RECOMMENDED ACTION AND JUSTIFICATION:
Adopt a resolution approving the response of the Board of Supervisors to the 2005-2006 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.

The draft response references the findings and recommendations of the report rather than restating them. It can best be understood by reading the draft response in conjunction with the Grand Jury 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  4/5’s vote  
Transfer Between Funds  4/5’s vote  
Contingency  4/5’s vote  
( ) General ( ) Other

CLERK’S USE ONLY:  
Res. No.:  
Vote – Ayes:  
Noes:  
Absent:  
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:
Investigation: Parker Road Easement Encroachment
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the responses of Dana Hertfelder, Public Works Director dated September 14, 2006, and Kris Schenk, Planning Director dated September 11, 2006, and concur with their responses to the Grand Jury’s recommendations. Please note that the County will soon begin a study of the fees charged by several county departments and a penalty fee for re-submittal of parcel maps will be included in that study.

Investigation: Mariposa County Unified School District Budget
The Mariposa County Board of Supervisors has no jurisdiction over the Mariposa County Unified School District Budget.

Investigation: Mariposa County Jail Inspection
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Sheriff Jim Allen dated July 26, 2006, and concurs with his response to the Grand Jury’s recommendations with the exception of Lieutenant Patterson’s personal comment in #C regarding compensation. Item number C-3 references the Board of Supervisors revisiting the budget, and it should be noted that adjustments to salary and benefits are meet and confer issues with employee unions, and the Board just recently reviewed and adopted the Fiscal Year 2006-07 Budget.

Investigation: Mariposa County Juvenile Detention Facility Inspection
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Gail Neal, Chief Probation Officer, dated August 24, 2006, and concurs with her response to the Grand Jury’s recommendations.

Investigation: Department of Human Services Practices
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Cheryl Rutherford-Kelly, Human Services Director, dated September 6, 2006, and concurs with her response to the Grand Jury’s recommendations. Item number 2 referenced the County Personnel department regarding developing a standardized form for employee appraisals, and it should be noted that this is a meet and confer issue with the employee unions. Pursuant to Section 7.3.1 of the Memorandum of Understanding (MOU) with the Mariposa County Management and Confidential Organization (MCMCO) and Service Employees International Union (SEIU) such a standardized form is under development and will be implemented. Additionally, in paragraph 5 of her response, Ms. Rutherford-Kelly discusses the view of some members of the Grand Jury that probationary employees should be told in writing of their “failings” prior to termination. Section 7.1 of the MOU with SEIU requires a written performance evaluation at the six-month point of the twelve-month probationary period. The probationary period is the last step of the employee selection process. Probationary employees should not be afforded rights commensurate with permanent employees such as termination only “for cause.” This would expose the County to significant and unnecessary liability by opening up additional avenues of appeal.
Investigation: Mariposa County Public Works
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Dana Hertfelder, Public Works Director dated September 14, 2006, and concurs with his response to the Grand Jury’s recommendations.

Investigation: Mariposa County Employee Training and Education Requirements
The Grand Jury had no recommendation. The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Mike Coffield, Budget/Personnel Manager dated September 5, 2006, and concurs with his response.

Investigation: White Rock Road Maintenance
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Dana Hertfelder, Public Works Director dated September 14, 2006, and concurs with his response to the Grand Jury’s recommendations.

Investigation: Bear Valley Road Repair
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Dana Hertfelder, Public Works Director dated September 14, 2006, and concurs with his response to the Grand Jury’s recommendations.

Investigation: Mariposa County Recorder’s Office Practices
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Robert Lowrimore, Assessor/Recorder dated July 25, 2006, and concurs with his response to the Grand Jury’s recommendations.

Investigation: Special District Budgets
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Dana Hertfelder, Public Works Director, dated September 14, 2006, and concurs with his response to the Grand Jury’s recommendations.
October 10, 2006

Honorable Wayne 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 2005-2006 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, and a file copy will also be submitted to the 2006-2007 Grand Jury.

We at the County appreciate the quality of the 2005-2006 Final Report and the many hours of work that it represents.

Sincerely,

[Signature]

LEE STETSON  
Interim County Administrative Officer

mbh

cc: Marjorie Wass, County Clerk  
Margie Williams, Clerk of the Board of Supervisors  
2006-2007 Grand Jury
MARIPosa COUNTY BOARD OF SUPERVISORS
Response to the 2005-2006 Mariposa County Grand Jury Final Report

Investigation: Parker Road Easement Encroachment
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Major Investigations

Parker Road Easement Encroachment

Summary

A. Synopsis – An encroachment for a new access road was made beyond an existing easement before approval of a new easement was verified.

B. Findings
   1. Construction on the new road encroached on land not covered by an existing approved easement.
   2. Easements were not verified and not recorded before improvement inspections began.

C. Conclusions
   1. The investigation of this complaint revealed that the County agencies involved in the matter followed the established procedures for handling a Land Division Application (LDA).
   2. The established procedures did not provide adequate verification that the necessary easements had been recorded prior to construction of the road.
   3. The established procedures (field checks) failed to reveal that the road was not being constructed within the easements indicated on applicant’s parcel map until after the road was built.

D. Recommendations
   1. The County Board of Supervisors should establish the requirement for the County Planning Department to verify that all necessary easements have been recorded before approving a Land Division Application.
   2. The County Board of Supervisors should establish the requirement of the Public Works Department to:
      a. review LDA tentative parcel maps and descriptions for accuracy against County records prior to construction;
      b. charge additional fees to applicants when re-submitting corrected tentative parcel maps and descriptions due to applicant errors and/or omissions.
   3. The County Board of Supervisors should establish the requirement for the County Public Works Department to hold an on-site pre-construction meeting with the land owners, contractor, surveyor and CDF representative involved with the LDA, during which Public Works representative will verify:
      a. that boundaries of related recorded easements are field marked for the contractor by a licensed surveyor;
      b. that proposed road development is within recorded easements as field marked by the surveyor and applicant’s parcel map.
c. If the required conditions do not exist at the pre-construction meeting, then the construction should not be allowed to begin until such conditions are met.

E. Comment Requirements - The Planning Department and the Public Works Department must report by January 1, 2007, that the recommended procedures have been implemented.

Narrative

A. Origin of the Investigation - On September 12, 2005, a citizen complaint was received by the Mariposa Grand Jury regarding the development of a road on the complainant’s property, lot 364 known as 5616 Ponderosa Court, without their consent. The complaint stated that this road was to facilitate the development of someone else’s land.

B. Authority for the Investigation – Section 925 of the California Penal Code

C. Description of Local Government - Mariposa County is the political subdivision responsible for planning, permitting, and inspecting land divisions and compliance with applicable laws and regulations. This authority is delegated to the Planning Department and to the Public Works Department.

D. Chronology of the Main Issues of the Investigation
   1. June 27, 2003, a Land Division Application (LDA #2003-260) was received by the Mariposa County Planning Department.
   2. June 18, 2004, the Mariposa County Planning Commission held a public hearing. The Commission approved the LDA, based on findings with terms, mitigation measures and conditions set forth by the Planning Department. One of the findings included that “the conditions of approval require engineering for development of access roads...” Other finding states, “the project will not conflict with any public easement”. Since the LDA was land locked, an access road from Ponderosa Court cul-de-sac was needed. The easement requirements for such access were detailed on the County Planning Department’s “checklist of conditions of approval and mitigation measures.
   3. On December 8, 2004 and again on March 10, 2005 the Department of Public Works sent letters to the LDA applicant and his surveyor outlining corrections needed on maps and documents submitted. One of these corrections outlined was “an easement on Parker Drive (proposed access road) from Ponderosa Court to the LDA needs to be created;”
   4. July 7, 2005: The Department of Public Works again sent a letter to the applicant and his surveyor stating that the easement from Ponderosa Court to the LDA site was incomplete and noncompliant to the County requirements.
   5. August 2, 2005, the Public Works Department County Surveyor met with LDA applicant and his surveyor regarding the proposed access road map and easement problems.
6. August 8, 2005, the LDA applicant delivered a new easement description and map to the Public Works Department for a map check and compliance approval. The new map indicated additional easements on both lots 363 and 364 to meet the County’s 60 foot easement requirement for the proposed access road.

7. August 11, 2005, the County Surveyor faxed a copy of the new easement description and map to the owner of Lot 364 for her review and confirmation of consent to the additional easement on her property.

