial, there are notable concerns regarding their management. Instances where projects consistently exceed both their designated timelines and allocated budgets underscore systemic challenges in oversight and planning.

Frequently, there is a lack of consultant familiarity with the needs and nuances specific to JCFHD and Mariposa County. This often results in deliverables that fail to meet objectives, or further delay completion. Often, this translates to money spent for an outcome that is less than ideal. Enhancing the vetting process for consulting firms ensures that hired entities possess the requisite expertise and understanding of local requirements. A more rigorous screening process will enable the selection of consultants equipped to deliver relevant and impactful outcomes aligned with the strategic goals of the Healthcare District and Mariposa County.

Under specific dollar amounts department directors (\$20,000) for the county and the CEO (\$25,000) for JCFHD are allowed to enter into consultant contracts without much review. Moving forward it is crucial for both entities to strengthen their oversight frameworks for external contracts. This includes establishing transparent guidelines for project milestones and deliverables, implementing regular progress review mechanisms, and ensuring rigorous budgetary controls to curb overspending.

Enhancing transparency and accountability in the management of external consultants will mitigate risks associated with project delays and budget overruns, ultimately improving operational efficiency and fiscal responsibility. These proactive steps of outsourcing practice will ensure both JCFHD and Mariposa County better serve their constituents and stakeholders ~ the residents of Mariposa County.

FINDINGS		RESPONSES
F1	JCFHD and Mariposa County do not have their own clearly defined whistleblower policies making it	

	difficult for staff to report issues of non-compliance.	
F2	JCFHD and Mariposa County do not have clear procedures for establishing, managing and reviewing contracts with external consultants which often leads to contract delays, deliverables that do not meet original objectives and excessive financial costs.	
RECOMMENDATIONS		RESPONSES
R1	JCFHD and Mariposa County Board of Supervisors should each create unique procedures for staff to report issues of non-compliance.	
R2	JCFHD and Mariposa County Board of Supervisors should establish procedures that create more strategic engagement practices with external consultants to include pre-contract negotiations, clear and timely project review mechanisms and post contract review.	

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

Board of Supervisors: F1, F2, R1, R2

JCFHD Board of Directors: F1, F2, R1, F2

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

County Counsel: F1, R1

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

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.

Observations of Elections

The Civil Grand Jury was invited by County Clerk to observe the March 5th, 2024, California Primary Election. MCCGJ observed the elections staff process mail-in ballots, absentee ballots and persons who wanted to hand-deliver their ballot. In addition to the Mariposa County Elections Office, MCCGJ was also invited to observe the elections staff and processes at both the Lushmeadows and the Greeley Hill sites on election day. At least two Civil Grand Jury members were at each of the three locations.

These locations are:

- Mariposa County Elections Office, 4982 10th Street, Mariposa;
- Lushmeadows Fire Department, 6008 Monte Vista Ln, Mariposa;
- Greeley Hill Library, 10332 Fiske Rd, Coulterville.

The elections staff met every visitor with courtesy and professionalism and all concerns or questions were answered, regardless of the nature of the question. The Civil Grand Jury observers were treated with the same respect, courtesy and professionalism as everyone who came through the door.

All the staff members have a specific job in the ballot counting process, one member verifies signatures, another prepares the ballots for insertion into the into the voting machine, and a different staff member prepares the proper documentation for each batch of ballots. Staff reported that the formal training elections received is important for the smooth processing of each ballot. Each staff member was able to verify the signatures and confirm identities properly prior to having the ballots counted. There are many other examples of the elections staff responsibilities during elections. MCCGJ was shown each step in these processes and given explanations as why certain actions were done and so that each vote could be counted.

On election day, elections staff are expected to work 12+ hours. Each staff member is also expected to continue to provide County Clerk services amidst their election responsibilities. Despite the overwhelming tasks, Mariposa County elections staff are diligent, courteous, and pay attention to detail. It is important that we recognize the entire elections staff for their dedication to the very important work of conducting our elections in the secure and accurate manner. MCCGJ has no recommendations for elections operations at this time.

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

Custodial Facility Tours

Mt. Bullion Conservation Camp (CC#39)

On April 15th, 2024, the Civil Grand Jury made its annual inspection of the Mt. Bullion (CC#39) Conservation Camp. The Mt. Bullion Conservation Camp is a minimum-security detention center jointly operated by the California Department of Corrections and Rehabilitation (CDCR) and the California Forestry and Fire Prevention. There are currently 32 such minimum correctional camps in California. The facility has been operating since 1957 and the facility changed from one that housed juveniles to only adults in 2004. The camp's primary mission is to provide incarcerated hand crews to support local, state, and federal agencies in their response to emergencies such as fires and floods. Camp participants also complete community service and conservation projects year-round. Current inmate population is 62.

