MARIPOSA COUNTY COURTHOUSE

In 1850 a statute passed creating the twenty-seven original counties, Mariposa being the largest, containing one-fifth of the total area of the state. Later in 1850 California was admitted to the Union. The first meeting of the Court of Sessions governing the county met in the Agua Fria area and then moved in 1851 to the town of Mariposa.

The grand jury recommended erection of a courthouse in 1852. The Court of Sessions then set a tax rate of $.25 per $100 assessed valuation for erection of public buildings.

In 1854 a plan by P.V. Fox was adopted to build a courthouse in Mariposa. The Mariposa County Courthouse was finished in 1855 at a cost of $9,200.00. Not only did it have a courtroom, it also contained the offices of the county's officers, including the Board of Supervisors.

John C. Fremont gave title to the town block on which the courthouse stood in 1860. The brick vault was constructed in 1861. In 1866 the cupola and clock were added.

The court system changed in California in 1879 to the Superior Court, now the county's high court.

A phone was installed in 1895 in the Clerk's Office, in 1900 the downstairs annex was added containing four offices to the rear of the courthouse, and electric lights were installed in 1907. In the new 20th Century more changes were made as the population grew. In 1935 the courthouse was enlarged with State Emergency Relief Act funds by adding a second story to the 1900 annex and enclosing the breezeway between the two.

In 1954 there was a ten-day celebration commemorating the 100th anniversary of the courthouse. The courthouse was recognized as a California State Landmark, No. 670 in 1958. Guided tours of the courthouse began in 1964. The courthouse was added to the National Register of Historic Places in 1977. In 2004, the 21st Century finds us celebrating the 150th anniversary of our courthouse with our present judges.

In all these years there have been nine Superior Court Judges. The courthouse is just as active today as it was when it opened in 1854.
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MARIPOSA COUNTY 2007-2008 GRAND JURY FINAL REPORTS

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Letter from Mariposa County Counsel “A”
Dated March 6, 2008

Letter from Mariposa County Administrative Officer “B”
Dated April 22, 2008
INTRODUCTION

• The function of the grand jury in Mariposa County is to investigate aspects of all county government entities and to serve all of its citizens in seeing that their legitimate complaints are researched and investigated regarding activities of their local government and public officials. Complaints must be submitted with confirmed documentation attached, to the grand jury on a Citizen Complaint Form that can be obtained either at the Superior Court or at www.mariposacounty.org and mailed to the Mariposa County Grand Jury, P.O. Box 789, Mariposa, California, 95338.

• All written complaints are reviewed by the grand jury in the strictest confidence. Each grand juror takes an oath and is sworn to protect the confidentiality of proceedings during and after their term of service. All complaints are thoroughly reviewed by a neutral, non-biased and objective procedure. All findings, suggestions and recommendations are made as a corporate body and require no less than eight, (quorum), of the eleven jurors to agree on each decision. If there is even a minute possibility of a conflict of interest on any complaint received, then that individuals must excuse themselves from participating in that particular investigation and all related decisions. If and when a complaint is received too late for the current grand jury to investigate, then it is referred to the following grand jury for their review.

COMMENT

• It is important the public understand that once any Mariposa County Grand Jury has completed its Final Annual Report at the end of their one year term, it has no authority to point out any incorrect statements that might be made by any of the Mariposa County Administration replies to that report. If this were to happen, then an injustice would be levied on that grand jury. An example; corrections were pointed out on the 2007/2008 Final Report #1, (see page 26 of this final report).
GRAND JUROR’S OATH OF OFFICE

STATE OF CALIFORNIA )
) SS:
COUNTY OF MARIPOSA )

“I do solemnly swear (affirm) that I will support the Constitution of the United States and
of the State of California, and all laws made pursuant to and in conformity therewith, will
diligently inquire into, and true presentment make, of all public offenses against the people of
this state, committed or triable within this county, of which the grand jury shall have or can
obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury,
nor anything which I or any other grand juror may say, nor the manner in which I or any other
grand juror may have voted on any matter before the grand jury. I will keep the charge that will
be given to me by the court.”

Signature of Grand Juror

__________________________________________
Grand Juror’s Name
May 20, 2008

Honorable Presiding Judge F. Dana Walton
Mariposa County Superior Court
5088 Sullivan Street
Mariposa, CA 95338

Dear Judge Walton,

We would like to thank the Mariposa County Superior Court for selecting and trusting us to serve on the 2007-2008 Grand Jury. We also want to thank the citizens of Mariposa County for airing their concerns and for all the cooperation we received in seeking the facts regarding the complaints submitted to us.

Attached is a copy of our #1 Interim/Final Report from 7/1/07 through 12/31/07 (pages 1-12) and our #2 Final Report from 1/1/08 through 6/30/08 (pages 13-26) fulfilling our year of service.

From this point on we trust that the responsible parties will be committed to follow through on all of our suggestions and/or recommendations.

Sincerely,

Lydia Arre
Robert Bradbury
Sheila Costa
Steve Cramer
Don Hedrick
Witt O. Hawkins Jr.
Christian Jaskowiak
Elaine Parrish
Marilyn Meade
(Dates: 7/1/07 - 12/31/07)

Nancy Pingleton
(1/1/08 - 6/30/08)

Marvin Wells
Jerry Westlake
Mariposa County Grand Jury

P.O. Box 789
Mariposa, California

January 8, 2008

Honorable F. Dana Walton
Presiding Judge of the Superior Court
County of Mariposa
P.O. Box 28
Mariposa, California 95338

Dear Judge Walton:

Please accept the attached as final, but interim reports from the 2007 – 2008 Grand Jury for the period of July 1, 2007 through December 31, 2007. We feel very strongly that they should be prepared and published immediately. The reason is that there are two specific reports that need immediate attention to those areas addressed. To postpone these issues to the end of our Grand Jury’s term in all probability will be a lot more costly to the tax payers if something is not done soon. Therefore to prevent this, we feel that action from the appropriate leaders should, and now can be, taken to prevent any additional expense.

Sincerely,

[Signature]

Marvin Wells, (Foreperson)
Mariposa County Grand Jury
P.O. Box 789
Mariposa, CA 95338
January 18, 2008

Marvin Wells, Foreperson
Mariposa County Grand Jury
P.O. Box 789
Mariposa, CA 95338

Dear Mr. Wells:

I have read and reviewed the 2007-2008 Mariposa County Grand Jury final, interim report for the period of July 1, 2007 through December 31, 2007.

I look forward to reading and reviewing the year-end final report.

Sincerely,

[Signature]

Honorable F. Dana Walton
Assistant Presiding Judge
Mixed Waste Processing/Composting Project

On July 10, 2007 the Grand Jury received a complaint regarding the Mariposa County Compost Facility. Accompanying the complaint were many documents, thus giving the Grand Jury enough information to warrant an investigation. We spent approximately 257 man hours researching over 12,000 pages of data, interviewing five individuals under oath, visiting the Compost Facility, talking to citizens, and conducting many committee and full quorum meetings.

Findings:

It is apparent that the public has a misconception of what the operation was actually purchased and set up to produce.

It is evident that the county waited until the last minute to initiate this project to help meet the California state mandate of a 50% reduction in all solid waste by the year of 2000. Since they were unable to meet the mandate, the county had to get many extensions from the state and therefore were not up and operating their compost facility until July 2006.

We found that a member of the public questioning and airing their concerns to a member of the Board of Supervisors regarding this compost project was not answered until one year later.

A tape provided by the complainant of the Board of Supervisors meeting dated 6/10/2003 indicates that another incident happened when a concerned Mariposa citizen was verbally lashed out at by one of the major consultants ($170,413.24 in fees) regarding their concerns about the Compost Project. Portions of this tape were erased or missing for whatever reason. The tape supplied to the Grand Jury by Mariposa County from the same date (6/10/2003) doesn’t have any portion of that conversation. This is definitely an incident of incomplete records.

Eight Mariposa officials traveled to Canada in October 2000 but did not document a justification for the trip, their destination, analysis or conclusions in any written report, as it related to the Compost Project. If reports were submitted, we found no such data in records provided to us from the Mariposa County documents, for periods 1992 through 2006. This is also the case for a trip made to Germany, which was reportedly for compost facility review in that country. The compost system that Mariposa County purchased from ECS, (Engineered Compost Systems), came from the state of Washington, not from Canada or Germany. Yellowstone has the only other compost facility similar to the one Mariposa County purchased, yet only one representative from Mariposa traveled to Yellowstone to tour that facility.

Discrepancies were found in the total dollar amounts for travel expenses, submitted by the eight individuals who visited Canada in October 2000. The variation ranged from
$346.06 to $2,008.62. Records showed only total dollar amounts, without receipts, thus not documenting charges to the taxpayers of Mariposa County.

As of December 15, 2007 Mariposa County still has not met the California State Mandate of 50% reduction of solid waste to the landfill, nor odor control on a consistent basis.

Examination of the dollars used in the Compost Project revealed that consultant fees of 14.02% of budget, far exceed the normal rate of such a project this size, (amount was $1,171,734). See attached graph explaining percentage of costs.

Information provided to the county by a specific consultant regarding mixture levels of debris, garbage, plastics, metals, greens, etc., needed to produce compost, has proven to be inaccurate. This created one of the major problems with the compost operation. No place in the records could we find where the Mariposa County Counsel attempted to pursue legal action against this consultant for this misleading information. This imbalance in materials is the major cause of inadequate and improper compost mixtures. Most companies are bonded for reasons such as this.

