RECOMMENDED ACTION AND JUSTIFICATION:
Adopt a resolution approving the response of the Board of Supervisors to the 2008-2009 Mariposa County Grand Jury Final Report and direct County Administration to transmit the response to the Presiding Judge of the Mariposa County Superior Court.

The California Penal Code requires that affected Department Heads, Elected Officials, and the Board of Supervisors respond to each year's Final Grand Jury Report within the specified time limits. The Board as governing body of the public agency must comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under its control within ninety days of when the Grand Jury submits its final report.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has responded to the Grand Jury Final Report in previous years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Approve the draft response with revisions.

Financial Impact? ( ) Yes (X) No Current FY Cost: 
Budgeted in Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: 
Additional Funding Needed: 
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

Annual Recurring Cost: 

List Attachments, number pages consecutively
Draft Response
Excerpts from Grand Jury Final Report 2008-09
Department Heard/Elected Officials Responses

CLERK'S USE ONLY:
Res. No.: 01-488 Ord. No. 
Vote – Ayes: 
Noes: 

Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ________________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ________________________________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER: 
☑ Requested Action Recommended
☐ No Opinion
Comments: __________________________________________
____________________________________________________
____________________________________________________
____________________________________________________

CAO: __________________________________________

Rev. Dec. 2002
October 6, 2009

Honorable Wayne R. Parrish
Judge of the Superior Court
County of Mariposa
Post Office Box 28
Mariposa, California 95338

Dear Judge Parrish:

Enclosed is the response of the Mariposa County Board of Supervisors to the 2008-2009 Mariposa County Grand Jury Final Report. The Clerk of the Board of Supervisors and the County Clerk will keep copies of the report and this response on file. A file copy will also be submitted to the 2009-2010 Grand Jury.

We at the County appreciate the quality of the 2008-2009 Final Report and the many hours of work that it represents.

Sincerely,

[Signature]
RICHARD J. BENSON
County Administrative Officer

RB/mbh

cc: Board of Supervisors
    Affected Department Heads
    Keith Williams, County Clerk
    2009-2010 Grand Jury
    Margie Williams, Clerk of the Board
Mariposa County Board of Supervisors  
Response to the 2008-2009 Mariposa County Grand Jury Final Report

Citizen’s Complaint – Williamson Act Violations
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and response of Kris Schenk, Planning Director dated September 1, 2009, and concurs with his response. The Mariposa County Board of Supervisors responded with a letter dated August 25, 2009.

Citizen’s Complaint – Juvenile Suicide
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the responses of Robert Brown, District Attorney dated August 25, 2009, Jim Rydingsword, Human Services Director dated August 30, 2009, Dr. Charles Mosher, County Health Officer dated August 24, 2009, Fred Lustenberger, Building Director dated September 28, 2009, and Becky Crafts, Assessor/Recorder dated July 13, 2009, and concurs with their responses. The Mariposa County Board of Supervisors responded with a letter dated August 25, 2009. The Child Death Review Team is not under the authority of the Board of Supervisors, and therefore cannot comment on their response and did not receive a copy of their response. The Sheriff advised that the Superior Court Judge did not desire a response from the Sheriff regarding this complaint.

Citizen’s Complaint – Department of Human Services
The Grand Jury’s policy does not allow for investigations into anonymous complaints so no investigation was conducted.

Citizen’s Complaint – Adult Correctional Facility Food
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Brian Muller, Sheriff dated July 20, 2009, and concurs with his response.

Citizen’s Complaint – “Field of Dreams” Sports Complex
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and has responded with a letter dated August 25, 2009.

Oversight Function – Juvenile Detention Facility
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Gail Neal, Chief Probation Officer dated July 31, 2009, and concurs with her response.

Citizen’s Complaint – Planning Department
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Kris Schenk, Planning Director dated September 1, 2009, and concurs with his response.

Citizen’s Complaint – School District Misuse of Public Funds
The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Unified School District.
Citizen’s Complaint – Lake Don Pedro Community Services District Ralph M. Brown
Act Violation
The Mariposa County Board of Supervisors has no authority or jurisdiction over the
Lake Don Pedro Community Services District.

Citizen’s Complaint – Guest Ranch
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report
and the responses of Kris Schenk, Planning Director dated September 1, 2009, and
Dana Hertfelder, Public Works Director dated July 6, 2009, and concurs with their
responses. The Mariposa County Board of Supervisors responded with a letter dated

Citizen’s Complaint – Building Department
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report
and the response of Fred Lustenberger, Building Director dated September 28, 2009,
and concurs with his response.

Citizen’s Complaint – Sheriff’s Department
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report
and the response of Brian Muller, Sheriff dated July 20, 2009, and concurs with his
response.

Northside Safety/Health Issues
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report
and the response of Brian Muller, Sheriff dated July 20, 2009, and concurs with his
response, noting that to date, no request has been received from the Sheriff regarding
the need for the construction of an Animal Control Center on the Northside. The
Mariposa County Board of Supervisors responded with a letter dated August 25, 2009.

Citizen’s Complaints – Harassment
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report
and the responses of Brian Muller, Sheriff dated July 20, 2009, and Robert Brown,
District Attorney, dated August 25, 2009, and concurs with their responses.
CITIZEN'S COMPLAINT
WILLIAMSON ACT VIOLATIONS

On March 20, 2008, the 2007-2008 Mariposa County Grand Jury received a complaint from a citizen regarding the Board of Supervisors. This complaint was forwarded to the 2008-2009 Grand Jury. The complaint specifically alleged that the Mariposa Board of Supervisors had violated and continues to violate the laws and rules governing the Williamson Act. Accompanying the complaint were many documents giving this grand jury enough information to warrant an investigation.

We met with the Mariposa Planning Department to learn about the Williamson Act on September 11, 2008.

Findings:

- We were informed by the Planning Department that the county has many farms and ranches under the Williamson Act contracts. The primary use of these farms and ranches is agricultural with secondary compatible uses being allowed.

- Mobile homes are allowed on ranches under the Williamson Act contracts. These are to be used directly for ranch operations.

- Public recreation is a compatible use of agricultural land provided the primary use is for agricultural production.

- The Mariposa County Board of Supervisors may determine what activities are compatible with agricultural and recreational use. (Government code sections 51200-51207)(51201-e).

- The Mariposa County Board of Supervisors has the authority to provide and has on occasion provided liability insurance coverage for sanctioned public activities within the County of Mariposa on private land.
Conclusions:

- This Grand Jury ascertained that the Mariposa County Board of Supervisors has the authority to determine what activities are compatible under the Williamson Act as granted under Government codes section 51200-51207.

- Recreational use (shooting range, outdoor games or sports) is recognized by the Board of Supervisors as compatible with agricultural use. (Government code 51201) (N).

- We also conclude that the Board of Supervisors may consider all uses of land under the Williamson Act and determine if the activity is compatible and secondary to the primary agricultural use.

- It is the Grand Juries opinion that the Board of Supervisors has not violated the laws and rules governing the Williamson Act.

Comments:

- We are pleased to observe that the Mariposa County Board of Supervisors is now taking an active approach effectively defining language used in the Williamson Act matters such as, “Agritourism”, “Permitted Uses”, “Compatible Uses”, “Non-Compatible Uses”, “Compatible Activities”, etc.
CITIZEN'S COMPLAINT
JUVENILE SUICIDE

On May 13, 2008, a complaint was filed with the 2007-2008 Grand Jury alleging mishandling of a female child endangerment complaint by the Human Services Department. The incident occurred in November of 2007. The individual who was the subject of the complaint committed suicide in February, 2008. Since the 2007-2008 Grand Jury had limited time remaining in its term, the complaint was forwarded to the 2008-2009 Grand Jury.

Based on statements made in the complaint, the Grand Jury elected to start its investigation with the family’s living conditions while in Mariposa County. Much time was invested conducting numerous interviews and reviewing reports and other evidence pertinent to the issue.

Grand juries are obligated to investigate citizens’ complaints and to report their findings. We recognize that we may be accused of unfairly criticizing from a position of perfect hind-sight; nevertheless, it is within our charge to report the facts, findings, conclusions and recommendations.

The Grand Jury spent a large part of its time on this complaint, interviewed ten people and made a trip to the cabin and suicide site with a sheriff’s deputy.

I. Pre Suicide Living Conditions:

Facts:

- The grand jury received testimony from many friends and acquaintances of the juvenile. Their testimony supports our findings.

- Two separate witnesses on two occasions testified that one of the juvenile’s parents made a comment in front of the juvenile that they wished they had aborted or “given the child away”.

- Most of the individuals we interviewed commented that juvenile was depressed.

- Both children in the household were constantly reminded by their parents that they were expected to leave home shortly after their seventeenth birthday. Three witnesses stated that the family motto was “17 and out!”
Photographs revealed several firearms lying around the premises. Although the argument might be made that the firearms were not safely secured so that they could be immediately available for self defense, this supports the conclusion that the child should not have been left alone in this location.

Witnesses testified that bathing by the family was done in a horse-trough located outside and without privacy.

Testimony to the Grand Jury indicated that the juvenile was being home-schooled under the supervision of a charter school located in another county. Records obtained from that school indicate that the juvenile was enrolled there. Attendance records were maintained on a regular basis and satisfactory progress appeared to be documented by transcripts, test scores and samples of homework. Interviews with teaching staff at the school did not reveal any cause for suspicion of neglect or abuse. However, due to the chronic absences of the parents the juvenile’s home schooling appeared to be self administered.

Witnesses stated that for Christmas the parents gave the child a catalog and said to pick out the furniture they wanted and that when a future house was built that that would be their present. To date, seven years after acquisition, no permanent residence has been constructed on the property.