The staff were stellar regarding their management of the inmates and the facilities. The MCCGJ found that the facility is well organized and is in good condition with just some wear and tear on the existing buildings from the length of service. One large dormitory room houses all the inmates. Each inmate is supplied with a cot and a storage locker. The mess hall and cooking facilities look well-organized and well-maintained. Minor medical needs are met onsite. Those with illnesses requiring more extensive treatment are transferred to the Jamestown facility.

Inmates have the option to be trained for fighting wildfires and help the local CalFire Unit. They can also receive training in working with chainsaws and other outdoor equipment, which is helpful for keeping the growth of weeds and brush under control. Inmates have a variety of facilities for amusement, entertainment, and creative pursuits available to them.

If an inmate is sent to CC#39 but has family in the southern part of the state, there are procedures in place for qualifying the inmate for a transfer to a facility closer to their family. An open-air area with exercise and weight training equipment is open daily from 5 AM to 10 PM. The MCCGJ observed the kitchen and cafeteria area to be very clean and structured for easy clean-up. Inmates that have demonstrated good behavior over a period of time help run the camp. They generally work in the kitchen and laundry. Despite the minimal funding the camp is functioning at a high level.

The 2023-24 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.

Mariposa County Adult Detention Facility

On February 16th, 2024, the Grand Jury went on its yearly visit to the Mariposa Adult Detention Facility. The current facility was opened in March of 1995 and is located on Hwy 49N about a mile north of the town of Mariposa. It has the capacity to house 58 inmates and is currently at about half capacity. The employees were efficient, knowledgeable, and very professional. Although the facility and the staff are consistently dealing with several financial budget cuts, the County incarceration facility is being run in a safe and secure manner. The staff are upbeat and vigilant in their jobs, and our County has every reason to feel confident and secure regarding the well-being of its inmates.

The HVAC system continues to be an area of concern for inmates, staff, and visitors. This is a costly repair and has been delayed due to the County budget cuts. As a result, staff and inmates experience discomfort with indoor temperatures in the winter cold and summer heat. Additionally, there are several areas where ceiling tiles have been removed for immediate repairs and have yet to be replaced. It is fair to say the staff may have some discomfort with their cramped office space. For example, office space for one of the medical staff is located in the shared break room. Overall, the facility is clean and secure. The detention center needs some attention when it comes to space allocation and timely maintenance.

FINDINGS		RESPONSES
F1	The detention center HVAC system poses a challenge to detention center management, contributing to uncomfortable environmental exposure for inmates, staff and visitors.	
F2	Available administration office space to staff ratio is small, creating cramped and shared quarters for staff.	
RECOMMENDATIONS		RESPONSES
R1	Replace the HVAC system in all areas that are necessary as soon as possible.	
R2	Continue to investigate and pursue ways of maximizing shared staff space while maintaining professional best practice.	

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

Board of Supervisors: F1, F2, R1, R2

The following elected county official is required to respond with 60 days:

County 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, and a commitment to implementing the recommendations, as appropriate, per Penal Code §933.5(b)(1)(2)(3) and (4).

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.

Accessibility of Citizen Complaint Forms: Continuation of Civil Grand Jury Initiative

During the 2023-2024 term, the MCCGJ continued the initiative from the 2022-2023 MCCGJ to improve access to Civil Grand Jury complaint forms. The previous Civil Grand Jury made hard copy complaint forms available at the Mariposa County Library, since complaint forms were only available online. This way, anyone, regardless of internet access, is able to obtain a complaint form and provide their input to the MCCGJ. To take this initiative a step further, the MCCGJ made hard copy complaint forms available at the Coulterville library, known as Red Cloud Library/Greeley Hill Branch in northern Mariposa County.

Misunderstandings of a Civil Grand Jury

Throughout its term, the 2023-2024 MCCGJ found that there seemed to be a widespread misunderstanding regarding the jurisdiction of a Civil Grand Jury and its powers. Some of this discussion is included in the Introduction section above and the Continuity Report below, however the MCCGJ thought it would be pertinent to attempt to demystify opinions around a Civil Grand Jury and its purpose. During the 2023-2024 term, MCCGJ received multiple complaints that were not under the jurisdiction of a Civil Grand Jury. The MCCGJ was met with a general reticence, if not fear, of the implications of being interviewed or questioned by a Civil Grand Jury.

Per California Penal Code Section 888, Civil Grand Juries do not have jurisdiction over criminal matters, like extortion or embezzlement. Separate *Criminal* Grand Juries are formed for these situations. Civil Grand Juries are empaneled to evaluate the local government procedures, methods, and systems for efficiency as a “watchdog” of the community. Furthermore, case law, specifically the *Board of Trustees of Calaveras Unified School District v. Leach*, restricts the Civil Grand Jury from investigating or commenting on the wisdom or merit of policy decisions. MCCGJ’s sole responsibility is to investigate the efficiency of current County process and procedures, such as how a building permit is processed or the procedure for training a staff member. Therefore, any criminal concerns that are uncovered during the course of an investigation or inquiry are forwarded to the District Attorney for further examination. Issues like staff misbehavior, code violations, or neighborly quarrels, are not under the jurisdiction of a Civil Grand Jury. The singular exemption is Penal Code Section 919(c) that mandates the grand jury to inquire into the willful or corrupt misconduct of any public officer or elected position. This accusation function of a Civil Grand Jury is further restricted by Government Code Section 3060 to 3075.