It is our observation that the layout of the receiving/scales station, recycling area, and solid waste entrance could have been engineered more efficiently. A better design would allow both public and waste-hauling users to access the facility without congestion.

During our investigation, we sensed competitive territorial issues between the Mariposa County Road Department and the Solid Waste Site Department. This rift only adds another layer of difficulty to the Compost Project.

The Compost Project was touted to extend the life of the landfill for 20-30 years starting the year 2000. Our investigation indicates that it would last only 10+ years from the ending of 2007, under present conditions.

It should be noted that negotiations with several independents contracted from 3-5 years to use the landfill have ended up causing the Mariposa taxpayers subsidizing uncharged expenses toward the end of their contracts.

It is evident that the Compost Project was poorly managed from its inception to 2006. However, it should be noted that only a few of the personnel who were involved in putting together and finalizing this compost project are still on the Mariposa County payroll.

**Recommendations:**

It is necessary that the Mariposa County Supervisors, top managers, and supervisors work as a team. We strongly recommend that they all consider following these suggestions in a reasonable and timely manner and display their sincerity by way of communications to the Mariposa taxpayers that this project can and will work properly and efficiently.
Publicize in local newspapers/letters/flyers that the Compost Facility is required by the State of California, to reduce the solid waste to the landfill by 50% and that it has not yet been accomplished. Explain to the public that you need their support and ask them to help accomplish this sooner than later. Also emphasize to the public that this compost unit was not purchased for the sole purpose of converting solid waste into saleable compost, but rather for the purpose of providing amendment compost for the daily cover of the landfill.

Start an educational program with the school system for students, informing them of the necessity of recycling and proper disposal of household waste using video as well as assembly programs. Designate certain days in each month for scheduled tours for the schools to visit the Compost Site.

Standardize the charges at the Landfill by training the employees in a consistent manner. This will generate more revenue.

The Grand Jury was unable to determine whether there was intent to delete portions of the 6/10/2003 Board of Supervisors meeting tape, if it was a recording problem, or if the dates on the tapes were mislabeled. Regardless of the reason, the records are incomplete. The leadership of the Board of Supervisors, during both of the above mentioned meetings, was lacking in professionalism. For the chairperson to lash out and allow someone from the audience to do the same to a concerned citizen, whether they are right or wrong, is inappropriate. We recommend from this point on that all chairpersons of the Board of Supervisors take a course in ethics and how to use “point of order” to conduct meetings. In regards to the missing data from the 6/10/2003 tapes, we recommend that the County Counsel investigate and report to the Superior Court and Grand Jury their findings within 30 days.

Hold consultants responsible for inaccurate information in their data regarding capital expenditure projects. Be overly thorough with researching their credentials and references before contracting with them.

Raise the county’s policy of only $3,000 allowance for expenditures to $7,000, without going through the process of securing approval from the Board of Supervisors. Immediate expenditures by the Operations Foreman are necessary in order to keep things operating efficiently. Hold those individuals responsible, but also put your trust in their decision-making.

Increase the number of employees to the manufactures recommendations to improve efficiency and sorting ability with the compost operation.

Set up a partnership with the Mariposa County Fire Dept., California Dept. of Forestry (Dept. of Corrections), Mariposa County Road Dept., and the Mariposa County Landfill to work as a team. Do this to aid and help the property owners clearing around their homes/buildings for fire protection, clearing of Mariposa county Roadways, and use of the brush/wood chips for needed material in aiding proper compost. Set up a program
which is encouraging, affordable and supportive to the citizens. Aid the Fire Department in fire protection and help out the C.D.F. Corrections Project.

From all indications the present compost unit could be updated through a few modifications/changes at a costly, but acceptable cost, to produce saleable compost. We therefore recommend that the County Board of Supervisors authorize a study of such. If feasible, start the procedure to complete the project by 2010. We have reason to believe that you will have no choice in the matter because we anticipate the state will be mandating 75% reduction in solid waste at all landfill sites by then. Set a goal to be ahead of this issue and let not the public be disappointed again.

Be responsive in answering all citizens who question capital expenditures, either in writing or verbally. It is very important that they know and understand the facts. The unknown creates doubt and mistrust.

Pass an ordinance (if not already on the books) which states in effect that “Any county employee who travels out of state or country, to inspect, research or gather information relating to a capital expenditure, is required to submit a written report of their analysis, recommendations and conclusions”.

All contract negotiations with independents, (haulers, Yosemite National Park, etc.), which use the landfill should have clauses with automatic adjustable charges to prevent any costs to the taxpayers.

We suggest that the $42,967.77 left in the Compost Project not be diverted to the General Fund. These moneys should be used to escalate the efficiency in removing plastics from the garbage or in some other way related to the landfill operations.

We suggest the county pass an ordinance requiring a mandatory recycling program beginning July 1, 2008. Publicize that in all probability the State of California will likely mandate a 75% waste reduction in all landfills in the near future. The cost to the taxpayers will increase significantly if the county has to purchase additional land for a new landfill.

Pass an ordinance prohibiting discarding garbage and waste on private property. This practice causes public health concerns, odors, rodents, and an unsightly terrain for neighboring homes. Penalty would result in substantial fines.

All county departments owe it to the taxpayers to work as a team. The department heads, and ultimately the Board of Supervisors, should see that this does not happen again. It adds to the concerns regarding the Compost Project, and increases public skepticism.

We recommend that the waste site set up a commingle system for the public for their recyclables. This way commingle bins could be shipped out eliminating a lot of confusion and labor costs.
The landfill and recycling Operations Foreman should have a short and long range plan in place for upgrading all segments of the landfill operation. This would need to be approved by the Public Works Department. In return, the Public Works Department would see to it that funds, equipment, and manpower are provided in meeting these goals.

The Board of Supervisors should consider the feasibility in changing the landfill site sign to READ “Waste and Recycling Facility”. This minor change would eliminate any confusion about the word “compost”.

There should be an annual mandatory recycling seminar for all county supervisors and department heads. A “Recycling Day” could be held for all county offices. On this day, employees could bring their personal recycling to bins. Both bins and educational literature would be distributed to raise awareness.

Educating the public and providing them with incentives will be key to the success of the extremely necessary recycling project.

**Compliments:**

Mariposa County now has a landfill and recycling Operations Foreman who is concerned, competent, and very knowledgeable in overseeing and running the Compost Facility.

The problems of excessive odors and gaseous smells have been somewhat reduced in the past 6 months. However there is still a lot that can be done, but it will take more devoted time in analyzing and finding the cause and resolving the issue. From all indications, no landfill can completely reduce odors to zero, but they can be reduced to an approved level.

We are encouraged to see that the county has formed a Task Force and Blue Ribbon Citizens Committee to study, research, and work as a team to recommend solutions in resolving the undesirables at the waste site and compost facility. Hopefully they will put a lot of immediate emphasis on how to accomplish the required State Mandate of 50% solid waste reduction as well as odor control.

We are pleased to report that all of the county employees who we requested information of were very polite, courteous, and cooperative in supplying us with available records for our review.

The booklet titled, *The Mariposa County Waste Reduction and Recycling Guide*, is an excellent publication and should continue to be used to educate the public.

It is evident that the leadership of the Board of Supervisors has put significant effort into seeing that progress was made in the past six months of 2007, with regard to the Compost Project.
Compost Project Revenue

<table>
<thead>
<tr>
<th></th>
<th>Revenue %</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Internet</td>
<td>0.61%</td>
<td>$51,525.26</td>
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<tr>
<td>USDA Loan</td>
<td>38.08%</td>
<td>$3,200,000.00</td>
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<tr>
<td>USDA Grant</td>
<td>21.42%</td>
<td>$1,800,000.00</td>
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<tr>
<td>Park Service Contribution</td>
<td>21.56%</td>
<td>$1,812,000.00</td>
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<tr>
<td>Misc - Fees</td>
<td>0.08%</td>
<td>$6,929.61</td>
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<tr>
<td>Solid Waste Enterprise</td>
<td>1.11%</td>
<td>$93,595.00</td>
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<tr>
<td>General Fund</td>
<td>17.13%</td>
<td>$1,440,000.00</td>
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<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>$8,404,049.87</strong></td>
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</tbody>
</table>
Total Compost Project Expenditures

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<tr>
<th>Description</th>
<th>Percentage</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 Office Expense</td>
<td>0.04%</td>
<td>$3,190.39</td>
</tr>
<tr>
<td>2 Consulting Fees - Professional</td>
<td>14.02%</td>
<td>$1,171,973.44</td>
</tr>
<tr>
<td>Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Public Works - Road Changes</td>
<td>0.18%</td>
<td>$14,701.57</td>
</tr>
<tr>
<td>4 Publications</td>
<td>0.03%</td>
<td>$2,765.00</td>
</tr>
<tr>
<td>5 Training - Seminars - Travel</td>
<td>0.10%</td>
<td>$8,457.50</td>
</tr>
<tr>
<td>6 Private Vehicle (A Supervisor)</td>
<td>0.00%</td>
<td>$87.98</td>
</tr>
<tr>
<td>7 Construction</td>
<td>85.63%</td>
<td>$7,159,906.22</td>
</tr>
</tbody>
</table>

Total Expenditures

100.00%  $8,361,082.10
Mariposa County Compost Project

1. Revenues: $8,404,049.87
2. Expenditures: $8,361,082.10
   Balance in Project Fund: $42,967.77
Mariposa County Jail / Sheriff Department

On September 17, 2007, a grand jury committee visited the Mariposa County Jail. We were fortunate to have two (2) members of the Sheriff Department management staff provide the tour. They were very receptive in giving the committee a tour of the jail and answered all of our concerns.