A complaint was filed in July, 2007 to the Mariposa County Health Department expressing concern that the complainants’ personal water supply might be contaminated since the juvenile’s parent’s property did not have a septic system. When the complainants did not receive any response from the Health Department, they contacted their Mariposa County Supervisor. Shortly afterwards a visit was made to the juvenile’s parents’ residence by the Health Department.

The property was cluttered with large amounts of various kinds of debris which has attracted a rodent population evidenced by a large amount of scat.

I. Pre-Suicide Living Conditions:

Findings

- Living conditions for the juvenile were limited to a derelict one room cabin measuring approximately 12’x10’.

- The Deputy Sheriff informed us that in an emergency, if the nearest neighbor was not at home, the juvenile would have had to travel 12-15 miles without transportation for help.

- The juvenile slept on a mat underneath the kitchen table.
There appears to have been a double standard of living between the parents and the children. This occurred because the parents were away from the property during the week working. The juvenile was left alone during these times under the above described living conditions. We believe that this regard merits further investigation utilizing time and resources unavailable to the current Grand Jury.

The victim’s brother, with whom she was very close and who provided companionship to her in this remote place had recently gone into the service.

The juvenile despised being left alone for many days at a time.

The juvenile despised being isolated from people and especially children of the same age.

The juvenile hated being home schooled and begged to go to a public school to be with friends.

There was no bathroom. Holes in the ground were dug for human waste with no shelter for privacy. The juvenile was embarrassed at having to bathe in an open horse trough in view of family members. The juvenile hated having to take soap and towels to the stepfather when he was taking a bath in the horse trough.

The juvenile hated living under the unsanitary conditions.

Electricity was limited to solar power and gas generation.

II. MISSED OPPORTUNITY FOR SUICIDE PREVENTION

The event that brought a deputy to the site 3-4 months before the suicide:

Facts:

This incident prompted the November, 2007 deputy’s report and referral to the Child Welfare Services. Observations by witnesses indicated that this type of situation was more than a one-time occurrence and constituted a chronic condition.

A written report prepared by a Deputy Sheriff after an onsite interview with the juvenile indicated that a visit to the property should be made by Child Welfare Services. The deputy reported that the child was afraid of going “mental” with no one to talk to. Because of the deputy’s concern for the juvenile’s safety the deputy placed three telephone calls to Child Welfare Services and left messages on their answering machine expressing concern. The deputy made these telephone calls and left these messages because it takes several days for a written report to reach those responsible to take action. The deputy’s messages on the phone even offered to take Child Welfare Services personnel out to the juvenile’s residence for an interview. No return calls were made to the deputy by anyone from Child Welfare Services.
The Grand Juries questioning of two Child Welfare Services employees revealed that they relied on a couple of statements from the deputy's two plus page report to justify their decision to take no action. The deputy's case title to the report clearly stated "Willful Cruelty to Child". These same two Child Welfare Service staff said that they had no knowledge of in-house policy or procedures regarding the handling of incoming telephone calls. They also denied ever receiving the telephone messages left by the deputy regarding the concern about the juvenile. Documentation was obtained by the Grand Jury that the deputy did make those calls. As of November 19, 2008, Child Welfare Services staff has not been out to visit the juvenile's parents or the place of the tragedy.

Child Welfare Services, also referred to in various publications as "Child Protective Services", is a division of the Mariposa County Human Services Department.

Findings:

- There as a lack of follow-through by Child Welfare Services.

- The deputy's report of the incident was not forwarded to the District Attorney for further investigation or possible action until after the juvenile committed suicide.

### III. EVENTS LEADING UP TO THE SUICIDE:

**Facts:**

- The victim's brother, with whom she was very close and who provided companionship to her in this remote place had recently gone into the service and was graduating from basic training.

- The juvenile was left home for approximately ten days while the parents attended the other sibling's graduation from military training out of state. The purported reason was so that the juvenile could safeguard the property.

Findings:

- Although the juvenile was apparently somewhat knowledgeable in the use of firearms, weapons and ammunition were not safely secured in compliance with state law during the absence of the parents when the juvenile was left alone.

- Alcoholic beverages were available to the juvenile and not secured during the parents' absence.
IV. EVENTS AFTER THE SUICIDE:

Facts:

- The Sheriff’s report indicated that the cause of death was by gunshot wound, and that the juvenile had been drinking.

- The grand jury attempted to contact the juvenile’s parents by letter twice (with returned self-addressed stamped envelopes) but received no response. We also made a personal visit to their residence, but no one was at home.

V. LIVING CONDITIONS VS. COUNTY DEPARTMENT REGULATIONS:

Facts:

- During the Grand Jury’s visit to the property in October, 2008, we personally observed that someone was attempting to or had installed a septic system.

- There are no records showing that the Mariposa County Health Department ever knew or checked to see if this household was being legally occupied prior to the juvenile’s suicide. The Health Department confirmed that “occupancy” is defined as “living onsite 14 days within a 90 day period”.

- The water source for this household is pumped from a spring approximately 200 yards away from the house. The source appears to be surface water.

- The Health Department confirms that they never tested the bacteriological contents of the spring water used in the juvenile’s household, nor did they test the water of the neighbors who filed the complaint that the juvenile’s family had no septic system.

- We observed no running water to the newly built unattached toilet and therefore the toilet needed to be flushed with a bucket of water. A septic installation permit has received its final certificate; however we observed on our visit that the leach line trenches were not covered. The Health Department later reported that the lines had been re-inspected and that they had been covered.

- Although the Mariposa County Assessor’s records show a homeowner’s exemption on the property, indicating owner occupancy, the Mariposa County Building Department shows that no occupancy permit has ever been issued. An electrical permit is pending for a photovoltaic system. There are no permits pending for installation of the liquid petroleum gas tanks observed on the property.
The apparent sources of power to the residence are solar and gas generated.

RESULTS OF THE GRAND JURY'S RESEARCH ON CHILD ABUSE

Although the following guidelines do not constitute state law defining "child abuse" that may be criminally prosecuted, the Grand Jury took notice of them in arriving at our conclusion:

Information obtained from www.childwelfare.gov

CAPTA: Child Abuse Prevention and Treatment Act

The CAPTA definition of "child abuse and neglect" refers to:

"Any recent act or failure to act on the part of the parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm."

(Department of Social Services-Child Protection Services)

"These services are available to children and their families when children are victims of, or at risk of, abuse, neglect, exploitation, or parental absence."

A child is neglected by a parent and/or caretaker/guardian who fails to provide adequate food, clothing, shelter, medical care, or supervision.

(Child Abuse Neglect) (www.Safechild.org/childabuse)

"Emotional neglect, lack of psychological care, and withholding affection.

Physical neglect – not providing necessary healthcare, child abandonment, or physical injury caused due to lack of supervision.

Frequently left unsupervised or alone for periods of time. (NOTE: This is the most frequent cause of death and should not be minimized).

A pattern of behavior is the strongest indicator of abuse and should not be ignored.

(Emotional Abuse)

Parents’ inability to make a child feel loved or wanted, showing little affection.

Isolation, not allowing the child to interact with peers.

Ignoring – Parent who physically cares for their child may not be there emotionally, may show little affection or not acknowledge the child’s existence.
Emotional abuse can have adverse psychological effects such as poor self-esteem, destructive behavior, increased aggression, alcohol/drug abuse, and in severe cases—suicide.”

* Note See exhibit “A”, page 35, Attachment for page 11, (Results of the Grand Jury’s research on child abuse).

**Conclusions:**

- In the opinion of this Grand Jury, the conditions under which the juvenile lived constituted criminal juvenile abuse and neglect. The decision whether or not to pursue this conclusion is entirely within the prosecutorial discretion of the District Attorney. Nevertheless we respectfully call upon the District Attorney to review this issue.

- The facts reveal that there were numerous health and building code violations existing at the juvenile’s residence at the time of the initial complaint to the Sheriff’s Department, (November, 2007), and at the time of the suicide, (February, 2008). These conditions apparently had existed since the family purchased the property in September, 2002.

- Based on concerns that the 2007-2008 Grand Jury had regarding the Human Services Department and more specifically the Child Welfare Division (referred to in their report as “Child Protective Services”) and the evidence the 2008-2009 Grand Jury has obtained regarding this investigation, we question the procedures, competence and credibility of the Human Services Department.

- The Grand Jury notes that there is a volunteer committee (Child Death Review Team) which investigates and discusses all child deaths in the county and recommends prevention and aid measures. This is an ad hoc committee formed on a case by case basis under the authority of the Health Department. It functions however, without formal oversight or minutes.

**Recommendations:**

- The Sheriff should establish and enforce policies and procedures to assure that reports alleging “willful cruelty to child” are thoroughly investigated and followed up on by other departments. The Deputy Sheriff who responded to the initial complaint is to be commended for making every effort to direct the appropriate county personnel to take preventative and curative action.

- The District Attorney’s office should initiate further investigation of the Grand Jury’s conclusion of child abuse. Additional funding, if needed should be allocated by the Board of Supervisors to comply with this recommendation.
The Human Services Department should establish and enforce policies and procedures to assure that both written and verbal referrals from other departments are documented, investigated and resolved in a timely manner.

The Child Death Review Team should consider opening some of its conclusions to the general public for the purpose of promoting public awareness, education and prevention of such important issues as child abuse, neglect and suicide. It should also consider submitting to external oversight to avoid the appearance of cover-ups.

The Board of Supervisors should establish and enforce inter-departmental policies, mandatory inspections, follow through, written documentation and employee accountability to assure that the conditions that existed in this case be corrected to avoid a recurrence of this tragedy.

Facts obtained by the Grand Jury regarding this complaint revealed many conditions that we consider to have been contributing factors to this tragedy. We therefore recommend that those Mariposa County Departments that were identified and failed to take action on those conditions take immediate corrective action to assure that laws and regulations are uniformly adhered to, maintained and enforced.