Per Penal Code Section 924.1, specific information discovered by the Civil Grand Jury, and not included in a report or validated, remains confidential for life. All Civil Grand Jury proceedings are conducted in secrecy to retain the integrity of the information that a Civil Grand Jury may uncover and protect interviewees. The report cannot name individuals or include “raw evidence.” Therefore, if an individual chooses to offer potentially controversial information to the Civil Grand Jury, the individual should not experience backlash or repercussions. The report will not provide enough detail to identify the individual nor particular actions. Although a Civil Grand Jury is entitled receive the information that it requests, the unwillingness to offer information based on the potential for negative consequences is misguided.

It is never the intent of a Civil Grand Jury to disparage the hardworking staff in our County that are committed to public service. The objective is to provide clarity on some of the systemic process and procedure issues that prevent the effective delivery of County services and improve the public’s trust in County government. County staff is likely already aware of the issues raised in this report. In fact, there

may already be solutions underway. By law, the intent of the report is to summarize the Civil Grand Jury's verified facts and findings discovered throughout the term of service; and present this information to the public as a third-party observer or "watchdog" of the community.

Continuity Report

This Continuity or Compliance Report is not intended to pass any judgement on the Board of Supervisors for their responses to the 2022-2023 Mariposa County Civil Grand Jury final report. The Civil Grand Jury would like to take the opportunity to express gratitude to the Board of Supervisors (BOS), their staff, and the Sheriff's Office (SO). While it is unfair to characterize the responses from the Board of Supervisors as anything but an honest effort to apply the correct Penal Code response (Section 933.05 (a)(b)) to all the findings and recommendations, more action is needed to comply with the Penal Code for all future responses to Civil Grand Jury reports. This will ensure that the Civil Grand Jury can continue to complete its job of recommending improvements to County Policies and Procedures with integrity and accuracy.

METHODOLOGY

The 2023-2024 MCCGJ reviewed the previous 2022-2023 Civil Grand Jury Final Report as well as the responses from the SO and the BOS. The MCCGJ also attended or listened to the August 15th, 2023, BOS meeting during which the BOS approved their response to the Civil Grand Jury Final Report and accepted public comment on the matter. In addition, MCCGJ reviewed a number of other counties' Civil Grand Jury final reports, the responses given, and other Grand Juries' Compliance/ Continuity Reports. This Compliance Report focuses only on the Penal Code requirements for responding to the Civil Grand Jury's findings and recommendations. In reviewing these responses, we used the following format to determine whether the responses met the word as well as the intent of the Penal Code Section 933.05; "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 thereof. 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."

DISCUSSION

MCCGJ reviewed the 2022-2023 MCCGJ Final Report which consisted of thirteen (13) individual reports and forty-eight (48) findings and fifty-eight (58) recommendations. We found the responses to be on-time from both the SO and the BOS. The format of the responses from the BOS were somewhat confusing and difficult to follow, whereas the responses from the SO were proper in format according to the California Penal Code (933.05 (a)(b)).

Our concerns involve the alleged widespread disregard and failure to honor admonishment and confidentiality requirements, as part of the BOS response(s), and a lack of training for County staff in the requirements of the California Penal Code, which dictate the rules and procedures surrounding Civil Grand Jury communications. MCCGJ became aware of the failure to honor admonishments and resulting confidentiality/secretcy agreements when the BOS wrote in their response that a County staff member stated they did not respond to the MCCGJ because “they learned that another department had received an identical request and provided the requested information.” While this may have been an innocent discussion between colleagues, this type of communication regarding Civil Grand Jury proceedings is not allowed by the by the Penal Code and can result in a misdemeanor. It might have been averted if County staff were trained in the requirements of the Penal Code, especially when communicating with the Civil Grand Jury.

This Compliance Report is meant to discuss and recommend on what we perceive as some deficiencies in County government as it relates to confidential and clear communications with the Civil Grand Jury.

FINDINGS		RESPONSES
F1	There is no training for County staff on how to respond to requests and or inquiries from the Civil Grand Jury in compliance with the California Penal Code leading to inconsistencies from year to year in responses to Civil Grand Jury final reports	
F2	Board of Supervisors has blocked invited responses from Civil Grand Jury giving an impression of not wishing to hear from other individuals.	
RECOMMENDATIONS		RESPONSES
R1	County Counsel should develop and provide educational material for Board of Supervisors, Directors and staff for how to affectively work with civil grand jury in the next six months,	

R2	Board of Supervisors should welcome comment from any named invited responses.	
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The following governing boards are required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

Board of Supervisors: F1, F2, R1, R2

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

County Counsel: F1, R1

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

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.

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