Findings:

The jail was designed to house 58 inmates, however during our visit we learned that the staff had installed overflow beds which placed the actual capacity at 61 inmates.

The jail can grant a 5-day release only on specific crimes if capacity is extremely overcrowded.

One of the major contributors of crimes committed in Mariposa is drugs and alcohol related.

The cost of health care and prescriptions for the inmates are extremely high. However, they sometimes can be reimbursed from an individual’s private insurance, but that percentage is very low. In some incidents, an inmate with severe mental health issues will be transported to a mental hospital. This ‘free’ health care and prescription medications uses up a very large portion of the Sheriff Department’s annual budget.

The inmates are provided with a variety of activities: Playing cards, watching television, reading (library), and milling around in a fenced area outdoors from some of the cell blocks.

There are specific areas for female inmates, mental health issues, sex offenders, very aggressive and combative inmates.

The jail has a very controlled medical room where medication is strictly monitored and dispensed.

They also have an impressive array of jail clothing and shoes, a restraining and a drunk-tank cell.

The visiting area is equipped with glass partitions and two-way telephones for communications and security.

Another one of the department’s major expenses this year was a new 35-pound capacity clothes washer at a cost of $11,000.

The jail is well secured. An individual has to go through a series of locked doors to get into an enclosed command center.
The department’s current staffing includes 24 deputies and 6 sergeants. They are currently running the department with a shortage of two personnel. Turnover is high due to the stressful work and many of the applicants do not pass the entrance exam.

It is unfortunate, but the animal control unit does not have enough resources to oversee that department like the Sheriff would prefer. That unit only has 3 animal control officers.

**Recommendations:**

The Board of Supervisors definitely needs to look into other alternatives for covering inmates’ medical costs. Outside contracts with drug companies and/or doctor services would be a good start. If it is legal, they may want to consider a cap on inmate medical expenses.

Some of the department’s equipment (vehicles, computers, radios, etc.) is outdated and replacement should be accelerated in a short-range budget. If this is not done it will develop into a very serious problem that will rapidly deteriorate and it needs immediate attention from the Board of Supervisors. In addition to all of this, the jail is over capacity most of the time.

With the Sheriff’s budget currently being considerably in the red due to their employees’ benefits and retirement funds, we strongly recommend that the Board of Supervisors immediately review this situation and take action in aiding a solution. A good start would be for them to call CalPERS (Employer Contract Center, 1-888-225-7377) for possible direction and assistance.

It is recommended that the Board of Supervisors investigate and develop a method for the Sheriff Department to collect impact fees for requested services from all outside vendors and especially those that make a profit.

It is essential that the Sheriff Department’s 2008 budget include at least two more animal control officers and new equipment for the facility.

**Conclusion:**

The Sheriff Department is managed very well overall even though tremendous constraints have been placed on the Department with all of the expenses just mentioned.

The committee was treated with the greatest respect, and the Sheriff Department’s staff was very professional, answering all of our questions.
On September 6, 2007 the Grand Jury received a complaint from a Mariposa citizen questioning whether Mariposa County’s contribution to the Master Gardeners funding was illegal. Also, the complainant was concerned if the Master Gardeners were in violation of the Brown Act.

In our investigation, we could not find any violation of the Master Gardeners violating the law. The program was designed throughout the counties in the state of California in conjunction with the University of California and the U.S.D.A. In regards to there being a violation of the Brown Act, they are not, as it is applicable only to elected officials and advisory committees.

We however do recommend that from this point forward when a citizen questions the legality of anything connected to the County that County Counsel research the issue and notify the complainant in writing of their findings. If something is wrong, fix it through the Board of Supervisors. On the other hand if all is legal, have the courtesy of notifying them. In either case the concerned citizen has the right of knowing the answer in hard copy. After all, it is called being honest and up front with your employers.
**Public Works Complaint**

On June 4, 2007 the Grand Jury received a complaint regarding the brushing techniques used by the Public Works Department. Because it was too close to the end of the term for the 2006-2007 Grand Jury, it rolled over to the 2007-2008 Grand Jury. The 2007-2008 Grand Jury reviewed the complaint and found that the Supervisor of that District had already addressed the issue and resolved it. Therefore, the 2007-2008 Grand Jury deemed that no further action was required.

**Sheriff's Deputy Complaint**

On June 4, 2007 the Grand Jury received two similar complaints, regarding a Mariposa County Sheriff deputy going to a place of employment in order to question a person who was on probation. Again, since it was received at the close of the 2006-2007 Grand Jury term, it was held over for review by the 2007-2008 Grand Jury. The 2007-2008 Grand Jury determined not to act on it. It was discovered that the deputy under review had resigned and was no longer with the Mariposa County Sheriff Department.

**Mariposa Planning Department**

On November 13, 2007 the Grand Jury received a complaint directed at the Mariposa Planning Department. Due to the complainant not giving their name, address, telephone number, and not signing their complaint form as is required, we had no option but deem that no action be taken.
Mariposa County Audit and Finance Report

On February 12, 2008, the Mariposa County Grand Jury met with the Mariposa County Auditor to do an annual review of the state of Mariposa County finances.

Findings

- The Mariposa County auditor’s office staff consists of seven full-time employees and one 70% time employee.
- Working conditions are very cramped and crowded.
- The auditor’s office budget is lean with, “no fluff” and the staff maintains a manageable workload.
- It appears there is in excess of twelve million dollars in unfunded liabilities with the public employees’ retirement system (PERS).
- The county budget faces the challenge of making large capital expenditures (fire engines, equipment, etc…)

Recommendations

- We recommend strongly that the Board of Supervisors include the county auditor’s input regarding affordability and feasibility in all capital expenditures (long and short range) prior to approval and on the record.
- From all indications, there has not been an audit on the tax on tourist (TOT). We recommend there be an outside, independent audit conducted immediately on this subject.

Conclusion

- We found this office to be very cooperative, polite and forthcoming in regards to all of our queries.
- We would like to commend the auditor’s office for earning the California State Controller’s Office, “Award for Achieving Excellence in Financial Reporting.”
Mariposa County District Attorney's Office

On February 28, 2008, the Mariposa County Grand Jury visited with the Mariposa County's District Attorney's Office to review their duty responsibilities, policies and procedures.

Findings

- It was apparent that this department is under staffed based on their daily work load, including office personnel as well as deputies.

- There is a definite need of at least two more vehicles to conduct their business, one as a replacement, due to the age and condition of a present vehicle.

- Although very congested working areas exist, the office staff does an excellent job maintaining confidentiality with interviews and record keeping under these circumstances.

- We found that salaries throughout the entire department are considerably lower than comparable and neighboring foothill counties.

- There is an "in motion" security alarm system for this department's building as a protection against break-ins, fire or vandalism.

Recommendations

- The grand jury recommends that Mariposa County meet the needs of the staffing of the District Attorney's Office and be more competitive with a salary grade table based on job responsibilities.

- Mariposa County to purchase two vehicles for the District Attorney's Office.

- The grand jury recommends that Mariposa County provide adequate office space for the District Attorney's Office Staff and all their records, i.e. Consider implementation of an automated computerized filing system, in an effort to save space.)
Comments

- This department was very open minded, respectful and receptive in answering all of our questions and allowed the grand jury all the time we needed with this review.

- We were pleased to see that the Mariposa County Board of Supervisors has approved adding a clerk and a deputy to this department since our investigation.

- On April 8, 2008, the Board of Supervisors approved the reclassification of a staff member to a Senior Office Assistant in the District Attorney's Office, which was a much needed action.
Williamson Act Tax Rate Complaint

- On 01/28/08, the grand jury received a complaint regarding discrepancies in the rate at which land covered under the Williamson Act is taxed throughout Mariposa County.

- During our investigation of the complaint, the grand jury interviewed the complainant and the office of the assessor/recorder. We found that parcels listed in the Williamson Act are assessed at a rate determined by the land rent value and a state set tax rate. We found that although rent value was determined by an owner self-disclosure survey, any drastic deviation from the average in a given area could be adjusted by the assessor's office to meet the average.

- In regard to these findings, we find no evidence of the assessor's office doing less than a competent job. Coupled with factual errors in the complaint, we see no reason to pursue further action relating to this complaint at this time.

Planning Department Complaint

- On 12/03/07, the grand jury received a complaint regarding the Mariposa County Planning Department. We found this complaint to be unfounded, giving us no cause to investigate.
North County Report


Coulterville

Findings

The Mariposa County Grand Jury was informed that there had been a well pump failure and water being used was not being replaced, which caused an emergency situation. The funds which had been previously held in contingency in case of pump repair or replacement were used to offset the increase in water rate to the town over a period of years. The water rates were increased 100%, in three (3) increments over a two (2) year period.

- **Well House, Water Pump and Water Storage Tank** - The water from this well is pumped uphill to the water storage tank, where it is then gravity fed to merchants in the downtown area. This is the only well downtown supplying the water to the storage tank. It must be noted that there is no backup system.

- **Fire Station** - The Coulterville Fire Department is an all-volunteer department. The Fire House has been refurbished from the bottom to the top all by volunteers. It houses two (2) old fire trucks; they service Coulterville, Greeley Hill and Lake Don Pedro. There have been as many as 25 volunteers at their training sessions. California Department of Forestry is in the area during the summer and approximately two (2) firemen on duty during the winter months.