8. On August 15, 2005, the Lot 364 owner met with the Planning Department Deputy Director and stated she was not agreeable to granting an additional easement as proposed by the latest LDA applicant’s map. She also indicated that she believed road improvements had been already made onto her property beyond the existing easement without her consent.

9. On August 23, 2005, the Lot 364 owner submitted a Citizen Complaint Form and attachments by mail to the Mariposa Grand Jury.

10. September 12, 2005, the Mariposa Grand Jury received the complaint and voted to investigate it.

11. September 22, 2005, Grand Jury members visited the Ponderosa Court location, took pictures and walked the access road in question. They also met with the County Surveyor and Planning Department Deputy Director.

12. September 27, 2005, the LDA applicant’s surveyor created a new field land survey map showing the location of the improved access road and easements in relation to the property line adjacent to Lots 363 and 364. This map shows encroachment on Lot 364 beyond the existing easement on one corner of the property, albeit, less than on the previous map. This map was submitted to the Planning Department.

13. On October 7, 2005, the Grand Jury received a copy of the September 27, 2005 map from the Planning Department. As of this date the County had not approved the recording of the applicant’s LDA. The Planning Department Deputy Director advised the Grand Jury that the easement encroachment issue must be remedied and additional easement obtained by the LDA applicant to meet County requirements before the County will approve the LDA for recording.

14. On March 8, 2006, Grand Jury members met with the Planning Department Director and Deputy Director. The LDA had not received final map approval and therefore not been recorded. The LDA applicant had submitted a new map with details of road cutback lines and other features related to an application for a variable easement for the access road (Parker Drive) between Lots 363 and 364. This would allow the road “as built” to conform to the California Department of Forestry and Fire Protection minimum roadway surface requirement of 18 feet. The new application was forwarded to the Public Works Department for review and comments.

15. On April 21, 2006, a hearing was scheduled by the Planning Commission to decide on the variable easement application; however the matter was continued due to pending negotiations between the LDA applicant and Lot 364 owner to resolve the encroachment and easement problems.
Subsequently, the LDA applicant and the Lot 364 owner reached a tentative agreement for the LDA applicant to purchase Lot 364 and dedicate a road easement to meet County road standards. The application for a variable width easement was then withdrawn.

E. Methods and Validity of the Investigation
   1. Principal Methods: Personal interviews, on-site inspections, and correspondence with the parties involved were all used effectively in this investigation.
   2. Review Process: All reports were transmitted to the Jury during regularly scheduled meetings, and acceptance was by unanimous vote.
   3. Jurisdiction: The investigation was determined to be within the Grand Jury’s jurisdiction since county government agencies were involved.
   4. Validity: All facts and findings were verified by at least two members of the Grand Jury and documented by maps, documents, and photographs.

F. Conclusion Although this complaint was resolved by the concerned parties, the investigation by the Grand Jury was fruitful in that procedures have been recommended to obviate similar situations in the future.

Mariposa County Unified School District Budget

Summary

A. Synopsis During a regularly scheduled meeting of the Grand Jury, discussion was held regarding the status of the School District’s Budget with respect to the levels of forthcoming budget cuts within the School District at the local school site level. The general concern was that the School District Budget Process is difficult to understand and that documentation of the process is difficult to obtain. The Grand Jury decided to review the budget of the School District to ensure that budget decisions were fair throughout the district.

B. Findings
   1. On March 21, 2006 members of the Grand Jury met with Mariposa County Unified School District Director of Business Services, Ms. D. Pena. Ms. Pena provided documentation regarding the District’s budget as well as forthcoming budget cuts. The District Director clarified and answered questions regarding methodology as well as her professional opinion regarding the financial condition of the District today and in the near future.
   2. Due to the staffing available during the summer months when the budget is actually adopted, updates to the District’s Web Page are not made in a timely manner.
   3. The District continues to be in a declining enrollment.
D. Chronology of the Main Issues of the Investigation
   2. October 20, 2005 – Subpoena Issued for District Records
   4. March 21, 2006 – Interview with Dalene Pena, Director of Business Services

E. Methods and Validity of the Investigation
   1. Principal Methods – Members of the Grand Jury initially made written contact with the School District and requested hard and soft copies of the District’s Budget. Hard Copy was provided and reviewed. Members of the Grand Jury also visited the Headquarters of the School District and met with the Director of Business Services.
   3. Jurisdiction - Section 925 of the California Penal Code
   4. Validity – After reviewing the data submitted by the District and the notes from the interview, the Grand Jury reviewed and validated the findings in this report.

F. Conclusion - Although facing tough economic times, the District is operated utilizing sound financial planning and execution. The District must continue to seek additional funds wherever and whenever possible.

Mariposa County Jail Inspection

Summary

A. Synopsis - The Mariposa County Grand Jury visited the Mariposa County Detention Center on November 10, 2005. The Jury toured the entire facility, and the inspection included conditions, management, and operation of the facility. The kitchen, laundry and visiting areas were also included in the inspection. Follow-up inspection was held on February 27, 2006.

B. Operations
   1. Fact - The California Board of Corrections conducts biennial inspections of all local detention facilities as required by Title 14 and 24 of the California Code of Regulations. The inspection covers over 60 requirements of law ranging from administrative policy, operations, treatment of the inmates and condition of the facility.
   2. Finding - All documents reviewed were up to date
   3. Recommendation – Continue maintaining up-to-date documents.
C. Staffing
   1. Fact - Section 1027 of the biennial inspection by the Board of Corrections conducted on June 30, 2004, Penal Code 6031, states that there is an insufficient number of staff to perform hourly safety checks. Generally there are three staff members on duty, one of which is stationed in the central control. If one person leaves the facility on a transportation run, two staff members are left to perform the numerous required duties. Staff shortage is intensified when only two staff is on duty. There are current vacancies in the Jail Officer classification and overtime is required to maintain proper staffing.
   2. Finding - Due to understaffing there is not only an increase in dollars spent due to mandatory overtime but also directly affects sick leave, worker's compensation time and staff morale.
   3. Recommendation - Request that the Board of Supervisors revisit the budget to ascertain if adjustments can be made, which would allow for recruitment and retention of needed personnel.

D. Inmate Housing
   1. Fact - The Detention Facility has adequate housing for 58 inmates. The daily average for this year has been 62 inmates, which causes overcrowding. When the Detention Facility reaches maximum capacity an early release program goes into effect for inmates who have committed less serious offenses. The jail population fluctuates daily and has increased within the last year. The average daily inmate population last year was between 30 to 40 inmates.
   2. Finding - An increase in population and more aggressive enforcement by all law enforcement agencies are responsible for the overcrowding of the Detention Facility. A home monitoring system could alleviate some of the overcrowding.
   3. Recommendation - Establish a plan to identify necessary resources to begin the construction and staffing of a larger Detention Facility. Implement an electronic home monitoring system for eligible inmates, who meet the criteria, which will reduce Detention Facility overcrowding, funded possibly by grants.

E. Food Services
   1. Fact - Food services are contracted with John C. Fremont Hospital with a yearly contract. All kitchen staff are employees of John C Fremont Hospital and goes through background checks before they are allowed to work at the Detention Facility. A nutritionist with a 14-day menu plans all meals. Inmates are served 3 meals per day, 2 of which are hot. Special dietary needs are accommodated. The Mariposa County Health Department inspects the kitchen facility yearly. This year’s inspection noted that in review of the menu, only one whole grain serving was noted during a 24-hour period. The Mariposa County Public Health Nurse has
discussed this with the dietician and has rectified the situation. Kitchen staff locks up kitchen utensils before they leave in the evening. After the kitchen staff leave, an inmate cleans the kitchen floor with a deputy present. There is no inventory record or check list to account for knives, meat thermometers and other utensils that represent potential weapons being secured.

2. Finding - Inmate meals are adequate and meet nutritionally standards. Contracting with John C. Fremont Hospital for food service is a sound business practice. If a utensil was misplaced or inadvertently not returned to locked storage by the kitchen staff, it could be recovered by the inmate who is cleaning the floor.

3. Recommendation - Continue to contract with John C. Fremont Hospital for food service. Develop an inventory checklist for kitchen utensils and verify inventory before they are secured.