The Health Department should establish and enforce policies and procedures that assure that “occupied” residences comply with minimum laws and regulations for health and safety. Complaints should be investigated thoroughly and in a timely manner.

The Building Department should establish and enforce policies and procedures to assure that “occupied” residences comply with building codes.

The County Assessor should establish and enforce policies and procedures to assure that parcels benefitting from homeowners exemptions comply with building and health requirements for occupied residences.

The Grand Jury respectfully requests the Mariposa County Board of Supervisors obtain responses from the following departments, committees and agencies to these recommendations within 45 days upon receiving this final report.

Mariposa County Sheriff
Mariposa County District Attorney
Mariposa County Human Services Department
Mariposa County Health Department
Mariposa County Building Department
Mariposa County Assessor/Recorder
Child Death Review Team
CITIZEN'S COMPLAINT
DEPARTMENT OF HUMAN SERVICES

On June 4, 2008 the 2007-2008 Grand Jury received an anonymous complaint about the work ethic of a specific employee in the Department of Human Services. The complaint also alleged that the probationary period for that employee had been allowed to expire without review, thereby providing the employee undeserved tenure. This complaint was forwarded to the 2008-2009 Grand Jury.

The Grand Jury follows established policies that it will not investigate anonymous complaints, so no further action was taken.
CITIZEN'S COMPLAINT
ADULT CORRECTIONAL FACILITY FOOD

Facts:

- On June 4, 2008 the 2007-2008 Mariposa County Grand Jury received a citizen's complaint dated May 27, 2008. This complaint reflected a parent's concern about declining food quantities being served to inmates in the Mariposa County Adult Correctional Facility. Due to the inadequate time remaining in its term the complaint was forwarded to this grand jury. On August 20, 2008 we visited the jail facility to speak with the food staff and the officer in charge of the facility. On the same day, we visited John C. Fremont Hospital to speak with the food staff and officers. We also met with Probation Officers to see if similar issues were present at the juvenile detention facility. The Grand Jury was served a sample meal at the jail that each member chose randomly from the meals available. The quality and taste of the food was good.

Findings:

- The Mariposa County Jail contracts with John C. Fremont Hospital for inmate food services. Menus are prepared under the direction of a hospital dietician who also oversees the preparation of meals at the hospital. Product is purchased and delivered to the adult correctional facility for preparation in its complete self-contained kitchen by hospital staff. Prepared meals are delivered to the inmates by correctional officers.

- California Annotated Code Title 15 mandates the food service for all California correctional facilities. This code expresses that inmates receive three meals a day to meet or exceed a 2,200 calorie minimum daily requirement.

- Special diets needed for medical and religious reasons are prepared as required.

- Additional food and/or snacks may be acquired by the inmates at a very reasonable cost.

- Quantity of food prepared is determined by the "Inmate Head Count" on any given day with a few additional meals prepared in case of additional bookings during the day. When there was additional food available due to the lack of additional bookings or the release of inmates by the court, the additional food was divided up amongst the detained inmates.

- Just prior to the date of the Citizen's Complaint, "meal count" and the "head count" were very close, so the inmates' meals were normal portions as required by Title 15 without "extras".
• Terminating the courtesy of giving inmates the extra food resulted in the Citizen’s Complaint dated May 27, 2008.

Conclusions:

• The Grand Jury was given a complete tour of the facility; a substantial [randomly chosen] lunch; complete, professional responses to all of our inquiries and the opportunity to discuss issues with exemplary members of the jail and hospital staff.

• The food program for the Mariposa County Adult Correctional Facility is well within the requirements of Title 15 pertaining to the adequacy of inmate meals. The menu is varied, the quantities are adequate and the food is well prepared.

• The decision to dispose of extra food was the issue that initiated the complaints received by correctional facility staff and the one received by this Grand Jury.

• We find it very difficult to assume that inmates have trouble sleeping due to an empty stomach.

Recommendations:

• The Adult Correctional Facility and hospital should be evaluated on a recurring basis to insure that the people of Mariposa County are being properly served.
CITIZEN’S COMPLAINT
“FIELD OF DREAMS” Sports Complex

On June 17, 2007 the 2007-2008 Grand Jury received a complaint regarding the Sports Complex “Field of Dreams”. Since the 2007-2008 Grand Jury term expired on June 30, 2008, it was forwarded to the 2008-2009 Grand Jury to investigate. Although the complaint was rather vague, it basically questions whether a member of the church while being a Mariposa County Supervisor, constituted a conflict of interest regarding the purchase by Mariposa County of a portion (approximately 52 acres) of Church property. Also the complaint questions if the amount that Mariposa County paid for the property was justified and if the property is suitable for a sports complex.

Findings:

It is important that the public know the history regarding the “Field of Dreams” before drawing a conclusion. These are our findings after reading all of the facts that we were able to obtain from 877 pages of documentation and several interviews.

- On 6/28/01 the Parks and Recreation Commission had a meeting with members of the Board of Supervisors, members of the Fair Board, members of the School Board, Parks and Recreation personnel, school swimming and football team, numerous adults and school youth. The meeting was to address the citizens’ request and concerns for what they feel is a much needed sports complex commonly known as “Field of Dreams”.

- On 9/4/01 the Mariposa County Board of Supervisors directed Mariposa County Parks and Recreation to develop a master plan regarding financing, land availability, and options in implementing such a project.

- On 10/16/01 the Board of Supervisors authorized Public Works to enter into an agreement with a consultant to search for a piece of property suitable for this proposed project.

- On 10/23/01 the Board of Supervisors authorized Public Works to apply for a $500K grant that if approved could be used for this proposed project.

- On 2/9/02 the Board of Supervisors authorized Public Works to publish a public notice that the county was seeking to acquire a parcel of land for the purpose of developing a County Recreational Complex “Field of Dreams”.

- On 3/21/02 the Board of Supervisors directed all affected Mariposa County staff involved in this project that they must make sure that all county citizens be aware and heard (pros/cons) and be involved in all discussions regarding this proposed “Field of Dreams” project.
On 5/20/03 the Board of Supervisors entered into an intent agreement to purchase 3 parcels (approximately 52.2 acres) of church land based on the consultants’ and public support. However it should be noted that there was public opposition based on the terrain, sewer, water, road, etc.

On 5/10/05 the Board of Supervisors questioned their chief consultant regarding costs involved in preparing this site for the “Field of Dreams”. The consultant’s comment was, “This will be a costly project, however it will be done over a period of time and there is room for flexibility, and changes can be made between phases”. The consultant never gave the Board of Supervisors a dollar figure estimate for a completed project.

Facts:

- On 8/14/98 the church purchased 72 acres (document 983624, total of 3 parcels #012-140-04, #012-140-05, #012-140-10) for $350K.

- On 8/19/03 Mariposa County purchased 52.2 acres of that Church property for $485K plus the cost of the following conditions:
  
  A. Annexation agreement of the Church property to the Mariposa County Utility District
  B. Environmental study
  C. Assessment engineering costs
  D. Construction of a road from Church property to Hwy. 49 North
  E. Obligated to obtain encroachment permit from Caltrans to Hwy. 49 North
  F. Design and installation of main water line to Church property
  G. Easement for access of connection of electricity, sewer, and telephone
  H. Environmental review of noise, lighting, and hours of “Field of Dreams”

- The Supervisor that was a member of the Church was not an elected official at the time of the land purchase for the “Field of Dreams”. The Supervisor’s term of office was from 1/1/95 thru 12/31/02.

- As of 2/2/08 the Local Agency Formation Commission has not approved an annexation agreement for Mariposa Public Utility District to supply sewer and water to the Church property, deadline is October 2009.

- It should be noted that the “Field of Dreams” property is zoned for single family residential.

- Since Mariposa County purchased the 52.2 acres Sports Complex property, they theoretically have lost $9,857 from private property tax roll as of 1/9/09.

- The Church paid approximately $5,208 per acre for that land in 1998 and 5 years later Mariposa County paid approximately $10,082 per acre for a portion of the same property.
As of 1/9/09 the expenditures spent on the Sports Complex property is $1,317,077.69 and the revenues have been $1,317,666.47. See graphs on pages 21 and 22.

A design group conducted a study in February 2007 and figured that the Sports Complex “Field of Dreams” completed is estimated to cost $36,000,000.

Comments:

- It should be noted that we could not find any records from 5/20/03 (date County entered into purchase agreement to buy 52.2 acres from the Church) until February 2007 that the Board of Supervisors ever requested an estimated completed cost for the “Field of Dreams”.

- It is evident that the chief consultant’s advice to the Board of Supervisors was misleading and definitely incomplete as regards to an appropriate location, roads, land development obstacles, water and sewer requirements, as well as building costs. Refer to paragraph 8 under the heading “Findings”.

- As of 4/21/09 the land purchased can only be used for a Sports Complex per the Roberti-Z’Berg-Harris $500K grant agreement from the State of California.

- It should also be noted that this property cannot be leased or sold unless the $500K grant is returned. There seems to be no time limit to complete the project since the county has already invested a considerable amount of dollars.

- The concept of the “Field of Dreams” is an excellent idea and needs to be pursued, with a well planned and acceptable location, an affordable program, direction of a qualified consultant, and guidance of the Mariposa County Auditor.

Recommendations:

- The Mariposa County Grand Jury 2008-2009 strongly recommends (as did the 2007-2008 Grand Jury) that the Mariposa County Auditor be involved in all capital expenditures. An auditor’s advice is very valuable when given the necessary data to advise affordability and feasibility in all capital expenditures whether long or short range. Note: There have been some very costly mistakes to the taxpayers due to the auditor not being asked for advice.
Conclusions:

- The Mariposa County staff is to be commended for being cooperative in providing documentation and honesty in their personal interviews.

- It is unfortunate, but the property that Mariposa County bought for the “Field of Dreams” is unsuitable for the much needed Sports Complex.