- **Solid Waste and Recycling Center** - Greeley Hill and Coulterville both use this center. There is a $3.00 fee per 33 gallon bag charged for dumping; no money is paid for recycling recyclable products. All of the refuse is removed from this center and is transferred to the Santa Rosa Landfill by a Mariposa County contract hauler.

- **Schools** - Coulterville has one (1) Elementary/Grammar School and one (1) High School.

- **Park** - Coulterville has a Public Park and Swimming Pool, where a variety of events are held during the summer.
**Recommendations**

- Mariposa County install in Coulterville a backup well, pump and water storage tank. The present system the county put in, now serves 86 residents. It was set up when originally built to serve 200 residents but has the capacity to serve 500 residents.

- Replace the two (2) old fire trucks in Coulterville.

**Lake Don Pedro**

**Findings**

- **School** - There is one (1) Elementary School. Upon graduation, children may attend Mariposa County High School or Tuolumne County High School.

- **Maintenance Yard / Recycling Center** - This facility is similar to Transfer Center in Coulterville with the exception that old motor oil can be brought to this site. In this area there is also an old Mariposa County Fire Truck kept and maintained for protection and quick access.

- **Lake Don Pedro Community Services District** – Their Board of Directors meets the 3rd Monday of each month at 1:00 p.m. and meetings are open to the public.

  They are in the process of installing a new ground mounted water storage tank at its present location.

- **Sewer / Waste Water Treatment** - Mariposa County has built a new Waste Water Treatment Facility, which should be on line by the end of November 2007. The Home Owners have already voted to pay $15,000.00 per home to connect to this facility, and when it is completed and in operation it becomes a part of the Lake Don Pedro Community Services District, which will run and operate the system.

- **Merced Irrigation District** - The Merced Irrigation District purchased land in Mariposa County for recreation and use of the water at Lake McClure. Lake Don Pedro Subdivision gets its water from this lake to supply water to the residents that live in the Lake Don Pedro Subdivision, who do not have their own private wells. Lake Don Pedro Community Services District has to provide water from their wells, to these residents if the residents do not have their own private wells.

  This Facility is state-of-the-art and can be readily updated and modified should the occasion arise in the future. This Waste Water Treatment Facility is a well planned venture.
Recommendations

- Lake Don Pedro is in need of new/newer fire trucks

Greeley Hill

Findings

- Health Care - The John C. Fremont Hospital has opened a satellite clinic, the J.C. Fremont Northside Clinic next door to the Greeley Hill Supermarket. This facility opened fully staffed December 10, 2007. This clinic will give the citizens of Greeley Hill and Coulterville a means of meeting their basic medical needs.

  **Recommendation:** None at this time.

Findings

- Red Cloud Library Site - Mariposa County is now renting a small building for the library. They will soon start breaking ground for the Red Cloud Library, thanks to a $20,000.00 donation from the Friends of the Library, which should give them enough to begin construction with what Mariposa County has already appropriated.

  **Recommendation:** None at this time (February, 2008 ground breaking and construction begins).

Findings

- Schools - Greeley Hill has kindergarten through eighth (8) grade elementary school, the children then go to high school in Coulterville, Sonora or Mariposa.

  **Recommendation:** Mariposa County at some time in the not too distant future should definitely take under consideration building a high school, as this is a growing and viable community.

Findings

- Park - The Bathroom facilities were very clean and appeared to be new and the grounds were also free of litter and well groomed. In the summer it is busy in the park all the time with different events for the community.

  **Recommendation:** The park and park facilities be kept and maintained at the high standard they were found and always open and accessible to the residents as well as the public.
Findings

- **Roads** - Many of the Mariposa County maintained roads are in dire need of repairs, resurfacing, updating, upgrading and expansion.

  **Recommendation:** For the safety and practical purposes, citizens and visitors of this community, these streets and roads should be brought up to today's Road Standards and Street Codes, per California State Standards. Emergency vehicles responding to various calls and situations must be able to respond as fast as possible, safely and without endangering personnel or equipment.

Findings

- **Transfer Station** - This facility is only open on Friday, Saturday and Sunday. The facility was found to be readily accessible and when observed was found to be clean, neat, and orderly.

  **Recommendation:** The facility should open more frequently for the residents.

Findings

- **Greeley Hill Fire Department** – They have two (2) fire trucks, and a small fire station.

  This building houses the fire trucks and a small area set aside for training space. The fire trucks are well maintained; however, they are very old and need to be replaced. They have served the area well, but it has become virtually impossible to find replacement parts when required.

  **Recommendation:** This issue will eventually lead to a disaster if not addressed soon.

Comments

These following issues have been plaguing these three communities in one way or another for quite some time, resulting in difficult and extenuating situations: water rates, easements, Special Districts authority, quality of water, property tax variations of the Williamson Act properties, water meters, fire equipment, equestrian trails, integrity of back-up systems for water and sewer services, ATV trails, contingency reserve accounts for emergencies, Agri-Tourism and property nuisance.
It would be in the best interest if the Board of Supervisors contract with an independent counsel to study the needs and research these issues plaguing both the Mariposa County Government and the citizens in these areas. These are serious issues that must not be ignored.

We strongly suggest that this information be gathered and compiled strictly independent of the Mariposa Board of Supervisors and the citizens in these areas, thus in resolving their problems politically free and on a level that is in the best interest of all concerned.

**Final Recommendation**

The 2007 – 2008 Mariposa County Grand Jury recommends that the Mariposa County Board of Supervisors follow-up with a “letter of intent” to the 2008 – 2009 Mariposa County Grand Jury for their review by October 15, 2008 on your decision regarding these issues.

**Conclusion**

Hundreds of hours have been spent by the Mariposa County Grand Jury trying to unravel all of the complications as just mentioned that have been allowed to accumulate in District #2 of Mariposa County. It is virtually impossible for any grand jury to thoroughly investigate all of the issues facing the citizens and residents of this district which cover the Greeley Hill area, Coulterville, and Lake Don Pedro during their one year of service.
Child Abuse Mandated Reporter Complaints

The Mariposa County Grand Jury received a complaint on September 18, 2007, of a failure to report child abuse by a mandated reporter and the failure of the supervisor of the mandated reporter to reprimand their staff member.

Findings

- This complaint went through the circuit of the Mariposa County Child Protective Services, Mariposa County District Attorney, Mariposa County Sheriff Department, Mariposa County Human Services, and to the Mariposa County Grand Jury.

- The grand jury review found certain officials not living up to their mandated reporter duties.

- According to a letter dated November 15, 2007 from Mariposa County Human Services Department to the complainant, it was stated that, "We also reviewed your concerns with County Counsel and have been visited by members of the Grand Jury who spent some time discussing Departmental policy and procedures involving reports of child abuse." This department could not have known all of the facts that the grand jury acquired. The grand jury did not discuss anything with any of the directors, or departmental personnel regarding this issue.

- It is evident to the grand jury that certain departmental personnel gave misinformation about the grand jury visits to several departments, which consequently broke their agreement with the grand jury not to speak to anyone of the content of their meeting with the jury. Two specific mandated reporters in two different departments did not carry out their duty.

- We found that the Mariposa County Sheriff’s Department was in full compliance in their reporting duties in regards to this issue.

- Amongst the mandated reporters the grand jury interviewed, we found that the understanding/interpretation of their responsibilities as a mandated reporter varied greatly.

- In the course of our investigation, we spent approximately two hours with a member of the staff of the Mariposa County Child Protective Services. We were attempting to obtain the Policies and Procedures for that department. This person continually denied that Child Protective Services had a Policies and Procedures Manual. Immediately following this interview, we interviewed a second member of the staff, who was able to promptly provide us with the department’s Policies and Procedures, plus the updates, and answered all of our questions. The second time the grand jury interviewed this employee who had
previously denied any knowledge of Policies and Procedures, they then acknowledged that the department did have the requested information.

**Recommendations**

- The Mariposa County Grand Jury recommends that the proper authorities direct an inquiry to see that correct disciplinary action be taken where necessary in those departments that were involved in this complaint.

- The grand jury also recommends that all mandated reporters employed by Mariposa County be required to take a course, (preferably from a state or outside-the-county certified training agency), covering their responsibilities as mandated reporters, along with an annual refresher course. This would provide a uniform understanding amongst all Mariposa County mandated reporters.
Mariposa County Administration Department Tour

On February 13, 2008, the grand jury toured the Mariposa County Administration Office. We provided them in advance a list of items, which we were interested in reviewing and discussing.

Findings

- We found that administration was forthcoming in answering all of our questions and provided the appropriate back up documentation and answers.

- Our inquiries included reviewing the hiring process, procedures, disciplinary practices, adequate personnel and ongoing training required by state mandates.

- From our understanding, the wages for all county employees are identified in the annual County Budget and the pay scale is based on a percentage of the County Administrative Officer's salary.

- The pay scale of department heads, average 20% below other comparable counties adjacent to Mariposa County, making it difficult to find qualified applicants to fill current upper level management job openings.

- It is apparent that the Public Works Department is over-burdened with management responsibilities.

Recommendations

- Update the Mariposa County Directory List, and distribute it to all county offices.

- Post a "Directory" and "Organizational Chart" identifying every department for each county building in the main entrance of the Mariposa County Administration Office.

- It should be mandatory that each of the Mariposa County Departments be required to keep their Policies and Procedures Manuals updated, as the updates become available. Each department manager should be made responsible for this procedure with an annual audit process. We recommend the Mariposa Board of Supervisors require that all county department manuals be continuously updated, with no exceptions.