F. Inmate Medical Services

1. Fact - The Detention Facility contracts with John C. Fremont Hospital for inmate medical services. Lieutenant Patterson reviews health care service and medication costs monthly. Cost for medical service varies monthly depending on the medical need of inmates housed during that time. The Detention Facility has changed its practice of purchasing brand name medications for generic brands at a substantial saving for the County. First quarter costs for medications for fiscal year 2004-2005 was almost $29,000.00, with the change in purchasing, cost for the first quarter of fiscal year 2005-2006 was approximately $3,500.00.

2. Finding - Inmates are receiving adequate medical care at the Detention Facility while staff is seeking ways to control cost.

3. Recommendation – Continue operating under current procedures.

G. Conclusion - The operations of the Mariposa County Adult Detention Facility are well managed. Management is constantly looking for ways to be more cost effective, while still complying with State and Federal mandates. With continued inmate overcrowding and shortage of jail staff, maintaining compliance with State and Federal requirements will be more difficult for jail management in the future.

H. Comment Requirements – Develop an inventory checklist for kitchen utensils and verify inventory before they are secured. Request that the Board of Supervisors revisit the budget to ascertain if adjustments can be made, which would allow for recruitment and retention of needed personnel. Establish a plan to identify necessary resources to begin the construction and staffing of a larger Detention Facility. Implement an electronic home monitoring system for eligible inmates, who meet the criteria, which will reduce Detention Facility overcrowding, funded possibly by grants. Establish this policy by January 1, 2007. Pursuant to California Penal Code 933.05, a response to this report is required by the Board of Supervisors and the Mariposa County Sheriff.
Narrative

A. Origin of the Investigation - As required by the California Penal Code, the Grand Jury inspected the Mariposa County Adult Detention Facility.

B. Authority for the Investigation - The Grand Jury is required to inspect all prison and jail facilities within the county per section 919 and 921 of the California Penal Code.

C. Description of Local Government - The Mariposa County Detention Center, directed by the Sheriff, serves as a sole incarceration site for both pre-trial and sentenced male and female inmates. The staff is comprised of professional Correctional Officers who have the responsibility of overseeing both maximum and minimum security inmates 24 hours a day, 7 days a week.

D. Correctional responsibilities can include hourly safety checks, inmate sick calls, supervising visiting, intake and release of inmates, answering telephones calls, servicing the public lobby and coordinating building maintenance repairs. They are also required to transport inmates to and from court, to medical facilities and to supervise work details outside the jail.

E. Chronology of the Main Issues of the Investigation
   1. On November 10, 2005, Members of the Grand Jury inspected the Mariposa County Detention Facility, located on Highway 49 North. This inspection included the conditions, management, and operation of this facility, as well as the kitchen, laundry and visiting areas.
   2. On February 27, 2006, the Grand Jury had a follow-up meeting with the Detention Facility Director.

F. Methods and Validity of the Investigation
   1. Principal Methods - Members of the Grand Jury visited the Detention Facility and conducted the follow-up meeting. In addition to documents reviewed from the Board of Correction, Fire and Health inspections, Detention Policy and Procedure manuals, the Grand Jury used an inspection check sheet (Exhibit A) reviewing areas covered by Title 15 of the California Code of Regulations. Persons interviewed were the Sheriff, Jail Lieutenant, and Command Room Jail Officers.
   2. Review Process - Members of the Grand Jury toured the jail facility and reviewed inspections documents and inspection check sheet reviewing areas covered by Title 15 (see exhibit A)
   3. Jurisdiction - The California Penal Code 919 and 921 gives the Grand Jury to inspect detention centers with the County of Mariposa.
Validity – After reviewing the data from the initial inspection and follow-up inspection, the Grand Jury reviewed and validated the findings in this report.

G. Conclusion - The operations of the Mariposa County Adult Detention Facility are well managed. Management is constantly looking for ways to be more cost effective, while still complying with State and Federal Mandates. With continued inmate overcrowding and shortage of jail staff, maintaining compliance with State and Federal requirements will be more difficult for jail management in the future.

Mariposa County Juvenile Detention Facility Inspection

Summary

A. Synopsis – The Grand Jury conducted an inspection of the Mariposa County Juvenile Special Purpose Facility on March 13, 2006. The facility was in compliance with all policies and procedures; however, procedures for transporting juveniles to a larger facility were not outlined.

B. Findings
1. The annual and biannual and inspection reports were up to date and showed that the Mariposa Juvenile Hall is in compliance with the Board of Corrections, Health and Safety, and Fire Department, and a physical inspection of the facility found that it was in compliance with all policies and procedures in prescribed manuals.
2. The facility is limited to a 96-hour hold on any juvenile entering from within the county, and they must be transported to a larger facility before that time. Procedures for transporting juveniles to a larger facility are not specifically outlined in the policies and procedures manual.

C. Conclusions
1. The facility is well run in compliance with established policies and procedures.
2. There were no established written procedures for transporting juveniles outside of the county.

D. Recommendations
1. The Mariposa Juvenile Hall should continue to operate under its current policies and procedures manual.
2. Written procedures for transporting juveniles outside of the county must be documented.

E. Comment Requirements – The Mariposa County Probation Officer must indicate to the Grand Jury by January 1, 2007, that procedures for transporting juveniles
outside of the county are documented and included in the policies and procedures manual.

Narrative

A. Origin of the Investigation – The Grand Jury is required to inspect the Mariposa County Adult Facility under the California Penal Code, and the Jury felt that it would be appropriate to inspect the Juvenile Hall as well.

B. Authority for the Investigation – Authority for detention facilities derives from Sections 919 and 921 of the California Penal Code.

C. Description of Local Government - The Mariposa County Juvenile Hall Special Purpose Facility is supervised by the Chief Probation Officer and serves as the primary juvenile detention facility in the county.

D. Chronology of the Main Issues of the Investigation. – On March 13, 2006, members of the Mariposa Grand Jury inspected the Mariposa County Juvenile Detention Special Purpose Facility. This inspection included the conditions, management, and operations of the facility.

E. Methods and Validity of the Investigation
   1. Principal Methods – Members of the Grand Jury visited the facility and conducted an inspection. Documents were reviewed from the Board of Corrections, the Fire and Health Departments, and from policies and procedures manual. The Jury used an inspection check sheet reviewing areas covered by Title 15 of the California Code of Regulations. Persons interviewed were the Chief Probation Officer and the Assistant Probation Officer.
   3. Jurisdiction - The California Penal Code 919 and 921 gives the Grand Jury to inspect detention centers with the County of Mariposa.
   4. Validity – After reviewing the data from the initial inspection, the Grand Jury reviewed and validated the findings in this report.

F. Conclusion - The facility is well run in compliance with established policies and procedures. There were no established written procedures for transporting juveniles outside of the county.
Department of Human Services Practices

Summary

A. Synopsis - The Grand Jury received a complaint regarding the decision of the Department of Human Services to allow an employee of the Department's probationary period to lapse.

B. Findings

1. On October 24, 2005 and March 21, 2006 members of the Grand Jury conducted interviews with several staff members of the Department.
2. The employee in question is a former contract employee who was hired after the decision to bring the services provided by the contractor in-house.
3. During the interviews it was determined that the process was handled outside county guidelines with respect to the timeliness of the employee review. Issues affecting the employee include: failure to follow county policy with respect to administrative requirements (purchasing procedures, approvals, etc.) and fundamental difference over program content. It was further discovered that the employee had the opportunity to comply with the direction of the director however choose not to follow the direct instruction of the director. The employee was not terminated but not accepted from probation. The employee had several face to face meetings with their direct supervisors where shortcomings were discussed, however there is not adequate documentation of such meetings.
4. It was discovered that reviews within the department are endorsed by multiple levels of management but that there is no county standard for the format of such reviews.
5. The Director utilizes the annual State audit to identify issues for the department in the coming year.
6. Staff meetings are held regularly with face to face supervisor/employee conferences scheduled weekly.

C. Conclusions

1. Currently there is no strategic plan for the department. The County Department of Human Services relies on the annual State of California Audit to establish its goals and objectives. As a result, employees do not have a resource to validate their actions to the overall goals of the agency.
2. Individual employees do not create goals and objectives with their supervisor’s endorsement.
3. The Director has a vision for the agency but has failed to communicate the vision beyond the second layer of management, primarily due to “Item 1” above.
4. The County’s method of reviewing employees lacks definitive conclusions regarding the employees’ performance. There is currently not a form or mandated format for employee evaluations.
5. The timeliness of employee evaluations is not within county standards.
6. The employee involved in the complaint learned in writing of their failings toward the conclusion of their probationary period.