- This project was mismanaged from its inception.
OVERSIGHT FUNCTION
JUVENILE DETENTION FACILITY

Facts:

- On August 20, 2008, the Grand Jury was given a complete tour of the Mariposa Probation Office by a probation officer. We discovered that since they have a relatively small number of juvenile detainees, they find it impractical to participate in the food service program available from the hospital. Instead, meals are prepared by staff members on an individual basis using food purchased at a local grocery store. This gives staff the opportunity to individualize the food to juvenile detainees’ needs and help develop a bonding basis for future counseling and development.

Findings:

- We find that the policies and procedures used by the Mariposa Probation Department are prudent, adequate and in the best interest of the taxpayers of Mariposa County.

- The juvenile detention facility is clean, orderly and more than adequate to provide the needs of the detainees that they may have at any point in time.

- Information and responses provided by a probation officer were very complete and expressed in an extremely caring and professional manner duly warranting the position held.
CITIZEN'S COMPLAINT
PLANNING DEPARTMENT

Facts:

○ On August 27, 2008, the Mariposa Grand Jury received a complaint from a Mariposa county citizen regarding delayed processing of historic parcel applications. The complaint specifically contends that the Planning Department unnecessarily delays projects by implementing a “First in-First out” past practice.

Findings:

○ We met with the Planning Department on October 15, 2008 to discuss project delays.

○ The Planning Director told us that the policy was “First in-First out”.

○ The Planning Department received a substantial number of requests for Certificates of Compliance from an entity with large land holdings consisting of a significant number of patents, consequently causing a back up of applications. Numerous applications have multiple patents.

○ There are several Planning Department staff positions vacant. These open positions reduce the speed at which applications are processed.

○ The Planning Department received 1,567 amended conditions appeals from 1/1/05 to 10/6/08. Of these, 1,244 have been processed. There are currently 21 open applications for Certificates of Compliance from 2005 to current.

○ Planning Department staff works well together and produces a large volume of work.

○ There are key open positions within the Planning Department (Senior Planner and Assistant Planner).
Conclusions:

- We established that the Planning Department’s “First in-First out” policy has been utilized for quite some time and works well for establishing historic parcels.

- After receiving 171 Certificates of Compliance, 150 have been finished and 21 are still open.

- Mariposa County Planning Department is actively recruiting personnel for open positions.

Recommendations:

- Explore other ways to speed up the processing of Certificates of Compliance applications for historical parcel recognition.

- Continue to recruit candidates for vacant positions. Increasing staff may help speed up the application process.

- Fees charged for planning department services should be re-evaluated and reset to cover the cost and expedite the processing of developments.
CITIZEN'S COMPLAINT
SCHOOL DISTRICT MISUSE OF PUBLIC FUNDS

On September 17, 2009, the 2008-2009 Mariposa Grand Jury received a complaint regarding the misuse of public funds to compensate non-MCUSD employees for services rendered without an approved Individual Consulting Contract.

Facts:

- Two MCUSD employees retired from the MCUSD in 2007 and 2008, both were rehired by the MCUSD in 2008 without an approved Individual Consultant Contract.
- The interim MCUSD Supervisor worked as an Individual Consultant approved by the MCUSD Board of Trustees. The individual remained on the job after the MCUSD Supervisor returned to work.

Findings:

- The 2008-2009 Grand Jury met with two individuals from this Mariposa County School District on April 01, 2009 to discuss contracts for the interim MCUSD Supervisor and two MCUSD employees. They brought contracts in for all in question.
- The Mariposa County Board of Trustees approved an Individual Consultant contract for the interim MCUSD Supervisor on March 20, 2008 and again on September 18, 2008 as a mentor to the MCUSD Supervisor.
- The other two employees in question retired from MCUSD one in December 2007, and one in May 2008 and were rehired by MCUSD in 2008 under their original 2007-2008 employee contracts in 2008.

Conclusions:

- The interim MCUSD Supervisor has an approved Individual Consultant Contract.
- The two employees are working and being paid under their original 2007-2008 employee contracts, no Individual Consultant contract is needed.
- No public funds were improperly used to pay the individuals named in this complaint.
CITIZEN'S COMPLAINT
LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
RALPH M. BROWN ACT VIOLATION

Facts:

- On September 16, 2008 the Grand Jury received a complaint alleging that Directors of the Lake Don Pedro Community Services District had acted in violation of the Ralph M. Brown Act.
- The complainant stated that her concerns had been submitted to the District Attorney for investigation.

Conclusions:

- The grand jury believes that the District Attorney is the appropriate person to follow up on the allegations made in this complaint.
CITIZEN'S COMPLAINT
GUEST RANCH

On September 11, 2008, the Mariposa County Grand Jury received a complaint from a Mariposa county citizen regarding the Board of Supervisors, Planning Department, Planning Commission and Public Works Department. The complaint specifically contends that the personnel in above named departments interfered with the operations of a guest ranch. Accompanying the complaint were many documents giving the Mariposa County Grand Jury enough information to warrant an investigation. The Mariposa County Grand Jury had a meeting with the citizen on October 20, 2008 to learn more about the problems. Also, the Grand Jury had a meeting with the Mariposa Planning Department on October 15, 2008 and the Mariposa Public Works Department to learn more about what is needed in order to operate a guest ranch within the county of Mariposa.

Findings:

- The Grand Jury found the Board of Supervisors, Planning Department, Planning Commission and Public Works Department conducted their business in an appropriate manner.

Conclusions- Recommendations:

- The Mariposa Grand Jury has no recommendations on this matter.
CITIZEN'S COMPLAINT
BUILDING DEPARTMENT

Facts:

- On January 7, 2009, the Grand Jury received a complaint against a former department head alleging abuse of the police power of his office resulting in personal benefit to himself at the expense of the complainant.

- The complainant also complained to the Sheriff, District Attorney and Board of Supervisors regarding the individual and circumstances.

- The complainant has also engaged the services of an attorney to pursue civil litigation against the individuals involved.

Findings:

- The subject of the complaint had already resigned his position with the County of Mariposa when the Grand Jury received the complaint.

- The complainant is pursuing civil remedies for her complaint.

Conclusion:

- Since the issue has been turned over to legal counsel for resolution, the Grand Jury has no further comment.
Date: September 28, 2009
To: Board of Supervisors
From: Fred Lustenberger, Building Director

Earlier this year, the Building Department sought and received approval from the Board of Supervisors for the creation and adoption of an Ordinance creating County Code Section 15.10.61. This Section enhances the Department's ability to enforce building and housing codes and regulations, and sets specific criteria for determining civil penalties when processing complaints associated with sub-standard housing conditions.

To better implement this newly created County Code, the Department is currently seeking the Board's approval for a new position within the Department: Senior Building Inspector/Code Enforcement Officer. If approved, this position will significantly improve the Department's ability to investigate, process, and abate sub-standard housing conditions such as those described in the Grand Jury Report. Regardless of the Board's decision, Department policies and procedures to implement County Code section 15.10.061 will be developed and adopted accordingly.
Date: September 28, 2009

To: Board of Supervisors

From: Fred Lustenberger, Building Director


The Building Department concurs with the findings and the conclusion of the Grand Jury Report.
CITIZEN'S COMPLAINT
SHERIFF'S DEPARTMENT

Facts:

- On October 15, 2008, the Grand Jury received a complaint against a deputy alleging that the deputy acted outside of his geographical jurisdiction, that he violated an individual's civil rights, that he committed a criminal action, that he was negligent in the performance of his duty and that he was guilty of conduct unbecoming of an officer.

- The events that generated this complaint occurred on or about September 17, 2008 and involved the removal of a child from a day-care facility into the custody of a step-parent pursuant to a court order. The incident was the subject of an internal affairs investigation conducted by the Sheriff's Department.

Findings:

- The internal affairs investigation was thorough and professionally conducted. It included interviews with all of the parties present at the incident as well as supporting documentation.

- The findings of the internal affairs investigation were that the deputy acted within his jurisdiction and that the evidence, facts and statements provided to the investigating officer proved all of the other allegations unfounded.

- The resident deputy with the Tuolumne County Sheriff's Department stated that had he been called to respond to this complaint he would have referred it to the Mariposa County Sheriff's Department. All counties in California have a reciprocal aid agreement that would apply in this and similar situations.

- The Sheriff's Department provided the Grand Jury with complete documentation supporting the summary of the investigation and the conclusions of the investigating officer.

Conclusions:

- The deputy in question was serving as civil standby for execution of a court order in a child custody case.
- The deputy in question acted within the jurisdiction and scope of his duties as a law enforcement officer.

- The deputy in question acted professionally in a tense, emotionally-charged situation.

**Recommendations:**

- The Sheriff's Department is to be commended for its policies and procedures in conducting thorough, well-documented and professional investigations of complaints and allegations against its employees.

- This specific incident would make excellent training material for new deputies as well review for veterans of the department.
NORTH SIDE SAFETY/HEALTH ISSUES

On October 28, 2008, the Grand Jury visited the Greeley Hill area regarding health and safety concerns of several citizens living in this area.

Facts:

- There are only three deputies that serve this North side 24/7.
- S.C.O.P.E. (Sheriff’s Community Organized Policing Effort) an all volunteer organization fills in to assist the deputies during their off hours.
- There is no adequate Human Services facility to provide proper care for adult or child protection, mental health, or substance abuse.
- There is no living facility for volunteer firemen to stay or sleep at during the fire season, and the fire station has no running water or toilet facilities.
- The two fire trucks are old and in much need of repair. Replacement parts for these units are virtually non-existent.
- There is no Animal Control Shelter to restrain those animals in need until they can be properly transferred to Mariposa.
- The Sheriff Sub Station is located on a piece of property that is for sale.