- Create an incentive program for employees to make suggestions and implement a process to equip or facilitate their job responsibilities more efficiently and in a cost effective manner.
• It is our recommendation that immediate steps be taken to hire a qualified assistant for the Public Works Director.

Conclusion

• We found that the Mariposa County Administration was forthcoming in answering all of our questions and provided the appropriate back-up documentation. The administration was very receptive, well prepared and helpful.
**Clarification – Documentation**

- The Mariposa County Grand Jury received a letter from the Mariposa County Counsel dated 3/6/08 regarding our 2007-2008 Interim Report #1 for the period of 7/1/07 through 12/31/07 entitled Mixed Waste Processing/Composting Project pages 1 thru 8, (See Exhibit A). Since this letter did not indicate that the Mariposa County Board of Supervisors received a copy of the letter, it is important we draw their attention to the fact that there are a couple of errors that need to be pointed out in a statement in the third paragraph of the letter. “The demand for County Counsel to investigate the Clerk of the Board.” First, the Mariposa County Grand Jury never demanded anything in our report, and second, we did not ask to investigate the Clerk of the Board.

- Regarding the County Administrative Officer’s letter of April 22, 2008, (see Exhibit “B”), to indicate that the Grand Jury was finger pointing to the County Clerk is inaccurate.

  The fact of the matter is that the tapes in question from the Board of Supervisors meeting on June 10, 2003 supplied to us by the complainant and the copies we received from the County Board of Supervisors do in fact have some discrepancies, and as of today, we have not received any clarification regarding the discrepancies in these tapes.

  The credibility of the Clerk of the Board was never an issue with the Grand Jury in our investigation. It is important that these corrections be pointed out and documented for the record. Not to clarify this would be an injustice to the Clerk of the Board as well as the Grand Jury.

- Regarding the reply letter from the Mariposa County Administrative Officer, dated April 22, 2008 in their response to our January 8, 2008 Final Report #1, (See Exhibit B): We received that reply in a round about way on May 13, 2008. It was addressed and sent to the wrong Mariposa County Superior Court Judge.

  Contrary to several disputable comments in that letter, it is important that we point out that the January 8, 2008 Final Report #1 was based on facts from questions/interviews conducted with numerous personnel under oath, documents supplied/loaned to us by different Mariposa County Departments and data from complainants.
EXHIBIT “A”

Letter from Mariposa County Counsel
Dated March 6, 2008
Marvin Wells, Foreperson
Mariposa County Grand Jury
P.O. Box 789
Mariposa, CA 95338

Re: Mandated Reporter

Dear Foreperson Wells:

I have in hand and have reviewed your letter of March 3, 2008. It is my belief after reviewing your letter that you misunderstand my previous letter to you. The Grand Jury of Mariposa County is an agency of the County and therefore there is no conflict of interest in my office providing you with legal services. However, these services do not include investigatory services.

With respect to the Grand Jury’s requests, I did not withdraw as counsel nor did I declare a conflict of interest with respect to providing legal advice. In one instance the Grand Jury’s request would have violated the Penal Code provisions regarding secrecy. I continue to be willing to make myself available to the Grand Jury at one of your meetings to explain the scope of services available. Pursuant to Penal Code section 934 you do have the option to seek legal advice from County Counsel or the District Attorney.

On of the Grand Jury’s other request would have required me to provide legal advice to third-party non-County individuals. The demand for County Counsel to investigate the Clerk of the Board is not a function contained within the scope of the legal assistance provided by my office to the Grand Jury. To my knowledge there is no funding provided for separate Grand Jury counsel as the District Attorney and County Counsel are designated and available as counsel to provide these services.

If you have any questions I would recommend you take the opportunity to have me visit with the entire Grand Jury.

I spoke briefly with Judge Walton regarding training materials for the Grand Jury. He indicated he thought additional information on the process would be helpful. I am enclosing a Grand Jury Manual made available through the County Counsels Association that you may find helpful. I am
also enclosing an excerpt from a book on Grand Juries in California that you may also find of assistance.

Very truly yours,

Thomas P. Guarino
County Counsel
EXHIBIT “B”

Letter from Mariposa County Administrative Officer
April 22, 2008
APRIL 22, 2008

Honorable Wayne R. Parrish
Superior Court Judge, County of Mariposa
Post Office Box 38
Mariposa, California 95338

Dear Judge Parrish:

Enclosed is the response and comments of the Mariposa County Board of Supervisors to the 2007-2008 Mariposa County Grand Jury Final Report #1. The Clerk of the Board of Supervisors and County Clerk will keep copies of the report, and this response and comments on file.

In the “findings” discussion and in the recommendations concerning the mixed waste processing/composting project, the Grand Jury raises a question which demands a response. It is alleged that a portion of the tapes from the June 10, 2003, Board of Supervisors meeting were either erased or are missing. The Grand Jury further states, “This is definitely an incident of incomplete records.” Respectfully, the Mariposa County Board of Supervisors cannot let this statement stand without comment. The Board of Supervisors wishes to go on record that it has every confidence in Ms. Margie Williams the Clerk of the Board. Ms. Williams has served the citizens of Mariposa County for over 25 years, is known for her integrity and performs her duties with utmost care and competence. Any perceived discrepancy in the tapes was most likely the result of equipment malfunction, an incorrect date or other incorrect information being provided to the Grand Jury.

We at the County appreciate the hard work and efforts of the Grand Jury in investigating complaints and realize the many hours of work this report represents.

Sincerely,

RICHARD J. BENSON
County Administrative Officer

RE/mdb
Enclosure

cc: Affected Department
Keith Williams, County Clerk
Margie Williams, Clerk of the Board

Mariposa County --- An Equal Opportunity Employer
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LYLE TURPIN, CHAIR
DIANE A. FRITZ, VICE CHAIR
BRAD ABORN
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Approve the Response and Comments of the Board of Supervisors to the 2007-2008 Mariposa County Grand Jury Final Report No. 1 and Authorize the County Administrative Officer to Sign the Cover Letter

RESOLUTION 08-160

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS ORDER on April 22, 2008

ACTION AND VOTE:

Approve the Response and Comments of the Board of Supervisors to the 2007-2008 Mariposa County Grand Jury Final Report No. 1 and Authorize the County Administrative Officer to Sign the Cover Letter (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the draft response to the Report and cover letter and he commended Mary Hocion for her assistance with preparing the response. Discussion was held. Supervisor Bibby asked for a language change in the cover letter to include the possibility of equipment failure in regard to the tape; and she asked that language be added to the Master Gardener section that any Brown Act violations can be reported to the District Attorney’s Office. She also initiated discussion relative to the findings for the raised waste processing/composting project relative to travel and expenses and asked that it be clarified that the response is based on information provided by the Auditor to the County Administrative Officer. The Board concurred with the suggested language changes.

Input from the public was provided by the following:

Paul Chapman provided input on the draft response relative to the discrepancy in the tapes and he provided a copy of the minutes from the June 16, 2003 Board meeting; and he advised that the member of the public questioning and airing concerns regarding the compost project was Ruth Sellers and that she was concerned with Fred Solomon’s qualifications.

Ruth Seifers stated she is the one that submitted the information to the Grand Jury relative to the compost facility issues – she feels that she submitted a good letter to the Board and County Counsel asking legitimate questions about the compost facility and she received no response until a year later; and the next week she feels that Fred Solomon humiliated her in front of a room full of people and she does not feel that the public should be treated that way at a Board meeting. She feels that Fred called her a “lady” and referred to her as “that woman” and that was not on the tape From the June 13, 2003, meeting and she questioned that.

Wit Hawkins (member of the Grand Jury) stated he is not at liberty to respond to the draft response; but they will provide an answer in writing in their Final Report. He asked who does the County
Counsel represent, and whether he represents the County? Chair Turpin responded that County Counsel works for the Board and represents the legal oversight of the Board. Supervisor Pickard referred to a letter dated February 2, 2001, attached to the draft response that was prepared by County Counsel that addresses these questions. Discussion was held, and Rick Benson provided input on the preparation of the response being done in accordance with the Brown Act.

Supervisor Bibby extended an apology to Ruth Sellers personally and to the public in general relative to the compost issue and as a whole and she noted that there are times where people get upset when providing input to the Board. Chair Turpin noted that this Board cannot change what happened, but is responsible for conducting business today in a formal, polite manner.

Witt Hawkins continued with questions concerning County Counsel’s duties. Further discussion was held. Thomas P. Guatino, County Counsel, advised that the first letter he wrote is included in the response package and that he wrote a second letter in response to a subsequent letter that he received from the Grand Jury in which he set forth the statutory responsibilities of advisor to the Grand Jury. He advised that he is willing to answer questions on these issues at one of the Grand Jury meetings.

Ruth Sellers thanked Supervisor Bibby for her apology, and she noted that the other Supervisors that were present on June 10, 2003, did not speak up on her behalf. She advised that she has records for what she says, and she feels that she should be appreciated for her efforts. She feels that it was so determined that the compost project happen, and she feels that she was discredited because she was interested.

County Counsel responded to a question from the Board as to what is available to the Grand Jury for assistance with investigations. Supervisor Bibby suggested that if information is received about the tape discrepancy issue, that perhaps a review could be made between the tapes. Rick Benson advised that he is willing to meet with the Grand Jury and the Clerk of the Board relative to the tape issue. Supervisor Bibby assured the public that all complaints are reviewed.

(M)Pickard, (S)Bibby, Res. 08-160 was adopted approving the response and comments with the changes as discussed to the 2007-08 Grand Jury Final Report #1, along with the cover letter. Supervisor ABorn invited the Grand Jury to respond to the response. Ayes: Unanimous.