D. Recommendations

1. County Human Resources should follow up with departments regarding the status of employee reviews.
2. County Human Resources should develop a standardized format for employee appraisals which includes pre-determined performance ratings as well as unit specific performance ratings. Appraisal should also include a numeric score by category as well as an overall numeric score so that written comments cannot be misunderstood.
3. Completion of employee appraisals on schedule should be a factor on a supervisor’s or manager’s appraisal.
4. The Human Services Department should undergo a complete strategic planning process for at least a five year window. The plan should include current issues noted in the State Audit as well as the vision of the Director and the Board of Supervisors. The plan can then be used as a guideline for individual goals and objectives of the employees to support the goals of the plan.
5. The Human Services Department should complete all employee appraisal/evaluations on a timely basis.
6. The Human Services Department should use the evaluation process as a tool to point the employees in the direction of success. Although only required once a year, the format can be used for the purposes of coaching and or job performance counseling.

E. Comment Requirements – The Human Services Department must comply with the above recommendations by January 1, 2007.

Narrative

A. Origin of the Investigation - The Grand Jury received multiple complaints regarding the status of a probationary employee. After reviewing the issues within the complaints, the Grand Jury decided to investigate the probationary employee process within the Human Services Department.

B. Authority for the Investigation – Section 925 of the California Penal Code

C. Description of local government - The Mariposa County Department of Human Services was created by the Mariposa County Board of Supervisors via the Welfare and Institutions Code of the State of California.
D. Chronology of the Main Issues of the Investigation
   1. The Grand Jury received several (4) similar complaints from the public
      regarding personnel actions with the Department of Human Services on 8-22,
      9-12, 9-21, and 10-3.
   2. Requested information received from Department of Human Services 11-08-05.
   3. Initial Investigative interview occurred on October 24, 2005.
   4. Follow-up Interview with Department staff on March 21, 2006.

E. Methods and Validity of the Investigation
   1. Principal Methods – Members of the Grand Jury conducted interviews with
      the Department Manager, Cheryl Rutherford-Kelly and Supervisors John
      Phillips (Alcohol and Drug Program Supervisor) and John Lawless (Deputy
      Director of Behavioral Health). Interviews were conducted with at least two
      members of the Grand Jury present at all times.
   2. Review Process – Members of the Grand Jury reviewed and discussed the
      attributes of the interviews.
   3. Jurisdiction - Section 925 of the California Penal Code

F. Conclusion - The staff and management of the Human Services department are on
   different agendas. The staff is unaware of the vision of the management team due to
   the lack of a strategic plan. Although the management team has vision and foresight,
   its inability to communicate the plan to the line associates and get their support is
   evident in the tone and quantity of personnel complaints.

**Mariposa County Public Works**

**Summary**

A. Synopsis – Mariposa County Public Works budget is one of the largest in the county,
   but is still inadequate to handle all of the needs of the county.

B. Findings – One way that Mariposa County augments its maintenance budget is to
   utilize the work crews of the Mt. Bullion Conservation Camp. For the first quarter of
   2006, the county utilized work crews for a total of 39.5 days at a cost to the county of
   $7,900.00. If the county were to hire minimum wage employees, the same amount of
   work performed would have cost $51,192.00. A net savings to the county of
   $43,292.00. The cost of housing an inmate in the camp program is roughly half of
   the cost of a Penal Institution. The crews can only work on State and County
   property.

B. Conclusions – Mariposa County does realize a significant savings when utilizing
   work crews of Mt. Bullion Camp for county projects. (See Exhibit “A” for list of
   project work)
C. Recommendations – Continue to utilize the crews of Mt. Bullion Camp when available.

D. Comment Requirements – No requirements at this time.

Narrative

A. Origin of the Investigation – After the Grand Jury reviewed the Adult and Juvenile Detention Centers, the jury decided to tour Mt. Bullion Conservation Camp, a State Detention Facility within the county.

B. Authority for the Investigation – California Penal Code 921, access to public prisons and public records.

C. Description of Local Government - Mariposa County Public Works Department was created by the Board of Supervisors in the late 1980’s incorporating the Road Department. Mt. Bullion Conservation Camp is located in Mariposa County and is operated jointly by the California Department of Forestry and Fire Protection, and the California Department of Corrections.

D. Chronology of the Main Issues of the Investigation – On April 24, 2006 the Grand Jury visited Mt. Bullion Camp. Division Chief Tannahill and Lieutenant Torres of the California Department of Corrections met us. The Grand Jury toured the entire facility and viewed a short tool-out demonstration from one of the work crews. Chief Tannahill gave a brief overview of the operation of the camp. He explained the crews primary function is to respond to emergencies such as: fires, floods, and earthquakes within the State of California.

E. Methods and Validity of the Investigation
   1. Principal Methods – Physical tour of the camp and review of past and present work projects via handout provided by Chief Tannahill.
   2. Review Process – (see Attachment “B”, list of sponsored projects).
   4. Validity – After reviewing the data provided by Mt. Bullion Camp the Grand Jury reviewed and validated the findings in this report.

F. Conclusion - Citizens of Mariposa County benefit from the work performed by the crews of Mt. Bullion Conservation Camp.
Mariposa County Employee Training and Education Requirements

Summary

A. Synopsis - Grand Jury wanted to review policies and procedures of hiring practices of the county and verify that only qualified candidates are allowed to participate in the interview process. Due to personnel shortages and the termination of the CAO, the Grand Jury was not able to complete a full review of policies and procedures in the hiring practices of the county.

B. Findings - The Board of Supervisors made revisions to job substitution clauses, work experience in lieu of education.

C. Conclusions - It appears that the county is taking steps to correct concerns regarding whether there is consistency in the hiring practices.

D. Recommendations - Future Grand Juries may want to consider their own investigations into this matter.

E. No comment Requirements

Narrative

A. Origin of the Investigation - There was a concern within the Grand Jury about whether the county hiring practices have been consistent with the policies set forth within the county.


C. Description of Local Government - Mariposa County Personnel is under the direction of the CAO, and was created by the Mariposa County Board of Supervisors.

D. Chronology of the Main Issues of the Investigation - The Grand Jury reviewed various job descriptions of positions held within the county and had requested information from the CAO to verify that the persons in these positions met the minimum qualifications in regards to education, licenses, and special requirements. The jury then received a letter from the CAO requesting more time to provide the information because of personnel shortages. Before receiving such information, the Board approved a substitution clause that would essentially substitute experience for the educational requirement of the job description. With the termination of the CAO
the jury did not receive the information requested and could not complete the investigation within the current term.

E. Methods and Validity of the Investigation
   2. Review Process – We were unable to complete the review.
   4. Validity - After the Grand Jury reviewed a list of job specifications and recent Board Action amending educational requirements, the Grand Jury validated the findings in this report.

F. Conclusion - Although the Grand Jury could not complete the investigation, it does look like the county is taking steps to be more consistent in their hiring practices of qualified persons.

Reports of Minor Investigations and Routine Inspections, Tours, and Visits

White Rock Road Maintenance

A. Synopsis - A complaint was received on July 13, 2006 that a section of White Rock Road near the west County line had become unsafe due to the development of many large potholes, and that repeated complaints to Public Works had brought no response.

B. Findings –
   1. On July 21, 2006, Grand Jury members drove the entire length of White Rock Road and observed many large potholes existing over a twelve mile stretch identified in the complaint. Also a bridge was observed to have some damage on its approach.
   2. On August 6, 2006 the Grand Jury was contacted by the District Supervisor who advised she had received the same complaint and was working with the Public Works Director to get repairs made.
   3. On November 11, 2006 Grand Jury members met with the Public Works Director and verified that repairs had been made.
   4. Complaint calls are received by various members of the Public Works staff. Messages are taken by voice mail or by written notes, depending on who is taking the call. The existence of a formal complaint log was not verified.

C. Conclusions –
   1. The investigation of this complaint revealed that the Public Works Department did respond to the complaint in cooperation with the District Supervisor.
2. The Public Works Department did not have records supporting receipt of repeated citizen complaints on White Rock Road.
3. The Public Works Department did exercise a prudent method of establishing priorities for scheduling road repairs, based on public safety, traffic volume and available resources.

D. Recommendations
1. That the Board of Supervisors establishes the requirement for the Public Works Department to maintain a complaint log that becomes a permanent record of all complaints received by staff members.
2. The log should show final disposition of the complaint.