Underserved:

- The citizens in this area are served by Mariposa County. However, because of distance and terrain, they must virtually rely on volunteers and S.C.O.P.E. for fire, animal control, human relation needs, substance abuse and family support.
Recommendations:

- Purchase adequate acreage and build to consolidate the above mentioned services in one location.
- Relocate the Fire Station on this property adequate to house at least three fire engines.
- Build a much needed Animal Control Center there.
- Add at least three more deputies to help patrol and protect this area.
- Include a child protection, mental health and substance abuse facility with qualified personnel in attendance two – three days per week. The citizens in this area confirm the need of these services.
- Consider the possibility of a contract with Mercy Emergency Services to relocate there.
- Establish a Public Health Services Preparedness Unit on these same premises.
- Consider assisting in establishing a helispot at this proposed relocation.
- Purchase two new fire engines.

Comments:

By building a community center accommodating the above mentioned services in the same building or on the same parcel, this facility can also serve as an interacting/cross training center as well as an Emergency Evacuation Shelter.
CITIZEN'S COMPLAINTS
HARASSMENT

Facts:

○ On February 4, 2009, the Grand Jury received a complaint alleging harassment by an individual against the complainant’s adult daughter. Attached to the letter was a copy of a letter from the complainant to the District Attorney. The initial complaint was followed with a second complaint from the same individual which was received by the Grand Jury on March 27, 2009 which also included as an attachment a copy of a letter to the District Attorney.

○ The complaints allege verbal abuse by the individual and civil rights violations by the District Attorney and Sheriff for failure to intervene between the individual and the complainant’s family.

○ The complainant expressed his intention to pursue his allegations against the District Attorney in Federal Court.

Findings:

○ After interviews with the District Attorney and the Sheriff, the Grand Jury determined that it had insufficient information to support further investigation.

○ If the complainant desires to pursue his claims further, the appropriate official to contact is the Attorney General of the State of California, California Department of Justice Attn: Public Inquiry Unit P.O. Box 944255 Sacramento, CA 94244-2550, Telephone number 800-952-5225.
September 1, 2009

Honorable Wayne R. Parrish
Assistant Presiding Judge, Superior Court
County of Mariposa
PO Box 28
Mariposa, CA 95338

Dear Judge Parrish:


In the first instance, on pages 4-5 of the Final Report, the Grand Jury investigated the practices and authority of the Mariposa County Board of Supervisors under the Williamson Act. The Grand Jury concluded that the Board of Supervisors has the authority to determine activities that are compatible with agriculture and that the Board has not violated laws and rules governing the Williamson Act. The grand jurors also noted that the County is actively pursuing an update to the existing local Williamson Act rules, definitions and procedures.

As the Mariposa County Planning Director, I concur with the comments and conclusions of the 2008-2009 Grand Jury. I further note that the Mariposa County Planning Commission is scheduled to conduct a public hearing on proposed changes to the local Williamson Act ordinance October 22, 2009. Williamson Act contract holders are being notified of this hearing, which will be held at 6:00 in the evening.

A second complaint, pages 24-25 of the Final Report, concerned the Planning Department’s processing of Certificates of Compliance for historic patent parcels in agriculture exclusive zoning. The Grand Jury concluded that the department’s “First in–First out” procedure works well, given that there were an unusually large number of AEZ patent applications. The grand jurors recommended that the Planning Department complete the processing of the remaining applications, recruit and fill planning department vacancies, and reset fees to recover the costs and expedite processing of the Certificates of Compliance.

At this time, the Planning Department has completed its review of and resolved the backlogged applications that were considered by the Grand Jury. This agency has also been able to fill planning positions (including Assistant Planner) that were vacant during the period that the application back up

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
had occurred. New applications for Certificates of Compliance are being timely processed on a “First in-First out” basis when the applicants provide sufficient parcel information to meet the requirements of County and State law. The Board of Supervisors has directed this department, in conjunction with the Health and Public Works Departments, to study and update development fees to cover the full costs of processing these applications including those in the AEZ.

As the Mariposa County Planning Director, I agree with and support these conclusions and recommendations of the 2008-2009 Grand Jury. I intend to seek an appropriate increase in the fees for processing Certificates of Compliance for historic patent parcels when the new development fees are considered by the Board of Supervisors.

A third complaint, page 29 of the Final Report, investigated by the 2008-2009 Grand Jury concerned the actions of Planning and other Mariposa County Departments with regard to the operations of a local “guest ranch”. The Grand Jury determined that the County departments have acted appropriately. As Mariposa County Planning Director, I concur with that finding.

I believe that the 2008-2009 Grand Jury exercised its responsibilities with admirable diligence, thorough research and objectivity. I appreciate the effort and care that this year’s grand jurors put into their research and the Final Report.

Sincerely,

Kris Schenk
Planning Director

Cc: Rick Benson, CAO
    Steve Dahlem, County Counsel
    Mary Hodson, Deputy CAO
    Dr. Charles Mosher, Health Director
    Dana Herfelder, Public Works Director
    Sarah Williams, Deputy Planning Director
August 25, 2009

Honorable Wayne R. Parrish
Assistant Presiding Judge
Mariposa County Superior Court
Post Office Box 28
Mariposa, California 95338

Dear Judge Parrish:

Enclosed are the Board of Supervisors comments to the 2008-2009 Mariposa County Grand Jury Report that pertain to the Board of Supervisors. The Board of Supervisors wishes to acknowledge the hard work and dedication of the members of the Grand Jury in fulfilling their responsibilities. Please contact me if you have any questions or desire additional information.

Sincerely,

[Signature]

BRAD ABORN
Chairman

BA/mbh
Enclosure
Board of Supervisors Comments
On the 2008-09 Mariposa Grand Jury Findings and Recommendations
Pertaining to the Board of Supervisors

Citizen’s Complaint – Williamson Act Violations
Findings:
• The Board of Supervisors agrees with the Grand Jury’s findings.

Conclusions:
• The Board of Supervisors agrees with the Grand Jury’s conclusions and will continue to adhere to the rules governing the Williamson Act.

Citizen’s Complaint – Juvenile Suicide
Recommendations:
• Any request for additional funding by the District Attorney’s office to conduct an investigation into this matter will be reviewed by the Board of Supervisors when requested and taken into consideration within the financial constraints of the County’s operating budget.
• The Board of Supervisors relies on the expertise and management skills of its appointed department heads to carry out their respective departmental responsibilities and believes that the involved departments are striving to ensure that tragedies such as this do not occur again. The Board of Supervisors has no authority over elected officials.
• The involved departments were all requested to submit responses to the presiding Judge within the allotted 60-day time period.

Citizen’s Complaint – “Field of Dreams” Sports Complex
Findings: The Board of Supervisors agrees with the findings with the following exceptions:
• According to the minutes from the 9/4/01 meeting, no direction was given to Mariposa County Parks and Recreation, rather the Board of Supervisors was presented with the Parks and Recreation Master Plan.
• There was no Board of Supervisors meeting on 2/9/02 (a Saturday), however on 2/12/02 the Board did establish a Public Hearing Date to inform the public of the County’s intention to purchase unimproved real property.
• The 3/21/02 meeting was a joint meeting with the Board of Supervisors and the Board of Trustees with the Mariposa County School District. The following is an excerpt from the minutes regarding action taken:
  “BOARD ACTION: Supervisor Stewart stated he would like to see the Bridgeport Fire Station move forward. He stated he feels this was an important meeting and that the two Boards should continue to meet and share ideas for facilities and projects. Supervisor Pickard suggested there could be coordination with State legislation. Nancy McConnell thanked the Board of Supervisors for meeting with the School Board, and she stated she agrees that the two Boards should try to meet again.”
• The minutes from the 5/20/03 do not mention any public opposition. The only public comment mentioned is noted as follows:
“Jim Petropulos, Public Works Director; Authorize County to Purchase Approximately 54 Acres of Land from the Mariposa First Baptist Church and Authorize the Chairman of the Board to Execute the Escrow Agreement Subject to Review and Approval by County Counsel

**BOARD ACTION:** Jeff Green, County Counsel, advised that the recommended action is to adopt a resolution of intent to purchase the property, and that a hearing will be scheduled for final action. Jim Petropulos reviewed the terms and conditions of the purchase, and he noted that Fred Solomon was present to assist in answering questions. Chairman Pickard noted that members of the Parks and Recreation Commission were present.

Input from the public was provided by the following:
- Don Starchman, Starchman Law Offices, as a volunteer representing the Mariposa First Baptist Church, stated they are looking forward to moving ahead and working closely with the Board on this project.
- Park, (S)Bibby, Res. 03-177 was adopted, a resolution of intent to purchase the property as recommended. Supervisor Parker requested that a press release be prepared relative to this matter. Rich Inman, County Administrative Officer, stated he would handle this. Ayes: Unanimous”

**Comments:** The Board of Supervisors agrees with the comments with the exception of the following:
- The Board of Supervisors has not received a report from staff regarding what happens with the grant money in the eventuality that the property is sold, and so cannot confirm if this is an accurate statement.

**Recommendations:**
- The Auditor is knowledgeable regarding the financial status of the county, but the actual costs of capital improvement projects are best calculated by engineers and construction experts. The Auditor reviews all Board Agenda Items that involve financial transactions, and as an elected official has the ability and authority to comment on the feasibility of capital improvement projects if they so desire.

**Conclusions:**
- The Board of Supervisors is appreciative of the Grand Jury’s recognition of County Staff being cooperative and forthcoming with requested information.
- The Board of Supervisors has not received an official report from staff stating that the property is unsuitable for a sports complex, and so cannot agree with this statement.
- The Board of Supervisors does not believe that the project was mismanaged. Members of the Board of Supervisors reacted to requests from county citizens to pursue a sports complex, but over time other more pressing matters took precedence and this project became inactive. Given the economic circumstances of today, this project may not be feasible at this point in time.
Citizen’s Complaint – Guest Ranch

Findings:
- The Board of Supervisors appreciates the Grand Jury’s finding that the County conducted our business in an appropriate manner.