Cc: Mary Hudson, Deputy CAO
File
Board of Supervisors Response and Comments on the
2007-2008 Mariposa County Grand Jury Findings and Recommendations
Pertaining to the Board of Supervisors in the Grand Jury Final Report #1

Mixed Waste Processing/Composting Project
The grand jury made several findings and recommendations regarding the mixed waste processing/composting project. The Mariposa County Board of Supervisors has reviewed the response of Dana Hertfelder, Public Works Director dated March 24, 2008, and concurs with his response.

Those issues relating to the Board of Supervisors are addressed below.

Findings
1. We found that a member of the public questioning and airing their concerns to a member of the Board of Supervisors regarding this compost project was not answered until one year later.
   Without more specific information, this Board cannot comment regarding questions from a member of the public.

2. A tape by the complainant of the Board of Supervisors meeting dated 6/10/2008. The tape supplied to the Grand Jury by Mariposa County for the same date doesn’t have any portion of that conversation. This is definitely an incident of incomplete records.
   The Board of Supervisors strongly disagrees with this finding. No follow up was conducted with county staff to determine if the tape was not completely copied, or if perhaps the incorrect date was given.

3. Eight Mariposa officials traveled to Canada in October 2000 but did not document a justification for the trip, destination, analysis or conclusions in any written report as it related to the Compost Project.
    The County Administrative Officer has provided this Board with information that Mariposa officials traveled to Canada for the purpose of investigating the potential for a compost facility and that no official written document was published as a result of this trip.

4. Discrepancies were found in the total dollar amount for travel expenses, submitted by the eight individuals who visited Canada in October 2000.
    The County Administrative Officer after consulting with the County Auditor has informed this Board that there are no discrepancies regarding the travel expenses for the October 2000 trip. Governmental accounting regulations allow (or copies of invoices receipts) to be destroyed after five years. Receipts are not kept indefinitely and the Auditor’s office has already purged records from 2000. Differences in travel expenses do not necessarily mean there are discrepancies.
Recommendations

1. Recommendation that all Chairpersons of the Board of Supervisors take a course in ethics and how to use "point of order" to conduct meetings.

   Assembly Bill 1234 requires that certain government officials (which includes members of the Board of Supervisors) complete training in ethics every two years commencing January 1, 2007. Mariposa has completed with this requirement and affected officials will again be completing this training in 2008. Newly elected officials to the Board of Supervisors are encouraged to attend the California State Association of Counties (CSAC) training on conducting public meetings. Since 1997, all new Board members have attended this training.

2. Raise the County's policy of only $3,000 allowance for expenditures to $7,000, without going through the process of securing approval from the Board of Supervisors.

   According to current county policy, any single item over $5,000 is considered a fixed asset and must be approved by the Board of Supervisors. This threshold was recently raised from $3,000 to $5,000 in 2006. The Board may consider raising this limit upon recommendation by the County Administrative Officer and/or the Auditor. Governmental accounting standards require that all fixed assets be approved by the governing body, but the each governing body determines their fixed asset threshold appropriate to their specific circumstances. Typically a government's threshold correlates to its size.

3. Update the compost unit through a few modifications, changes at a costly, but acceptable cost, to produce saleable compost; authorize a study of such.

   Given the budget constraints of the existing Solid Waste/Recycling fund, this study is not fiscally prudent at this time. The Board may consider such a study at a later date upon the recommendation of the Public Works Director and/or the Solid Waste Committee. Any and all such improvements to the composting facility must be carefully considered since any increase in costs will be reflected in fees charged to the facility's users.

4. Pass an ordinance which states in effect that "Any county employee who travel out of state or country, to inspect, research or gather information relating to a capital expenditure, is required to submit a written report of their analysis, recommendations and conclusions."

   An ordinance is a legal document and a policy may be more appropriate for this circumstance. The Board may direct county employees traveling out of state or country to conduct research, and to submit a written document detailing the outcome of the research at the time expenditures are approved by the Board for such travel.

5. The $42,967.77 left in the Compost Project: not be cverted to the General Fund. These moneys should be used to escalate the efficiency in removing plastics from the garbage or in some other way related to landfill operations.

   With the completion of the Compost Project, all operating costs are now accounted in the Solid Waste/Recycling fund, which is an enterprise fund and
should be self-sufficient. Staff is researching the possibility that any General Fund dollars contributed to this project is to be considered a loan and should be repaid. Until this issue is resolved, Administration recommended that the unused money remain in the fund.


The Local Solid Waste Task Force is currently contemplating various recycling programs and the costs associated with implementing these programs. A mandatory recycling program will almost certainly require additional enforcement personnel and other associated costs. Additional studies are required to fully identify the implications of a mandatory recycling program.

7. Pass an ordinance prohibiting discarding garbage and waste on private property. Chapter 8.36 of the County code governs this issue.

8. All county departments owe it to the taxpayers to work as a team. The department heads, and ultimately the Board of Supervisors, should see that this does not happen again.

The Board of Supervisors is always striving to have county government operate as a team, and appreciates the efforts and dedication of the elected and appointed department heads in directing county staff in this endeavor.

9. The Board of Supervisors should consider the feasibility of changing the landfill site sign to READ “Waste and Recycling Facility.”

Upon consulting with the Public Works Director, the Board may consider this recommendation.

10. There should be an annual mandatory recycling seminar for all county supervisors and department heads.

Literature is provided to each department regarding recycling. Currently individual departments already practice certain recycling—printer/fax cartridges, aluminum/plastic containers, paper, etc. Expanding these practices to all departments may be considered in the future.

Mariposa County Jail/Sheriff Department

The Mariposa County Board of Supervisors has reviewed the response of Brian Muller, County Sheriff dated January 28, 2008, and concurs with his response, noting that new funding requests will be reviewed within the constraints of funding availability.

Recommendations:
1. The Board of Supervisors definitely needs to look into other alternatives for covering inmates’ medical costs. Outside contracts with drug companies and/or doctor services would be a good start. If it is legal, they may want to consider a cap on inmate medical expenses.
California law is very clear that medical care must be provided to inmates. The Board of Supervisors takes the recommendation of the elected County Sheriff on which medical providers to use for providing such services. Currently under California law no cap can be set upon medical expenses.

2. Some of the department’s equipment (vehicles, computers, radios, etc.) is outdated and replacement should be accelerated in a short-range budget. If this is not done it will develop into a very serious problem that will rapidly deteriorate and it needs the immediate attention from the Board of Supervisors.

The Board of Supervisors relies upon the recommendation of the elected County Sheriff to request additional funding for equipment replacement. Funding for the replacement of equipment was requested and included in the adopted Fiscal Year 2007-08 Budget.

3. With the Sheriff’s budget currently being considerably in the red due to their employees’ benefits and retirement funds, we strongly recommend that the Board of Supervisors immediately review this situation and take action in aiding a solution. The Board of Supervisors is aware of the rising costs of employee benefits and retirement costs and County Administration staff is currently working on a funding solution. Issuing bonds as a funding mechanism as been postponed and staff is now working with CalPERS on another funding solution.

4. It is recommended that the Board of Supervisors investigate and develop a method for the Sheriff Department to collect impact fees for requested services from all outside vendors and especially those that make a profit.

It is unclear to the Board of Supervisors what vendors the recommendation pertains to. Generally speaking, “impact fees” are financial contributions (i.e., money, land, etc.) imposed by communities on developers or builders to pay for capital improvements within the community which are necessary to service/accommodate the new development. Again, the Board of Supervisors relies upon the recommendation of the elected County Sheriff on imposing fees for specific services.

Master Gardeners

The Mariposa County Board of Supervisors has reviewed the response of Thomas Guarino, County Counsel dated February 5, 2008, and the response of Karen Robb, Farm Advisor dated February 7, 2008, and concurs with their respective responses.

Those issues relating to the Board of Supervisors are addressed below:

1. Also, the complainant was concerned if the Master Gardeners were in violation of the Brown Act. While the Grand Jury could not find any violation of the Master Gardeners violating the law, the Board of Supervisors recommends that future complaints involving the Brown Act be forwarded to the District Attorney as provided by California law.
2. It is recommended that when a citizen questions the legality of anything connected to the County that County Counsel research the issue and notify the complainant in writing of their findings.

County Counsel serves as the legal advisor to the Board of Supervisors, County departments, agencies, and commissions. It is not the duty of County Counsel, nor is it within the resources of the County, and the office of County Counsel in particular, to provide written legal opinions to constituents. This recommendation will not be implemented.
The Honorable F. Dana Walton  
Assistant Presiding Judge of Mariposa Superior Court  
5088 Bulion Street  
Mariposa, CA 95333


Dear Honorable Judge Walton:

Following is the Public Works Department’s response to the 2007-2008 Mariposa County Grand Jury report.

Mixed Waste Processing/Composting Project

Findings

1) The Department of Public Works agrees that the public has a misconception of the operation of the compost facility and its intended purpose.

2) The Department of Public Works does not agree that the County waited until the last minute to initiate this project to help meet the California State 50 percent reduction mandate. Work on complying with the mandated 50 percent reduction was initiated in the early 1990’s by the County.

3) The Department of Public Works agrees that County officials traveled to Canada to visit the Herhof compost facility prior to entering into a contract for the construction of the facility.

4) The Department of Public Works agrees that as of December 15, 2007, Mariposa County had not met the California State Mandate of 50% reduction of solid waste.