**Bear Valley Road Repair**

A. Synopsis – A complaint was received that alleged that the funds available in the State budget for paving Bear Valley road had been misspent and that the road was still in disrepair.

B. Findings – Inspection of the contract (Road Project #RPL 5940 (021)) and a field inspection of the completed road showed compliance with all contract specifications. The first 1.3 miles of Bear Valley Road between Highway 49 and the BLM Access road had been newly paved. The remaining 9.9 miles west to Hornitos had not been repaved and had areas of failing pavement and numerous patches.

C. Conclusions – There was no basis for the complaint because the contracted work had been completed.

D. Recommendations – Copies of contracts and completion reports should be available for public inspection.

**Mariposa County Recorder’s Office Practices**

A. Synopsis - A complaint was received alleging that the Mariposa County Recorder’s Office released the fact that a call had been made to that office and a third party found out about that call. The complainant felt that their privacy had been violated.

B. Findings - A meeting with the Supervisor of the Mariposa County Recorder’s Office found that an employee overheard one side of the telephone conversation between another employee and the person who sent in the complaint. When the supervisor was notified by the complainant, he immediately questioned his employees. He found out that the employee who overheard the conversation was personally involved with the complainant’s ex-spouse and had shared what had been overheard. This employee was reprimanded and reminded that although nothing serious was divulged; the employees of
that office must use discretion when talking about work away from the office. This employee was given a verbal warning.

C. Conclusions – This appears to have been an isolated incident that the Supervisor of this office handled efficiently and professionally following County polices and procedures.

D. Recommendations - Continue to encourage discretion with information received by the Mariposa County Recorder’s Office.

**Special District Budgets**

A. Synopsis – The Grand Jury thought that there might be cases where deficits in one district were covered with funds from another district.

B. Findings – Examination of the district budgets found only two entries that were not adequately explained to determine the source of funds. A clarification by the Public Works Director indicated that those two entries were from directly related accounts for the district.

C. Conclusions – There appears to be no exchanging of budgeted funds between special districts.

D. Recommendations – Make all entries in the budgets explicit so that there are no questions about the source of funds.

**Grand Jury Activity Report**

*Workload of the Grand Jury -*

There were 25 regular scheduled meetings held.

Fifteen citizen complaints were received, and thirteen were investigated by a committee depending on the nature of the complaint.

The Grand Jury had seven committees.

Two complaints were not investigated.

The Grand Jury investigated two requests not listed in this report. The jury did not feel it was relevant to report.

Wrote three letters of appreciation.
TO: The Honorable Wayne Parrish
FROM: Dana S. Hertfelder, Public Works Director

Following is the Public Works Department's response to the 2005-2006 Mariposa County Grand Jury Report.

Parker Road Easement Encroachment

Findings:

1. The Department of Public Works agrees with the finding that a new road encroachment was constructed on land not covered by an existing recorded easement.

2. The Department of Public Works agrees with the finding that the easements were not verified and recorded before improvement inspections began.

Recommendation:

2-a. The Department of Public Works does review all land division applications, tentative parcel maps and descriptions for accuracy against County records prior to construction. The surveyor for the Parker subdivision provided a recorded easement which was shown to provide enough room for the proposed road. The surveyor also provided a drawing showing the road constructed within the recorded easement. Based on this information, the County approved the land division application. As a licensed professional it was the surveyor's responsibility to provide an accurate easement description and a tentative parcel map that accurately showed the location of the easement and the road to be constructed.

2-b. The Department of Public Works agrees that additional fees should be charged to applicants when re-submitting corrected tentative parcel maps and descriptions due to applicant errors and/or omissions. Public Works charges the applicant all fees associated with review of their parcel map and will request that the Board of Supervisors approve a penalty fee for re-submittal of parcel maps.
3. Public Works agrees with the recommendation. Mandatory on-site preconstruction meeting is required for all new subdivisions. Public Works will request that a California Department of Forestry (CDF) representative attend the preconstruction meeting. However, the County does not have authority over CDF and cannot require their presence during the preconstruction meeting.

3-a. The Department of Public Works now requires that the applicant’s surveyor stake all easements prior to the preconstruction meeting.

3-b. The Department of Public Works will confirm in the field that the proposed road improvements are within the easement as staked by the applicant’s surveyor.

Utilization of Mt. Bullion Conservation Crews

Findings:

The Department of Public Works agrees with the finding that the department can augment its maintenance budget by using the Mt. Bullion Conservation Camp’s work crews.

Recommendation:

Public Works agrees with the recommendation that it should continue to utilize the Mt. Bullion Conservation Camp’s work crews as long as they are available.

White Rock Road Maintenance

Findings:

The Department of Public Works agrees with the Grand Jury findings regarding maintenance of White Rock Road.

Recommendation:

The Department of Public Works agrees with the recommendation that a log of all complaints be maintained by the department which includes the final disposition of the complaint. Currently, all road complaints are forwarded to the Road Superintendent who logs the complaint, the name of the individual making the complaint, the date of the complaint, and when the complaint was resolved.

Bear Valley Road Repair

Findings:

Public Works agrees with the Grand Jury’s findings that the Bear Valley Road repair project was completed in accordance with the contract plans and specifications.

Recommendation:

The Department of Public Works agrees with the recommendation of the Grand Jury. All contract documents for public works projects are available for public inspection.
Special District Budget

Findings:

The Public Works Department agrees with the finding of the Grand Jury that the two entries were directly related to the accounts for the district.

Recommendation:

The Department of Public Works agrees that all entries in the budget should be explicit so that there are no questions about the source of funds. The County Auditor is responsible for ensuring that Public Works accounting procedures comply with federal and state mandated accounting procedures.

The Department of Public Works appreciates the opportunity to respond to the 2005-2006 Grand Jury report. The department agrees with the findings and recommendations of the Grand Jury that pertain to Public Works. If any additional information or clarification is required, please do not hesitate to contact me.

cc: Board of Supervisors
Mary Hodson
Tom Guarino
9/11/06

Honorable F. Dana Walton
Presiding Judge, Superior Court
County of Mariposa County
Post Office Box 28
Mariposa, CA 95338

Dear Judge Walton:

The purpose of this correspondence is to respond to the Final Report of the Grand Jury of Mariposa County, 2005-2006. The Grand Jury conducted a Major Investigation of the Parker Road Easement Encroachment. On page 4 of the Grand Jury Report, Recommendation 1 states:

D. Recommendations
   1. The County Board of Supervisors should establish the requirements for the County Planning Department to verify that all necessary easements have been recorded before approving a Land Division Application.

As the Planning Director for Mariposa County, I support this recommendation. In the Parker Road situation, one party constructed a road on another person’s property as a result of inaccurate off-site easement information. It is entirely appropriate to strengthen County procedures to avoid similar situations in the future.

On August 4, 2006, Planning Staff reviewed the Grand Jury recommendations with the Mariposa County Planning Commission, which establishes the conditions that apply to Land Division Applications. The Planning Commission directed that modifications be made to the approval conditions for land divisions as follows:

1. Applicants shall obtain off-site easements required for their project access requirements prior to the pre-construction meeting with agency representatives in the field.

2. Off-site easements shall be staked and marked in the field prior to the pre-construction meeting and shall be maintained following approval throughout the construction period.

The approved minutes of the August 4, 2006 Planning Commission are included as an attachment to this response. The conditions that apply to land division applications have been amended, and the revised procedures are being implemented at this time.

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.
We appreciate having had the opportunity to work with the members of the 2005-2006 Grand Jury in finding a workable resolution to the Parker Road Easement Encroachment situation. I believe that the Grand Jury recommendations have been carefully researched, are thoughtful and reasonable, and will help prevent such incidents from occurring again.

Sincerely,

[Signature]
Kris Schenk
Planning Director

Cc: Board of Supervisors
   Dana Hertfelder, Public Works Director
   Sarah Williams, Deputy Planning Director
   Thomas Guarino, County Counsel
Meeting Called to order at 9:00 a.m.
Commissioners Present: Norm Ross, Bob Rudzik, Skip Skyrud, Paul DeSantis
District 1 Planning Commission position vacant.

1. **REGULAR BUSINESS:**
   1A. Pledge of Allegiance
   1B. Approval of Minutes of July 21st, 2006
       On motion of Commissioner Skyrud, seconded by Commissioner DeSantis, the Planning
       Commission approved the Minutes of July 21st.