There was no recommendation.

North Side Safety/Health Issues

Facts:
- The Board of Supervisors agrees with the Facts.

Underserved:
- The Mariposa County Fire Department is a volunteer fire department with the exception of the Fire Chief and Deputy Fire Chief so no county fire station is staffed 24-hours a day. The citizens of the Lake Don Pedro area approved an assessment in 2007 and now have a CalFIRE station manned all year for fire and emergency services. This is the only Amador Fire Station in the County. The Human Services department is in the process of staffing a satellite office in the Coulterville area.

Recommendations:
- Due to fiscal constraints, it is not currently possible for the County to purchase and construct a facility to house fire, law enforcement, human relations, animal control, family support, and substance abuse.
- The County is in the process of providing the North Side with three new engines – Coulterville, Greeley Hill, and the Lake Don Pedro area.
- The Board of Supervisors relies upon the recommendations of the Sheriff who is currently responsible for animal control activities. To date no mention has been made of the need to establish an animal control facility on the North Side.
- The Board of Supervisors defers to the expertise of the Sheriff regarding the number of law enforcement personnel to deploy in a specific area of the County.
- The Human Services Department is in the process of establishing a satellite office on the North Side.
- Mercy Emergency Services is a privately owned company. Currently the number of emergency medical calls on the North Side is insufficient to maintain a viable ambulance service in this area. Recognizing the critical importance of this type of service, the County provides a subsidy to Mercy Ambulance of approximately $150,000 a year that allows them to keep an ambulance on the North Side.
- The Health Department recently completed outfitting a vehicle with emergency supplies and it is stationed in Coulterville.
- A helispot exists on the North Side in the Greeley Hill area called the Ponderosa LZ.
- The County has purchased new fire engines through the County Service Area #3 assessment, and three engines will be placed on the North Side – Coulterville, Greeley Hill, and Lake Don Pedro.
Comments:
• The Board of Supervisors agrees that a county community center would be very beneficial to the North Side, but given the current financial constraints this is not feasible at this time.
August 25, 2009

Honorable Wayne R. Parrish
Assistant Presiding Judge
Mariposa County Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, California 95338


Dear Judge Parrish:

Pursuant to Penal Code Section 933.05, the following response to the findings and recommendations of the 2008-2009 Mariposa County Grand Jury that pertain to the Office of the Mariposa County District Attorney is submitted.

Citizen's Complaint – Juvenile Suicide

I am most sympathetic with the Grand Jury’s obvious frustration and desire to hold someone accountable for the tragedy of the juvenile suicide and they are to be commended for making a series of recommendations to a variety of agencies that may help prevent a similar tragedy in the future.

No one will ever know exactly what factors caused this 17 year old to take her own life and because of this, an objective determination of the reasons cannot be made. While the Grand Jury Report does not state that the living conditions of the family and the parents’ relationship with their daughter are the reasons the girl killed herself, it is apparent to me, that it is strongly implied.

I will comment on those findings that are relevant to the District Attorney’s Office and those of which I have some knowledge.

Findings Pertaining to Missed Opportunity for Suicide Prevention

I agree that no Sheriff’s reports were forwarded to this Office until after the suicide. I requested the reports prior to the Child Death Review meeting.
Findings Pertaining to Events Leading up to the Suicide

I agree that the juvenile was apparently knowledgeable in the use of firearms and the fact that they were not secured is a violation of Penal Code Section 12035, which, in part, states:

(e) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated this section when deciding whether to prosecute an alleged violation. It is the Legislature’s intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This subdivision shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of this section.

While this was not an accidental shooting, I believe the legislative intent would apply to this case and I considered the foregoing when I elected to not file a complaint.

I agree that alcoholic beverages were available to her.

Findings Pertaining to Living Conditions vs. County Department Regulations

I agree that the overall living conditions were unusual and believe the rustic conditions were based upon a choice of lifestyle. After receiving the Sheriff’s report of the suicide I ascertained that there was adequate food and shelter being provided. I was advised that she had access to a cell phone, the internet and to a “quad” off-road vehicle. I further considered that she was 17 years of age, lived in a remote area and had stated she knew how to use the gun for protection.

Conclusion and Recommendation

I agree with the Grand Jury’s conclusion that this is a matter that is entirely within the prosecutorial discretion of the District Attorney. I feel compelled to exercise that discretion and respectfully disagree with the recommendation to further investigate this matter with the goal of deciding that there was child abuse by the parents.
The goal of every criminal prosecution undertaken by this office is to seek justice. I am personally offended by the parents’ choice of lifestyle and by, what appears to be an uncaring attitude towards their daughter as identified by the Grand Jury.

However, the fact that I am offended by the parents conduct is not a factor in deciding to file criminal charges.

There are two California Penal Code Sections that were considered. Penal Code Section 270, Failure to Provide for a Child is a misdemeanor offense and deals only with a parent failing to provide clothing, food, shelter, medical attention, or other remedial care. These things were apparently provided by the parents.

The other Section is 273a, Child Endangerment. This section states:

(a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

In order to prove that the parents were guilty of this section, the case law provides that a violation of California Penal Code § 273a requires willful conduct that is likely to result in serious injury or death of a child, or willfully inflicts unjustifiable pain or mental suffering, or proof of criminal negligence. The same specificity in describing the prohibited act is not required where violation of the statute depends on the existence of a specific wrongful intent. Criminal negligence as applied to section 273a means the defendant’s conduct must amount to a reckless, gross or culpable departure from the ordinary standard of due care; it must reach such a departure from what would be the conduct of an ordinarily prudent person under the same circumstances as to be incompatible with a proper regard for human life.
I did not believe and still do not believe that I could prove either of these code sections beyond a reasonable doubt based upon the facts of this case and the admissible evidence that would be available. Perhaps more importantly a prosecution of the parents would have the appearance of my seeking a scapegoat for this girl’s death. The parents have lost their daughter and may have some moral responsibility for her death but I can only look at their responsibility under the California criminal law.

I do not believe that it would be in the interests of justice to further pursue this matter.

**Citizen’s Complaint – Harassment**

I agree with the findings of the Grand Jury that after interviews with the District Attorney and Sheriff that the Grand Jury had insufficient information to support further investigation.

There are actually three letters received by this office from the complainant. As a result of these letters, all Sheriff’s reports in which either complainant or his family were identified as victims were reviewed.

**June 09, 2007:** Complainant reported annoying phone calls to his 18 year old daughter by her ex-boyfriend. No threats were reported. Caller agreed to stop calling. No charges filed.

**January 31, 2008:** Complainants 16 year old son alleged that he had been abused by the complainant and had been placed out of the home by Child Protective Services (CPS). Complainant was given permission to retrieve his son and when he called the home in Tuolumne County to make arrangements for retrieving his son, complainant claims to have heard a male voice in the background threatening him with harm. No witnesses to this threat could be located. Insufficient evidence to file charges.

**May 08, 2008:** Complainant claimed that his 19 year old daughter’s ex-boyfriend, while in the Mariposa County Courthouse, harassed the complainant’s family by repeatedly winking and blowing kisses at them. Complainant acknowledged that there were mutual restraining orders with himself and the ex-boyfriend. The ex-boyfriend denied such conduct, pointed out that Court Bailiffs were present and no witnesses, outside the complainant’s family were located. Insufficient evidence to file charges.
January 01, 2009: Complainant’s adult daughter reported that her boyfriend threatened her and her family. Boyfriend denied making threats. This incident occurred in Tuolumne County. Tuolumne County Sheriff did investigation. No jurisdiction.

Complainant and two members of his family have been prosecuted by this office and he is obviously disgruntled.

Sincerely,

[Signature]

ROBERT H. BROWN
District Attorney

~b

cc: Board of Supervisors
    Rick Benson, CAO
Mariposa County
Human Services Department
2009 Mariposa County Grand Jury Report
Response to the Grand Jury

Sunday, August 30, 2009
August 28, 2009

Honorable Wayne R. Parrish  
Superior Court of the State of California  
County of Mariposa  
P.O. Box 28  
Mariposa, CA 95338

Judge Parrish:

Attached is the response to the 2009 Grand Jury Report from the Mariposa County Human Services Department. As you will see in the report the County and the Department have launched several initiatives since the 2008 Grand Jury Report to improve communication regarding Child Welfare Services and to bring the best practices in Child Welfare Services to the County. Please feel free to contact me if you have questions or need further information.

Sincerely,

[Signature]

James A. Rydingsword  
Human Services Director  
Mariposa County
The Human Services Department should establish and enforce policies and procedures to assure that both written and verbal referrals from other departments are documented, investigated and resolved in a timely manner.

1. Community Based, Family Focused Services
   a. In the fall of 2009 the department began discussions within the Child Abuse and Domestic Violence Interagency Coordinating Committee on the issues that would be involved in implanting an approach to Child Welfare Services that are community based and family focused. By community based we mean a set of services that involve the Department and its community partners in implementing best practices in Child Welfare Services in Mariposa County. By family focused we mean implementing practices that involve families and their natural partners to build upon family strengths in dealing with issues of abuse and neglect of children with the goal of family reunification. The actions that have been undertaken by the Department and it community partners in 2009 are documented for the Grand Jury in this response.

2. Structured Decision Making
   a. In 2009 the Department adopted and put staff through training on a State- recommended Structured Decision Making (SDM) process including tools for documentation on community and agency referrals and assessments of such referrals. Structured Decision Making is a series of research-based risk assessment tools designed to aid child welfare workers in making critical child safety decisions. This approach has been shown to be more accurate and consistent in classifying children and families according to risk than alternative approaches. Key components of SDM are tools for determining (1) when to investigate abuse/maltreatment allegations, (2) the degree of child safety at the time of investigation, (3) the risk of future child maltreatment, (4) the targeted services to be provided to families at the highest risk of re-abuse, and (5) whether to remove a child to foster care. The written policies and procedures are attached to this response.