5) The Department of Public Works agrees that the information provided to the County by a consultant regarding mixture levels of debris, garbage, plastics, metals, greens, etc was proven to be inaccurate.

6) The Department of Public Works does not agree that consultant fees of 14.02 percent far exceed the normal rate of a project the size and of the compost facility. The consultant fees covered not only the cost of engineering design and construction management, but also cost for project planning, review and selection of available technologies to help meet the state mandated diversion rate, and environmental review and development of the plans and specification.
Public Works also works with Cal Fire and the California Department of Corrections crews who regularly assist the Department in brush, tree, and weed removal at County facilities.

The Compost Facility was designed to produce material for use as alternative daily cover for the landfill. The Department of Public Works believes that it would be prudent to resolve some of the issues regarding the efficient processing of waste material through the facility before making costly modifications to produce a saleable compost material. In addition, a thorough evaluation of benefits and liabilities of producing saleable compost material should be completed prior to developing plans to modify the facility.

The Department of Public Works is constantly striving to answer all citizen requests as promptly as possible.

The Department of Public Works will recommend that all contracts have a clause allowing the County pass-through any cost increases to the lender.

The Local Task Force will be reviewing various programs to encourage recycling including the possibility of some form of mandatory recycling.

Chapter 13.6, Solid Waste Disposal, establishes regulations governing the disposal of solid waste. This section of the County Code states “It shall be unlawful for any person to dispose of garbage or refuse except in (1) an authorized solid waste container; (2) appropriate and serviced storage containers or (3) in other areas designated for disposal of solid waste.” Occupants of large tracts of land such as ranches are allowed to dispose of waste generated on their property in a manner approved by the health department.

The Department of Public Works is evaluating a number of recycling options including a commingle recycling program. This department believes that acceptance of commingle recyclables may encourage more residents of Mariposa County to recycle.

The Department of Public Works has developed short and long range plans for waste disposal in Mariposa County. The department has retained a consultant to assist with the state mandated five year permit review process.

The Department of Public Works will consider the feasibility of changing the landfill site sign to “Waste and Recycling Center”.

The Department of Public Works appreciates the opportunity to respond to the 2007-2008 Grand Jury report. The department agrees with the findings and recommendations of the Grand Jury that pertain to Public Works. If any additional information or clarification is required, please do not hesitate to contact me.

Sincerely,

[Signature]

Dana S. Hertfelder, PE
Public Works Director

cc: Rick Besson, CAO
    Board of Supervisors
    Tom Guadiao, County Counsel
January 28, 2008

Mariposa County Superior Court
Honorable F. Dana Walton
Assistant Presiding Judge of the Superior Court
P.O. Box 28
Mariposa, CA 95338

Re: Response to Mariposa County 2007-2008 Grand Jury Final Report #1

I am in receipt of the 2007-2008 Mariposa County Grand Jury Final Report #1. Pursuant to Penal Code §333.9(b) this shall serve as a response to the Grand Jury's recommendations regarding the Adult Detention Facility and the Animal Control Facility.

Having reviewed the findings, recommendations and conclusions of the 2007-2008 Final Report #1, I wish to express my concurrence with the Grand Jury's findings and recommendations.

The escalating cost of providing medical services to inmates is an industry wide concern. Alternatives are being explored at both the local and State level; however the State mandates placed upon correctional facilities greatly limits the number of viable options that are available to local detention facilities. Facility staff and medical personnel will continue to make every effort to reduce costs wherever possible, while still meeting the standards of care required under Title 15.

The facilities and equipment utilized by the Sheriff's Office are in use twenty-four hours a day, seven days a week. Because of this continual usage, the useful life span of the facilities and equipment is shorter than what would normally be expected. A great deal of time and effort are expended by sheriff's office staff to ensure that existing equipment is well cared for and properly
maintained. Despite our best efforts to extend the usability of equipment and facilities, we acknowledge the need for replacement and/or repair of several items, especially within the correctional facility. The cost for replacement and/or repair of these items will be substantial but necessary. I join the members of the Grand Jury in urging the Board of Supervisors to provide funding for the replacement of equipment that is essential for the safe operation of the correctional facility.

I would like to thank the Grand Jury members for their recognition of the needs within the Animal Control Division. With the Animal Control staff handling over 2,170 calls for service in 2007, the demand for services often exceeds the ability of staff to meet those needs. Although the current state and local budgetary outlook is bleak, I will be asking the county for a Kennel Technician position in next year's budget. The addition of one full time Kennel Technician would greatly enhance the ability of the Animal Control Division to keep pace with current call loads and would allow the Animal Control Officers to remain on patrol full time.

Finally, I wish to express my appreciation to the Grand Jury members for their willingness to serve our community in such a vital advisory role. Their sacrifice of time and self is recognized and valued by all of us.

Respectfully Submitted,

__________________________
Brian E Mul er, Sheriff/Coroner/Public Administrator
Honorable F. Dan Walton  
Mariposa County Superior Court  
P.O. Box 28  
Mariposa, CA 95338  

Re: Interim Response/Comment to Grand Jury, Final Report #1  

Dear Judge Walton:  

I have in hand and have reviewed the 2007-2008 Mariposa County Grand Jury Final Report #1. It is my understanding that this report has been submitted to me for comment pursuant to Penal Code section 953 (a). It is also my understanding from reviewing the Foreperson’s cover letter to you that there are “two specific reports that need immediate attention to those areas addressed”. In reviewing the report there is one request for an investigation by my office within 30 days. I have also copied the Grand Jury with this response as they asked for a direct response from me. Accordingly, I am providing this interim response to address certain concerns and restrictions on the Office of County Counsel with respect to the requested activity. Additionally, pursuant to Penal Code section 953 (a), it is respectfully requested that the Foreperson or his designee clarify the second report that needs immediate attention if it is an activity or recommendation for the Office of County Counsel.

Authority of County Counsel

While I am pleased that the Grand Jury has expressed the confidence and trust in the Office of County Counsel to conduct an investigation in such a matter, it is my concern that I am without authority to conduct such an investigation. In part, this is due to the statutory provisions governing whom the County Counsel serves and in what capacity and limitations on investigative powers for the type of investigation requested.

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1 Penal Code section 953 (a) provides in part: ‘a final report may be submitted for comment to responsible officers, agencies, or departments...’

2 Penal Code section 953 (a) also provides in part: “For 45 days after the end of the term, but more persons and his or her designee shall, upon reasonable notice, be available to clarify the recommendations of the report.”
Honorable F. Dana Walton
Mariposa County Superior Court
February 5, 2008

Pursuant to the Government Code, County Counsel serves as the legal adviser to the Board of Supervisors. County Counsel also serves as legal adviser to various County departments, agencies and commissions, as well as special districts and advisory agencies of the County. The office is also responsible for the daily transactional work in support of County departments, as well as the processing of contracts, agreements and other Board items requiring legal review. In addition, the Mariposa County Code identifies when the County Counsel may act as an investigator. While County Counsel does serve as a legal adviser to the Grand Jury, I have been unable to locate any authority or practice by which the County Counsel would serve as an investigator for the Grand Jury. It is also my thought that because the Government Code and the County Code both describe the scope of duties of the County Counsel and specifically reference investigations of this nature as being done for the Board of Supervisors, that it would not be legally appropriate for me to conduct such an investigation.

Scope of Investigation

Respectfully given the scope of what is requested and the type of information that would have to be obtained and concern it would violate the Penal Code provisions regarding evidence provided to the Grand Jury; it does not appear that the investigation as a practical matter could be done within existing statutory constraints and secrecy concerns.

The specific request of the Grand Jury is, "In regards to the missing data from the June 10, 2008 tapes, we recommend that the County Counsel investigate and report to the Superior Court and Grand Jury their findings within 30 days".

It is unclear from the request whether the Grand Jury desires an inquiry into "whether there was an intent to delete portions" of the tape, or to look into whether there was in fact missing data. In any event, such an investigation requires speaking to the same witnesses, reviewing the Grand Jury evidence in the form of the tape obtained from a Grand Jury witness, and interviewing various current and former Board of Supervisors members and County employees. The scope of this investigation raises several legal issues, including those of Grand Jury confidentiality and secrecy and my statutory obligations to serve as counsel to the Board of Supervisors as set forth above. With respect to the Board of Supervisors is my thought that it is

7 Government code section 26526.

These departments, agencies and commissions include but are not limited to The Planning Department, Public Works, Sheriff Department, County Assessor, County Auditor, County Building Department, and Planning Department, County Fire Prevention, County Human Services, Service As Counsel to the Public Guardian and Public Conservator, County Fire Department, the Planning Commission, County Water Agency, Special Districts including Yosemite West Maintenance District, Vehicle Parking District Number One, Don Pedro I M. Courtwide Service Area #1, and Various IPA's such as YARTS, Area 12 Agency on Aging, and Special Commission and Agencies such as First Five of Mariposa County and Mountain Valley EMS.

Mariposa County Code Section 2-114 (a) states in part, "An investigator in difficult cases for the Board".