       Motion carried by the following vote:
       AYES: 4 (Ross, Rudzik, Skyrud, DeSantis)
       NOES: 0

   1C. Persons wishing to speak on any item of interest within the subject matter or
       jurisdiction of the Commission that is not on the agenda. None.

2. **PUBLIC HEARINGS:**
   Commissioner Rudzik explained the Planning Commission's public hearing procedures.

   2A. Land Division No. 2006-42, Gene and Deni Smith, applicant.

       Wes McCullough announced that the applicant has requested changes to conditions, to
       modify condition 1 so that the easement is private and for the use and benefit of the subject parcels.
       This is marked on the tentative map as a public easement, dedicated to the county. The applicants have
       also requested that the shared encroachment easement not be named. McCullough stated that staff is
       requesting direction in regard to encroachment naming when only two parcels are served. Planning
       could support the deletion of conditions 11, 12, 13, 14 and 15 that pertain to road naming and signage if
       the commission finds it appropriate. The Road does not have the potential to serve off site parcels and
       these parcels cannot be further divided.

       McCullough then presented the Land Division No. 2006-42 which proposed a division of a
       13.79 parcel into two parcels of 7.67 acres and 6.13 acres. Property is located at 5671 Darrah Road,
       APN # 014-340-007.

       McCullough concluded that it is staff's recommendation that the Planning Commission
       move to adopt a resolution finding that the project is exempt from CEQA and approve Land Division
       2006-42 with the recommended findings and amended conditions.

Clarifications: None.

Public Comment Portion of the Hearing: Open.

   Richard Seaman, agent for the applicant. Seaman announced that the applicant is also
   present. Seaman stated that the encroachment is actually a shared driveway and it should remain
   private and not named as there is not any further future potential development and that both parcels will
   have frontage to Darrah Road.

   Skyrud agreed with not dedicating a road for this encroachment and requested that
   condition 10 (road maintenance association) also be stricken.

   Rudzik stated that even when neighbors are sharing an encroachment that would be best
   to have a road maintenance agreement to avoid conflict in the future. Regarding numbering of the
   addresses, Rudzik stated that emergency services need to be able to identify which driveway leads to
   which parcel and that it was his understanding that if a driveway, encroachment or road serviced more
   than 2 homes that it may need to be named and asked Seaman what his thoughts were on the matter.
Seaman stated that if potential for development exists for extending the road then it should be named, but in this case there is no potential for further development.

Public Comment Portion of the Hearing: Closed.

Deliberations:

Skyrud stated that this appears to be boiler plated condition. Skyrud agrees with Seaman that this encroachment doesn’t need to be named or dedicated and that it should remain private.

Sarah Williams stated that for this case it is the difference between a road and an encroachment. It would be helpful if we could establish a guideline for an encroachment definition such as 30 X 30 or no greater than 60 x 60. It is the Board of Supervisors (BOS) policy that 2 or more parcels would then constitute having a road.

Rudzik asked for specific clarification on the wording that Planning would like to see.

Williams stated that the action before them today is to approve a shared encroachment and suggested that when the action is taken they can put a definition in that stated that the encroachment remain private and that it be no greater than a 60 X 60.

Rudzik then asked the commissioners if this was agreeable and if so then McCullough could incorporate that into the action.

Ross suggests that we do that and strike 10 through 14 on pages circle 11 and circle 12. Williams suggested that could be incorporated into a new finding that would then be a formal part of the action and resolution.

Rudzik stated that he didn’t want to delete condition 14.

Williams and Ross both reiterated that it is not a road; this is an encroachment and signage indicating that it is not a county maintained road would not be necessary.

Discussion among McCullough, Rudzik, Ross and Williams about what conditions are to be deleted. It was agreed that conditions 10 through 15 would be removed, and that definition of an encroachment easement as 60 X 60 is acceptable and that the encroachment be a private easement not public and not named.

On motion of Commissioner Ross, seconded by Commissioner Skyrud, the Planning Commission moved to adopt a resolution finding that the project is exempt from CEQA and approve Land Division 2006-42 with the recommended findings and amended conditions.

Motion carried by the following vote:
AYES: 4 (Ross, Rudzik, Skyrud, DeSantis)
NOES: 0


Megan Tennermann announced changes to the staff report. The Indian Council has commented and is requesting a cultural survey and the agent for the project is requesting that condition 1 be modified to state that the on-site easement remains private.

Tennermann presented the Land Division No. 2004-214 which proposed the division of a 158 acre parcel into four parcels of 5 acres, 6.1 acres, 5 acres, 6.7 acres and a remainder of 135.2 acres. Property is located on Yaqui Gulch Road, approximately 1600 feet southeast of Highway 140 intersection, APN # 012-100-014.

Tennermann concluded that it is the staff’s recommendation to adopt a resolution adopting a Mitigated Negative Declaration and approving Land Division No. 2004-214 with the recommended findings, amended conditions and mitigation measures.

Clarifications:

Skyrud stated concerns about narrow road, and on circle page 6, under access improvements it stated that Yaqui Gulch is 20’ wide paved and the tentative map shows that it is 25’ wide and paved, which is it?
Seaman stated that the 25’ does include shoulders.

Public Comment Portion of the Hearing: Open.

Richard Seaman, agent for the applicant. Seaman stated that the staff report mentioned extraordinarily steep slopes. This is true and it is on the westerly portion of the property, primarily on the remainder and parcel C and D at the back, however all parcels have adequate building areas. Seaman stated that regarding the road, there are some areas that are flat and some will be at 12%. It is their intention to build a road that will meet the 12%. Seaman stated that regarding the soil tests, several rounds of soil testing were done, there is shale in this area.

Rudzik inquired about the easement being private.

Seaman stated that the easement will not serve any off site parcels.

Rudzik inquired about the location of potential archeological site.

Seaman stated that he didn’t know.

Tenermann stated that there has not been a survey performed and when she was on site she did not observe any potential cultural resources. The letter that the Indian Council sent stated that human remains and artifacts have been recovered in the area but nothing that is specific to this site.

Seaman also mentioned that Conrad Fournier is here if there are any additional questions.

Rudzik asked Seaman about the roads at 12% what is CDF’s position on this?

Seaman stated that CDF is 16%.

Tenermann concurred that CDF only requires a maximum of 16% for the fire safe standard, and that they didn’t submit comments on this project.

Public Comment Portion of the Hearing: Closed.

Deliberations: None.

Tenermann wanted to add the following language to circle page 16, condition 22: “Prior to recodard of the parcel map for this project, the applicant will have a cultural resource survey done for proposed parcels A, B, C and D by a qualified consultant”.

On motion of Commissioner DeSantis, seconded by Commissioner Ross, the Planning Commission moved to adopt a resolution adopting a Mitigated Negative Declaration and approving Land Division No. 2004-214 with the recommended findings, amended conditions and mitigation measures.

Motion carried by the following vote:

AYES: 4 (Ross, Rudzik, Skyrud, DeSantis)

NOES: 0

ACTION ITEMS


Williams summarized the issues that were associated with the Parker Land division and the Grand Jury’s concerns.

Williams stated that the situation had to mainly do with the information that we require for a land division applicant when access to that project crosses another parcel. The sub division ordinance states that an access easement should be 60’ wide and non exclusive.

The Parker application was for a land division which necessitated access across off-site parcels to get to Ponderosa Court. The existing off-site access easement was 20’ wide. The applicant showed a proposed 40’ wide access easement.

Historically we process projects without an existing recorded access easement when we have a letter from the off site property owner indicating their acknowledgement of the project and indicating their agreement to grant that additional easement width. We processed the application with a letter from Mr. English who has the property on one side of the existing 20’ wide access easement. This
letter stated that he was willing to grant the Parkers additional proposed width. The project was processed, approved and part of the conditions that the Planning Commission imposed was a 60' wide access easement. There was also the standard condition about the pre construction meeting.

The road was constructed with some of the road crossing a small portion of Mrs. Berliner’s property of which there was no easement for that section of the road. Mrs. Berliner submitted an inquiry to the Grand Jury. The Grand Jury researched the matter as to what we require when there are off-site access easements for a sub division. The Grand Jury made recommendations to modify our processing and conditioning of projects. See circle page 11 of the packet.

The recommendations were:

1. Planning to verify that all necessary access easements have been recorded before we approve a land division application.
2. Public Works to review tentative parcel maps for descriptions and accuracy prior to construction.
3. Pre construction meeting regarding the field marking for off-site easements.