3. CSUF SWERT Study
   a. In January, 2009 the Department contracted with the Social Work Education, Training, and Research Center (SWERT) at California State University at Fresno (CSUF) to undertake a community study of the policies and practices of the Human Services Department in the Mariposa County community. The goal of the study was to identify ways in which the Department and its community partners could improve both
practice and communication within the community on the programs and services delivered through the Department. A major part of the study was conducting focus groups within the community to achieve high levels of comments. Through those focus groups, SWERT received over 4000 comments from people in Mariposa County. The public report will be issued in September, 2009 meeting of the Child Abuse and Domestic Violence Interagency Coordinating Committee. A copy of the CSUF SWERT report is attached.

4. Peer Quality Case Review (PQCR)
   a. One of the ways that the Department can look at its internal policies and practices is through a State-mandated process call Peer Quality Case Review. Through this process that Department invites other county Child Welfare and Probation Services staff to come to the County and review the work we are doing in specific areas. In April, 2009 we invited nine other California counties to assist us in a review of placement stability in Child Welfare Services and family engagement services in Probation Services. A final report on the outcomes of this PQCR is attached to this response for review by the Grand Jury.

5. Integrated Human Services Response Team
   a. In late 2008, the Human Services began a discussion and review of the response and assessment activities in Child welfare Services, adult Protective services, and Mental health Crisis Response. As a result of that review we discovered that coordination of these activities in one integrated team within the Human Services department could result in better assessments and improved outcomes. On August 1, 2009 we began implementation of an integrated Human services response Team. As part of that implementation we will provide a single telephone number (966-7000) for the reporting of issues that may involve Child welfare Services, Adult Protective Services, and Mental Health Crisis Response.

6. Family Search and Engagement Services
   a. Family Search & Engagement (FSE) is a set of practices designed to locate, engage, connect, and support family resources for youth. A major goal of this practice is to move youth from a place where they don't hear “I love you” to a place where they can hear it and feel it everyday. This comes from family, relatives, and others who love them. Frequently, although not always, these youth are involved in the child welfare system has experienced multiple placements with non-relatives, and has lost contact with their extended family members. A copy of the draft practices and procedures for Family Search and Engagement is attached.

7. Team Decision Making
7. Team Decision Making
   a. Team Decision-Making ("TDM") is a best practice strategy that is implemented whenever a child has been removed or is at risk for removal, or whenever a placement change is contemplated. TDM describes both family search and engagement services and a collaborative meeting process designed to produce the optimal decision concerning a child's safety and placement. It provides for the joint contributions of HSD staff, family members, community partners, service providers, foster parents and the family's support network. During a TDM meeting, all participants work together to create a plan for safety or placement tailored to the individual needs of each child. The term "safety plan" refers to plans that prevent placement, while the term "action plan" refers to plans regarding out-of-home placement. TDM meetings are also used for permanency planning decisions and to enhance reunifications. A copy of the draft practices and procedures for Team Decision-Making is attached.

8. Wraparound Services
   a. In 1997, Wraparound was established in California under Senate Bill (SB) 163 (Chapter 795, Statutes of 1997) which allows California counties to develop the Wraparound Model using State and county Aid to Families with Dependent Children - Foster Care (AFDC-FC) dollars. This legislation permits counties to use the Wraparound funding for planning and services delivery instead of use for placements of children/youth in high-end group homes (Rate Classification Level (RCL) 12-14.) The purpose of the bill is to return children and youth in group home care to their homes and communities or help children at imminent risk of placement in high-end group homes to remain in their homes. Wraparound services is a planning process that values the engagement of the child and his/her family in a manner that shifts from a problem focused view of issues to building on individual strengths to improve family v child well being. The process is used to engage the family as they identify their own needs and create methods and a plan to meet those needs. The goal is to provide intensive, individualized services and supports to families that will allow children to live and grow up in a safe, stable, permanent family environment. In 2009 the Human Services department prepared and submitted a Wraparound Services Plan to the California Department of social Services. That plan was approved in July, 2009 and was adopted by the board of Supervisors on august 18, 2009 for implementaiton in Mariposa County. A copy of the approved plan is attached for the Grand Jury.

The Child Death Review Team should consider opening some of its conclusions to the general public for the purpose of promoting public awareness, education and prevention of such important issues as child abuse, neglect and suicide. It
should also consider submitting to external oversight to avoid the appearance of cover-ups.

1. The Human Services Department will request the newly formed Mariposa County Blue Ribbon Commission on Children and Families, appointed by the Superior Court, to review and make recommendations to the Department on State law and organization of local Child Death review committees.
August 24, 2009

TO: Rick Benson, CAO
FROM: Charles B. Mosher, MD, MPH, Health Officer

In respect to the investigation entitled “Citizen Complaint Juvenile Suicide” the Health Department offers the following:

1. Health Department records show that the initial complaint filed in July 2007 did not refer to suspicion of contaminated water. It alleged that there was no proper septic system for two properties, one of which was the Taylor’s, and that there was garbage on the ground.

2. Investigation of this site showed that there was trash on the site, but all garbage was contained. There was no indication of a rodent infestation at the time of inspection.

3. Two Health Department staff were eventually involved in investigating the Taylor property. One staff member looked at the complaint of trash and then closed the case. This caused a delay in investigating the septic issue.

When it was clear that this is what had occurred, the Health Department promptly put into place a policy to review at our weekly staff meeting all cases that were recently “closed”. Adherence to this policy has been consistent and useful since that time to avoid accidentally closing a case with other issues pending.

4. The statement that there “was no bathroom” and that “holes in the ground were dug for human waste” appears accurate, based upon inspection by a Registered Environmental Health Specialist. A septic system was required to be installed and was done so under permit #26985.

5. The use of a bucket to flush the newly installed toilet leading to the leachfield was observed by a Registered Environmental Health Specialist and considered adequate for the occasional occupancy of this property. The Health Department did not investigate the condition of the household water because this is not routinely done for private individuals.
utilizing their own property. It is done if rental property is involved or if a physician requests testing based on symptoms in a patient. Many people in this County utilize springs as their water source.

6. While Registered Environmental Health Specialists working at the Health Department are not mandated reporters (as are nurses and physicians), our Health Department field staff have expressed that they maintain a high level of concern, particularly if children are involved. Unfortunately, in this case, it was not evident to the Health Department at the time of the first inspection that a child was living on site.

If you need any further information do not hesitate to call.

/cf/tb
July 13, 2009

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


The Grand Jury requests the Mariposa County Board of Supervisors obtain a response from my office regarding Citizen's Complaint, Juvenile Suicide.

"The County Assessor should establish and enforce policies and procedures to assure that parcels benefiting from homeowners exemptions comply with building and health requirements for occupied residences."

California State Board of Equalization, Revenue and Taxation Code Section 218 "Homeowner's exemption" does not grant my office any policing power as to another county department’s responsibility.

R&T Code 218 (2) B "Dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated.

The California State Homeowner's exemption form has two questions:
1. When did you acquire this property?
2. Date you occupied this property as your principal residence?
This form is signed under penalty of perjury, that all information is true and correct.

Furthermore I was never interviewed as to what my office procedures and policies are regarding this issue. I agree this was a tragedy and I appreciate all the hard work the Grand Jury members have done on this report.

Respectfully submitted,

Becky Crafts, Assessor-Recorder

Cc. Honorable Wayne R. Parrish, Superior Court Judge

P.O. Box 35, Mariposa, CA 95338
July 20, 2009

Mariposa County Superior Court
Honorable Wayne Parrish
Assistant Presiding Judge of the Superior Court
P.O. Box 28
Mariposa, CA 95338


I am in receipt of the 2008-2009 Mariposa County Grand Jury Final Report. Pursuant to Penal Code 933.05(b) this shall serve as a response to the Grand Jury’s findings and recommendations regarding the Adult Detention Facility, North County Safety/Health Issues and two (2) Citizen Complaints.

Having reviewed the findings, recommendations and conclusions of the 2008-2009 Final Report, I wish to make the following comments:

1. Adult Correctional Facility Food – I agree with the findings of the Grand Jury regarding the quantity and quality of food provided to inmates at the correctional facility. As documented in the Grand Jury report, all mandates relating to dietary services are established in Title 15, and are strictly adhered to. Dietary services are provided through a contract with the John C. Fremont Healthcare District to ensure that all nutritional requirements are met and necessary accommodations are made for those inmates who may have special dietary needs.

The dietary staff does an excellent job of ensuring that a sufficient number of meals are prepared, while being extremely conscientious about minimizing food waste. On those occasions when the number of meals prepared exceeds jail population, inmates are provided additional portions rather than disposing of the extra food. Unfortunately some inmates fail to recognize that the extra portions provided are a privilege and not a right, thus generating complaints when food portions do not meet their liking.
The Grand Jury's recommendation regarding on-going evaluations of food service has been implemented and is accomplished through annual inspections and review by the State Board of Corrections.

2. North County Safety/Health Issues - The report relating to North County Safety/Health Issues contains no findings, therefore comment cannot be made regarding agreement or disagreement with the Grand Jury's findings.

Despite the absence of documented "findings" under this section of the report, I would like to address three statements listed under the "Facts" section.

(a) At the time that the Grand Jury conducted its visit to the Greeley Hill area, there were three resident deputies assigned to the Don Pedro/Colterville/Greeley Hill area, however one of those deputies was assigned to the Boating Patrol Program. Since that time additional resident deputy positions have been filled and there are currently five (5) resident deputies assigned to patrol and one (1) resident deputy assigned to the Boating Patrol Division.