County Counsel does regularly conduct as necessary investigations in connection with litigation matters, risk management and personnel matters and other legal matters within the scope of job duties. However, these investigations are not for third parties.
a conflict of interest for me to investigate conduct with respect to the Board or the Board's Clerk.\footnote{Well-known standards of professional conduct, ethics and requirement of professional responsibility, prohibit an attorney from acting adverse to his client. Government Code 26526.}

The case of \textit{Daily Journal Corporation v. the Superior Court of Orange County} is instructive in reviewing the limitations on the disclosure of evidence and witness testimony obtained by a grand jury.\footnote{\textit{Daily Journal Corporation v. the Superior Court of Orange County}, (1999) 26 Cal.4th 1117.} While in the context of a criminal proceeding the reasoning is instructive, and I believe applicable to the current matter. As the Supreme Court stated in part:

\begin{quote}
"...a superior court may order public sessions of the grand jury when it involves matters affecting the public welfare. Otherwise, grand jury proceedings are conducted in secrecy. (Pen. Code, § 931 [grand jury "shall retire to a private room to conduct inquiry into offenses"]) Unless requested by the grand jury, "the judge of the court ... shall not be present during the sessions of the grand jury." (Id., § 934.) Apart from necessary and authorized appearances, as specified by statute, no person is permitted to be present during criminal sessions of the grand jury except the members and witnesses actually under examination. (Id., § 939.) Deliberations of the grand jury are completely private; no person other than the grand jurors themselves may be present during "the expression of the opinions of the grand jurors, or the giving of their votes" on any criminal matter before them. (Ibid.) Grand jurors must take an oath that they "will not disclose any evidence brought before the grand jury, nor anything which [they] or any other grand juror may say, nor the manner in which [they] or any other grand juror may have voted on any matter before the grand jury." (Pen. Code, § 711.) A grand juror who wilfully discloses the fact of an information or indictment before the defendant has been arrested is guilty of a misdemeanor. (Id., § 924.) Unless required by the court, grand jurors are not permitted to disclose any evidence adduced before the grand jury or anything said by a member of the grand jury. (Id., § 924.1, subd. (a).) Moreover, each grand juror "shall keep secret" his deliberations and voting of the grand jury. (Id., § 924.3.) A grand juror may not be questioned about any deliberations or vote relative to a matter pending before the grand jury, "except for a perjury of which he may have been guilty in making an accusation or giving testimony to his fellow jurors." (Id., § 924.3.)"
\end{quote}
provide legal advice in other areas and work with regularly and therefore would likely constitute a conflict for which I would excuse myself from participation in the investigation.

Accordingly, it is my conclusion that the Penal Code provisions with respect to grand jury evidence and witness testimony would make it difficult if not impossible to complete such an investigation. Therefore pursuant to Penal Code Section 953.03 (a) (2) and (4), County Counsel respectfully disagrees with the recommendation and is unable to undertake the recommended investigation for the Grand Jury and report the results thereof to the Grand Jury and Superior Court.

\section*{Master Gardener Issue}

It is unclear from the referral in the report whether this is one of the two issues for which immediate action is considered necessary. If it is then the response below sets forth the reasons why the recommendation would not be appropriate. I would of course be amenable receiving any clarification of the recommendation under Penal Code section 953 (a).

The specific request is that when any citizen questions the legality of anything with respect to the County that a written opinion be issued to a third party. This request would be in conflict with the job duties of County Counsel as described above. County Counsel serves the Board of Supervisors and County departments and accordingly would be prohibited from undertaking to do legal work for the general public especially in light of the fact that such legal work may involve matters which would create a liability for the County. If as suggested such reports were prepared everything was legal and the citizen was so informed, this would leave open a clear indication that if such a response was not provided that an illegal act may have occurred exposing the County to litigation, which could result in significant expenditures of County funds, which would otherwise be available for conducting the business of the County. Additionally, issues raised by the public often involve matters which are protected by privacy laws, rules of confidentiality, collective bargaining issues, negotiations and other matters, the disclosure of which would be illegal as a matter of law or seriously harm the ability of the County to negotiate in the public's best interest.

Certainly, when matters come to the attention of County Counsel that create a risk for the County or indicate that the County is not acting in an appropriate manner efforts should be undertaken by the appropriate authority to discontinue the inappropriate activity or undertake corrections which put the activity on a legal footing. Independently except for matters involving the day-to-day operations of the County Counsel's Department, the authority to change County policy, resolutions, ordinances or other such actions rest with the Board of Supervisors and accordingly, County Counsel could not simply "fix it". Please be reassured that when matters

\footnote{And additional difficulty in any such investigation would be my personal knowledge of the Clerk of the Board for whom I hold the highest regard and respect for her professionalism and integrity. I have to work with this person on a daily basis and do not feel that I would be the appropriate person to investigate her activities, which is a clear indicator of the investigation demanded.}
are brought to my attention that a process or procedure of the County needs to be revised to remain in compliance with the law it is taken seriously.

Much of the work of a county counsel or any attorney is considered privileged as a matter of law. The holder of this privilege is the County in the form of the Board of Supervisors. This is of course well-known to the Court and no disrespect is intended by mentioning this basis for not putting into effect the suggested recommendation. Rather, the intention is to clearly identify the record why County Counsel is prohibited by law from complying with the disclosure requested in the recommendation. Therefore, when County Counsel does not directly respond to a member of the public with respect to a legal issue raised it is not an intention to be discourteous, rather it is because a response from the attorney for the County would be inappropriate at the time. It is a specific statutory obligation under the rules of professional conduct for an attorney to "maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets of his or her client". Business and Professions Code Section 6068 (e).

Therefore, pursuant to Penal Code section 953.05 subsections (a),(2) and (4) County Counsel respectfully disagrees with the requested action and for the reasons stated above will be unable as a matter of law to implement the request.

**Consultant Issue**

At page 2 of the report, there is a reference to information from a consultant and absence of information regarding a legal action. Based upon the report, it appears each matter occurred

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10 This privilege (Evidence Code § 954) is well recognized in several areas and is expressly acknowledged in the Brown Act in the Public Records Act as an exception to public disclosure of information, in two statutes specifically addressing public access to information. See Government Code Sections 54956.9 and 6254. See also Robert v City of Palmeg (1993) 5 Cal.4th 365. The unanimous Supreme Court reversed the judgment of the Court of Appeal holding that the Public Records Act (Gov. Code, § 6250 et seq.) did not require public disclosure of the letter from the city attorney distributed to members of the city council, expressing the legal opinion of the city attorney regarding a matter pending before the council, since the letter was privileged under the attorney-client privilege. It also held that the transmission of the written legal opinion was not a meeting within the terms of the Brown Act (Gov. Code, § 54956.9 et seq.). It further held that a 1987 amendment to § 54956.9 of the Brown Act was not intended to abrogate the attorney-client privilege as it applies to the communication of written legal advice by a city attorney to the individual members of a city council” and “The Public Records Act (Gov. Code, § 6250 et seq.) did not require disclosure of a letter a city attorney prepared for the city council, in which the attorney expressed legal opinions concerning a resident’s pending appeal of a parcel map. Although the letter was a "public record" within the meaning of the act, it was a confidential communication within the attorney-client privilege. Further, Gov. Code § 6254, subd. (b), which exempts from disclosure records pertaining to pending litigation until the litigation is terminated, does not operate to limit the scope of the attorney-client privilege to matters pertaining to pending litigation. This subsection pertains to all public records, but does not address the privilege. Gov. Code, § 6254, subd. (h1), expressly exempts from disclosure matters privileged under the Evidence Code. This includes the attorney-client privilege. Thus, the city could assert the privilege without the necessity of alleging that the letter was a document pertaining to pending litigation.”
in 2003 or earlier. These issues predate my tenure as County Counsel and therefore I am unable to comment with respect to what County Counsel at the time may have reviewed or considered. In any event, as noted above, such report would likely have been subject to the attorney-client privilege and not disclosable.

It does not appear that this matter was part of a recommendation for any action. Usually, when such issues arise, the department, which is involved in administering the contract, will make a referral to County Counsel for legal review. If it involves a matter for which an action should be initiated an appropriate referral to the Board of Supervisors, usually in the context of a closed session, will be undertaken to determine if the Board of Supervisors feels it is in the best interest of the County to initiate such an action. It is entirely likely any such legal analysis of a potential litigation matter would not be in records provided to anyone but the Board of Supervisors, the client, as such a report would be confidential under the attorney/client privilege.

I simply mention this matter in an abundance of caution due to the lack of certainty with respect to the other report that needed "immediate" action.

**Interim Response: Comment**

Because of the short time in which action was requested this interim response and comment has been provided so that the Grand Jury will have an opportunity to consider if they want to undertake any other efforts with respect to its own investigations in this matter. As I indicated to the Grand Jury in writing before the current session and as I have with each Grand Jury, County Counsel stands ready to assist the Grand Jury with any legal questions they may have and would respectfully call to the attention of the Grand Jury its obligation to meet with any subject of an investigation and obligation to provide an affected agency a copy of the Grand Jury report relating to that person or entity a minimum of two days prior to its public release. Penal Code Sections 953 (e) and (f).

Respectfully submitted,

[Signature]

Thomas P. Guarino
County Counsel

抄送:
- Board of Supervisors
- Rick Benson, County Administrative Officer
- Dana Hefelfinger, Public Works Director
- Marvyn Wells, Grand Jury Foreperson
- Margie Williams, Clerk of the Board
February 7, 2008

The Honorable F. Dana Walton
Assistant Presiding Judge of the Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Sir:

I agree with the findings of the 2007-2008 Grand Jury Final Report #1 regarding the Master Gardener Program for Mariposa County.

Sincerely,

Karen L. Robb, Ph.D.
County Director/Farm Advisor

C: Mariposa County Board of Supervisors
  Lyle Turpin, Chair, District 2
  Brad Aborn, District 1
  Janet Bibby, District 3
  Dianne Fritz, District 4
  Bob Pickard, District 5