Discussion between Rudzik, Williams and Schenk as whether or not we will be implementing these recommendations. Overall consensuses were that there are costs associated with an applicant obtaining an easement prior to the land division being approved. To do so would be putting the cart before the horse. The situation that occurred here is a rarity.

Rudzik agreed about the rarity of these situations and suggested that we maintain our procedure as we have in the past; in processing the Land Division Applications along with an intent letter if an off site easement was needed.

Ross agrees with Rudzik and stated that our response to the Grand Jury does not mandate that we make a change. We should explain why we do not see a need to make a change and explain the potential hazards if we were to go in a different direction.

Skyrud concurred with Rudzik and Ross, and stated that what we have here is that someone built a road on someone else’s property. It happened after we made our decision, we had conditions in place and we had all the checks and balances in place for our part.

Williams suggested that we could make the condition clear that the easement shall be obtained prior to the pre construction meeting. The applicant would then have the guarantee of the approval, they obtain easements and present those documents to public works at the pre construction meeting before they get their approval to do the construction work. This is reasonable.

Rudzik asked Seaman to comment on the potential of these happening in the future and if he had any suggestions.

Seaman stated that their office has always obtained written agreements between the property owners and has not had this situation. Seaman did mention that currently Public Works doesn’t require off site easements to be marked in the field and perhaps this is something that they should do.

Williams stated that we can make that a condition of our approvals that the off-site easement be staked and marked in the field prior to or at the time of the pre construction and that those stakes be maintained throughout construction.

Rudzik asked if we should put this as part of our Title 17 corrections or can we start implementing these now?

Williams states that we can immediately recommend these as conditions.

Skyrud noted that several of the recommendations are really for Public Works and not for Planning.

On motion of Commissioner Skyrud, seconded by Commissioner Ross, the Planning Commission supports the recommendations of the Planning Department to modify approval conditions in respect to land divisions wherein off-site access easements are required.
Motion carried by the following vote:
AYES: 4 (Ross, Rudzik, Skyrud, DeSantis)
NOES: 0
End of tape 1 a Start Tape 1 b

Schenk made mention to the commission that we deal with professionals and the majority of the time the information is accurate and well researched. We have trouble when we are provided poor information and we have no way to check that information.

3B. Discussion and possible direction to staff regarding map issues for projects including quality, clarity, accuracy and completeness.

Williams stated that this is also an issue that is related to the Grand Jury Investigation. There is such a wide range of maps that we receive and a sampling has been included in the packet. In the application package we have a checklist, however the checklist doesn’t address the quality, clarity, accuracy and completeness of the map. Our ability to effectively process the number of applications that we have coming through the office is affected by the map quality or lack there of. We do not require that a qualified professional prepare the tentative map for applications as long as it meets the checklist items. It effects the time that we might spend on a project site checking to insure that wetlands and ponds are listed accurately, we may have to research records next door as to easements, all those things take up time.

Williams stated that the planners are all present here today because they are looking for some direction or assistance from the Planning Commission on how to best deal with this map issue. Discussion between Rudzik, DeSantis, Ross and Skyrud regarding the poor map examples that were provided in the report. Some of these poor examples are then given to the commissioners to make decisions on. Suggestions were that we set up an example for the applicant with minimum standards.

Williams and Tennermann both stated that at times hours are spent reviewing and reviewing these tentative parcel maps for completeness which takes up valuable staff time.

Williams stated that our current checklist doesn’t allow us to reject a map.

Ross, Williams and Seaman discussed the importance of scale on the 11 x 17 maps and that the clarity is lacking on some of the maps, and that is where we are having trouble.

Rudzik again suggested that we do a checklist with sample map.

Williams stated that we could have an example packet at the counter for review that included 5 map acceptable map examples from different surveyors.

Rudzik asked Seaman how he trains his people, and whether the go off a checklist in map preparation.

Seaman states that they have a list, they follow it. They complete it as best they can, then go out into the field.

Williams, again, stated that there isn’t anything in the ordinance that gives us the ability to reject a map based on quality, legibility.

Skryud stated that we could set some policy as to what we will accept.

Williams stated that the commission could give policy direction.

DeSantis stated that if we had a check list that shows minimum scale, ponds, water, and easements boundaries and the entire variable needed that would help the applicant.

Rudzik agreed.

Williams stated that the current checklist states the items that are mandatory to be shown on the map.

Seaman mentioned that part of the problem is scale and that we are not being provided enough information to make decisions.

Discussion between Williams and Rudzik on whether or not they can steer applicants to getting involved with a professional at the beginning of the process. It would save time in that the applications would get processed faster through the department.
Ross states that we need to couple the check list with example maps and mentioning professional services. 

Skyrud asked about final maps and whether or not some of these example maps could become final maps. Williams replied that final maps must be prepared by a licensed professional. 

Williams stated that she could draft some language to modify our application requirements to have the ability to review maps for quality and be able to reject them if they don’t comply with the minimum standards set. 

Discussion between DeSantis, Skyrud and Williams in regard to how the checklist is reviewed.

Schenk stated that we also need to do something about the planning department fee structure. There is no reason why we can’t ask for a fully prepared map right off, and if the map isn’t correct then we should be getting a re-submittal fee. Each time we have to look at an application for completeness it takes staff time away. 

Rudzik directed staff to work on wording to modify our application requirements so that staff will have the ability to review maps for quality, clarity, accuracy and completeness and be able to reject them if they don’t comply with the minimum standards set.

Williams announced that the August 18, 2006 meeting will be cancelled and brought the Commission up to date for the agenda for the September 8, 2006 meeting. 

Rudzik inquired when we will know about the filling of the vacancy for the District 1 Planning Commissioner seat. Schenk replied that by the 15th of this month we should know and by the September 8th meeting we should have a new Planning Commissioner at that meeting. 

Skyrud inquired about the special meeting with Redington Ranch scheduled for September 22nd. Williams replied that on August 15th at 2pm the Board of Supervisors (BOS) will be having a hearing regarding Redington Ranch and the outcome of that meeting will likely affect our September meeting. 

Williams also stated that the Adamson appeal to the BOS will be held on August 22nd at 1030 am. 

Ross reminded staff and commission that he will not be here for the following meetings: September 8th and 22nd, October 6th and 20th.

Williams announced the other upcoming advisory meetings:

- August 8th, Tuesday, 7:30 am, El Portal Planning Advisory Committee, El Portal Community Center
- August 10th, Thursday, 7:00 pm, Greeley Hill Planning Advisory Committee, Greeley Hill Senior Center
- August 22nd, Tuesday, 7:00 pm MidPines Planning Advisory Committee, MidPines Community Center

Schenk informed the commission that the county has concerns with the budget. The county current budget is approximately 22 million dollars and they are requesting a 10% cut back as they foresee a shortfall of about 2 million dollars for the year.

Schenk stated that there is the possibility to increase the Transient Occupancy Tax from 10% to 12% that would have an effect in the neighborhood of $800,000 or $1 million that would increase our revenue. There is also a possibility of increasing sales revenues. However, even if those were put into place the county is still looking at fewer revenues on a non one time basis than expenses and some of these are projections that relate to the Ferguson Rock Slide.

Rudzik asked if there has been an accurate prediction regarding loss of sales tax and transit occupancy tax due to the slide?
Schenk replied that this is a projection and the BOS is aware of what we need to do regarding making contingencies and we should prepare. Department heads have undergone some preliminary discussions. The areas that are most likely to affect our department will be in field work and training.

Schenk stated that our fees were adopted in 1992 and they need updating. In taking a casual look at our neighboring counties our fees are low. We have a large reliance on the general fund and we are currently not meeting the cost recovery for applications submitted. On August 8th at the BOS meeting we will start these discussions regarding fee structure.

Schenk went on to say that we should be earning $100,000-$150,000 more per year towards the cost recovery on these applications. This is only towards submitted applications and not for staff time working on community plans or the general plan. There is also the possibility a fund that is a part of the on going development applications that covers each applicants portion or the cost of preparing the general plan or community or town plan for the area that they live in. That provision was put into state law some time 4-5 years ago and since we never updated our fees we do not have that but we should. If we had that ability we would not be supporting those costs completely out of the general fund.

Schenk stated that last March the BOS approved for us to revise our fees. At that time we were working with the CAO to get a $15,000 contract approved for a consulting firm to assist us with the raise and justification of the fee structure, but shortly thereafter there was a change in the CAO office. Rudzik inquired about the status of impact fees.