(b) The SCOPE program is an all volunteer organization which serves in an auxiliary role by fulfilling many duties within the sheriff's office. Although the SCOPE volunteers provide many vital services they do not possess any law enforcement powers or authority and are not authorized to carry out the duties of a law enforcement officer during the hours that deputies are off duty.

(c) Although there is no county operated Animal Control Shelter located in the North County area, temporary animal housing facilities do exist at the sheriff's office sub-station in Greeley Hill. These facilities allow for the short-term housing of animals until animal control staff can respond and provide transportation for the animal(s) to the Animal Control Facility in Mariposa.

The Grand Jury's recommendation regarding the addition of three resident deputies has been met. The Grand Jury's recommendation regarding the construction of an Animal Control Center is recognized as a budgetary issue that could best be addressed by the Board of Supervisors.

3. Citizen Complaints – As noted, the Grand Jury received two citizen complaints relating to the sheriff's office. These complaints will be addressed separately.

(a) Complaint dated October 15, 2008 - I agree with the findings of the Grand Jury regarding their review of the internal affairs investigation involving this incident. As recommended by the Grand Jury, this incident and investigation has been utilized by the department for training purposes.

(b) Complaint dated February 4, 2009 – I agree with the findings of the Grand Jury regarding this complaint; however, it should be noted that
criminal reports were taken by law enforcement from the complaining party and those reports were forwarded to the District Attorney’s Office for review. Through dialog with the complaining party, we believe we have addressed the primary concerns, and continue to investigate possible on-going criminal activity witnessed by the complainant.

I wish to express my appreciation to the Grand Jury members for their hard work and 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. Muller, Sheriff/Coroner/Public Administrator
July 31, 2009

Honorable Wayne R. Parrish  
Assistant Presiding Superior Court Judge  
PO Box 28  
Mariposa, CA 95338  


Dear Judge Parrish:

I have reviewed the Mariposa County Grand Jury's report for the year 2008-2009. The report addresses the members' annual inspection of the Juvenile Detention Facility. The Grand Jury found the facility to be well managed and relayed no concerns. The only specific issue identified was whether the detained minors were being properly fed. The Grand Jury reported that they were satisfied with the meals prepared for the youth being detained in the juvenile hall.

I agree with the findings. Title 15 and 24 require specific meal preparation as well as the type and caloric intake for minors in detention. The Juvenile Detention Facility Staff have been following the state mandated guidelines.

Please advise if further discussion regarding the recommendations are needed or desired.

Sincerely,

[Signature]

Gail A. Neal  
Chief Probation Officer  
Mariposa County

cc: Mary Hodson, Deputy County Administrative Officer
The Honorable Wayne R. Parrish  
Assistant Presiding Judge 
Mariposa Superior Court  
5088 Bullion Street  
Mariposa, CA  95338  


Dear Honorable Judge Parrish:  

I am in agreement with the finding in the Grand Jury Final Report regarding a citizen’s complaint on a guest ranch.  

Should you have any questions or desire more information, please do not hesitate to contact me.  

Sincerely,  

Dana S. Hertfelder  
Public Works Director
Mariposa County
Human Services Department
2009 Mariposa County Grand Jury Report
Response to the Grand Jury

Sunday, August 30, 2009
Mariposa County
Human Services Department
2009 Mariposa County Grand Jury Report
Response to the Grand Jury

Sunday, August 30, 2009
August 28, 2009

Honorable Wayne R. Parrish  
Superior Court of the State of California  
County of Mariposa  
P.O. Box 28  
Mariposa, CA 95338  

Judge Parrish:

Attached is the response to the 2009 Grand Jury Report from the Mariposa County Human Services Department. As you will see in the report the County and the Department have launched several initiatives since the 2008 Grand Jury Report to improve communication regarding Child Welfare Services and to bring the best practices in Child Welfare Services to the County. Please feel free to contact me if you have questions or need further information.

Sincerely,

James A. Rydingsword  
Human Services Director  
Mariposa County
The Human Services Department should establish and enforce policies and procedures to assure that both written and verbal referrals from other departments are documented, investigated and resolved in a timely manner.

1. Community Based, Family Focused Services
   a. In the fall of 2009 the department began discussions within the Child Abuse and Domestic Violence Interagency Coordinating Committee on the issues that would be involved in implanting an approach to Child Welfare Services that are community based and family focused. By community based we mean a set of services that involve the Department and its community partners in implementing best practices in Child Welfare Services in Mariposa County. By family focused we mean implementing practices that involve families and their natural partners to build upon family strengths in dealing with issues of abuse and neglect of children with the goal of family reunification. The actions that have been undertaken by the Department and it community partners in 2009 are documented for the Grand Jury in this response.

2. Structured Decision Making
   a. In 2009 the Department adopted and put staff through training on a State- recommended Structured Decision Making (SDM) process including tools for documentation on community and agency referrals and assessments of such referrals. Structured Decision Making is a series of research-based risk assessment tools designed to aid child welfare workers in making critical child safety decisions. This approach has been shown to be more accurate and consistent in classifying children and families according to risk than alternative approaches. Key components of SDM are tools for determining (1) when to investigate abuse/maltreatment allegations, (2) the degree of child safety at the time of investigation, (3) the risk of future child maltreatment, (4) the targeted services to be provided to families at the highest risk of re-abuse, and (5) whether to remove a child to foster care. The written policies and procedures are attached to this response.

3. CSUF SWERT Study
   a. In January, 2009 the Department contracted with the Social Work Education, Training, and Research Center (SWERT) at California State University at Fresno (CSUF) to undertake a community study of the policies and practices of the Human Services Department in the Mariposa County community. The goal of the study was to identify ways in which the Department and its community partners could improve both
practice and communication within the community on the programs and services delivered through the Department. A major part of the study was conducting focus groups within the community to achieve high levels of comments. Through those focus groups, SWERT received over 4000 comments form people in Mariposa County. The public report will be issued in September, 2009 meeting of the Child Abuse and Domestic Violence Interagency Coordinating Committee. A copy of the CSUF SWERT report is attached.

4. Peer Quality Case Review (PQCR)
   a. One of the ways that the Department can look at its internal policies and practices is through a State-mandated process called Peer Quality Case Review. Through this process that Department invites other county Child Welfare and Probation Services staff to come to the County and review the work we are doing in specific areas. In April, 2009 we invited nine other California counties to assist us in a review of placement stability in Child Welfare Services and family engagement services in Probation Services. A final report on the outcomes of this PQCR is attached to this response for review by the Grand Jury.

5. Integrated Human Services Response Team
   a. In late 2008, the Human Services began a discussion and review of the response and assessment activities in Child welfare Services, adult Protective services, and Mental health Crisis Response. As a result of that review we discovered that coordination of these activities in one integrated team within the Human Services department could result in better assessments and improved outcomes. On August 1, 2009 we began implementation of an integrated Human services response Team. As part of that implementation we will provide a single telephone number (966-7000) for the reporting of issues that may involve Child welfare Services, Adult Protective Services, and Mental Health Crisis Response.

6. Family Search and Engagement Services
   a. Family Search & Engagement (FSE) is a set of practices designed to locate, engage, connect, and support family resources for youth. A major goal of this practice is to move youth from a place where they don’t hear “I love you” to a place where they can hear it and feel it everyday. This comes from family, relatives, and others who love them. Frequently, although not always, these youth are involved in the child welfare system has experienced multiple placements with non-relatives, and has lost contact with their extended family members. A copy of the draft practices and procedures for Family Search and Engagement is attached.

7. Team Decision Making
7. Team Decision Making
   a. Team Decision-Making ("TDM") is a best practice strategy that is implemented whenever a child has been removed or is at risk for removal, or whenever a placement change is contemplated. TDM describes both family search and engagement services and a collaborative meeting process designed to produce the optimal decision concerning a child’s safety and placement. It provides for the joint contributions of HSD staff, family members, community partners, service providers, foster parents and the family’s support network. During a TDM meeting, all participants work together to create a plan for safety or placement tailored to the individual needs of each child. The term “safety plan” refers to plans that prevent placement, while the term “action plan” refers to plans regarding out-of-home placement. TDM meetings are also used for permanency planning decisions and to enhance reunifications. A copy of the draft practices and procedures for Team Decision-Making is attached.

8. Wraparound Services
   a. In 1997, Wraparound was established in California under Senate Bill (SB) 163 (Chapter 795, Statutes of 1997) which allows California counties to develop the Wraparound Model using State and county Aid to Families with Dependent Children - Foster Care (AFDC-FC) dollars. This legislation permits counties to use the Wraparound funding for planning and services delivery instead of use for placements of children/youth in high-end group homes (Rate Classification Level (RCL) 12-14.) The purpose of the bill is to return children and youth in group home care to their homes and communities or help children at imminent risk of placement in high-end group homes to remain in their homes. Wraparound services is a planning process that values the engagement of the child and his/her family in a manner that shifts from a problem focused view of issues to building on individual strengths to improve family and child well being. The process is used to engage the family as they identify their own needs and create methods and a plan to meet those needs. The goal is to provide intensive, individualized services and supports to families that will allow children to live and grow up in a safe, stable, permanent family environment. In 2009 the Human Services department prepared and submitted a Wraparound Services Plan to the California Department of social Services. That plan was approved in July 2009 and was adopted by the board of Supervisors on August 18, 2009 for implementation in Mariposa County. A copy of the approved plan is attached for the Grand Jury.

The Child Death Review Team should consider opening some of its conclusions to the general public for the purpose of promoting public awareness, education and prevention of such important issues as child abuse, neglect and suicide. It
should also consider submitting to external oversight to avoid the appearance of cover-ups.

1. The Human Services Department will request the newly formed Mariposa County Blue Ribbon Commission on Children and Families, appointed by the Superior Court, to review and make recommendations to the Department on State law and organization of local Child Death review committees.