Schenk replied that it is being worked on and a portion of it has been done. It is unknown what that completion schedule is.

Skyrud stated that we meet twice a month and would there be staff savings if we meet only once a month? There would be less mailings and less stipend.

Schenk stated that we need to meet twice a month as we have a lot of applications. We also are foreseeing special meetings such as the SDA camp in Wawona and General Plan Public Hearings.

Ross asked if meeting once a month would create more of a backlog for staff.

Schenk replied that it would.

Rudzik stated that in regard to the topics that we just discussed in improving the procedures of the department, are there other areas that we can work on and not wait for Title 17. Rudzik has been making a list. States that we can take on these action items every month and try to improve our office procedure.

Skyrud asked if we did a consent calendar, and if that would help? Skyrud stated that these two issues earlier discussed today, could have been put on a consent calendar.

Schenk stated that this had been discussed before and this may work to speed things up. Williams stated that previously the commission would see all Parcel Mergers, Lot Line Adjustments and Certificates of Compliance and through an amendment to the county code that was changed to be a Planning Director Determinations.

There being no further business, the Commission adjourned 10:31 a.m.

Attest:

Robert L. Rudzik, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary to the Mariposa County Planning Commission
July 26, 2006

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


I am in receipt of the 2005-2006 Mariposa County Grand Jury Final Report. Pursuant to Penal Code 933.05(f) this shall serve as a response to the Grand Jury's recommendations regarding the Adult Detention Facility. (See attached correspondence from Lieutenant Patterson).

I would like to take this opportunity to publicly thank the Grand Jury for their comments and support, it is truly appreciated.

Respectfully submitted,

James H. Allen, Sheriff/Coroner/Public Administrator

cc: Mariposa County Board of Supervisors
July 25, 2006

Honorable Wayne R. Parrish, Judge
Mariposa County Superior Court

RE: GRAND JURY REPORT 2005-2006

I am writing in response to the Grand Jury report of 2005-2006 as it relates to the inspection and report regarding the Mariposa County Jail. I will address each of the recommendations made in the report separately.

C. Staffing

We are again recruiting for jail officer and hope to attract more candidates now that the DSA has a contract that has afforded at least some increase in salary and benefits. This is an issue in all phases of law enforcement and is not just unique to Mariposa County. Retention and recruitment of employees in law enforcement positions will always be an issue. We strive to find the best suited candidates and to hire those people best suited for a career in public safety. I am hopeful that during the next negotiations with the county that there will be greater steps taken to fairly compensate all members of the public safety force.

D. Inmate Housing

The Mariposa County Detention Facility is now 10 years old and we have seen a tremendous increase in our inmate population. With a Board rated capacity of 58 beds, we have consistently reached and exceeded that rating. We use every means possible to keep our population down but it is nearly impossible at times. We utilize early releases for those inmates eligible under 4024.1 PC and work with the District Attorney and the Courts to obtain releases for any eligible pre-trial detainees (ie OR or supervised releases). As for the Grand Jury recommendations that we implement an Electronic Monitoring program, as you are aware there is already an electronic monitoring program which is managed by the Mariposa Probation Department. They are solely responsible for this program and have their own set of criteria for acceptance. We have in the past
attempted to release inmates to this program but not all of them will qualify nor can they bear the costs.

I would agree with the Grand Jury that the county will need to begin looking toward the future to eventually expand the current jail facility. The Board of Supervisors and the Sheriff’s Department should actively support any bond measures that may be on the horizon to assist with the costs of new construction. This recommendation is a valid one but with the uncertainty that lies ahead for the future of our county revenues, it may not be feasible in this current arena.

E. Food Services

We have enjoyed a successful partnership with the John C. Fremont Hospital in providing food service for our inmates. Using their employees to solely prepare the meals and maintain the kitchen has alleviated many past issues regarding food service. We have implemented the Grand Jury’s suggestion of maintaining a written inventory of the kitchen utensils. This will continue to be accomplished by the kitchen staff prior to securing the kitchen drawers at the end of their shift.

In closing, I would like to thank the members of the Grand Jury for their recommendations and for acknowledging the hard work that goes into managing and maintaining a detention facility. We appreciate their input and the opportunity to make improvements to our operation.

Susan Patterson
Jail Lieutenant
August 24, 2006

Honorable Wayne R. Parrish
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 2005-2006. The report addresses the members’ concerns that there were no written procedures for transporting juveniles outside the county.

I agree with the findings. New policies and procedures have been written to address the transportation of juveniles both inside and outside the county. The new policies and procedures are being added to the manual. Employees will be provided a copy of and receive training on the new guidelines at the next regularly scheduled staff meeting. The new procedures will be effective September 1, 2006.

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

Sincerely,

Gail A. Neal
Chief Probation Officer
Mariposa County

cc: Mary Hodson, Deputy County Administrative Officer
September 6, 2006

The Honorable Wayne R. Parrish
Presiding Judge of Mariposa Superior Court
5088 Bullion Street
Mariposa, CA 95338


Dear Judge Parrish:

I would like to thank the Grand Jury members who worked with this department for their time as well as the positive, helpful suggestions that they made. In the same spirit of cooperation, I would like to take this opportunity to clarify some areas on a point-by-point basis:

Summary Section / C Conclusions

1. There is not a strategic plan. The Department relies on annual audit to establish goals and objectives and therefore employees do not have a resource.

   Response: Somewhat Disagree. There is a plan in each department as required by the state and federal government. While the Grand Jury recommended a 5 year plan, the department just completed a 3 year plan to place employees from across the agencies into children and adult systems of care. The goal is to provide intensive, coordinated services for the residents of the community that need assistance.

   Most employees contributed to the ideas that went into this plan. They worked wholeheartedly with their supervisor, managers and the Mental Health and Alcohol and Drug Boards. Missions statement, programs goals and outcome objectives were set by everyone rather than relying on just a few people. In addition to employees, other organizations and churches participated in the planning process. The Board of Supervisors approved the plan which will be analyzed and strengthened over the next three years so that programs in future years are built on documented findings and current need. The entire organization is involved because recovery and self sufficiency are concepts that move us away from institutional dependency.

   While the three year plan is obviously not as far into the future as the recommended five year plan, the three year plan is monitored on a continual basis to plan for the next three years. To receive money, we must monitor and strengthen the programs. Therefore, it is our belief that the three year plan surpasses the time limited five year recommendation.
2. **Individual employees do not create goals and objectives with their supervisor’s endorsement.**

Response: Partially Agree. This finding and recommendation is somewhat factual only in relation to a unit that is extremely structured by the state and federal government (Eligibility). The department simply does not have much flexibility over programs or requirements. However, before any changes in workload or plans take place in that division, the employees are asked for input and mutual decisions are made for the good of the clients and to assist with efforts to get the work done in a timely manner. Change during one difficult time was not implemented until there was 100% consensus.

3. **The Director has a vision for the agency but has failed to communicate the vision beyond the second layer of management.**

Response: Disagree with acknowledgement that the degree of statewide change in relation to philosophy is major. Employees need to be reminded of the change in philosophy, how change impacts their relationship with clients.

The vision for the agency (recovery model in all units which is in harmony with self sufficiency in social service and community action) was discussed in large meetings with most employees present (one with break out groups) as noted in Number 1 above. The vision as well as its impact on the clients and employees has also been covered in employee newsletters as well as all employee memos and a subsequent meeting.

However, as discussed with the members of the Grand Jury who assisted us, there is no doubt that I wanted and needed to spend more time with staff. The last two years were difficult ones; assuming responsibility for a very troubled department simply took a great deal of time. I had also wanted supervisors and managers to begin to think of community and client needs from concept to the point of service delivery and to discuss issues with their employees.

In addition, a survey in one department indicated that some employees wish to see more of me; others wanted me present only if invited. I have made efforts to open up ways for those employees who wish a confidential appointment to be able to contact me without going through intermediaries. Employees have my e-mail address and cell telephone number so that they can contact me directly if they wish to.

Before this Grand Jury Report came out, I had begun to hold meetings with line staff who wish to advise me of needs and issues. We are discussing everything from personnel, to why supervisors are not all alike to what the future holds in relation to services to clients. Being with the employees has given me a sense of hope for the future of the agency. I find the employees to be deeply committed to this community and they have wonderful ideas. I hope the meetings are as helpful to them as they are to me. I trust them to be the judge of that.
4. The County's method of reviewing employees lacks definitive conclusion. There is no standard format.

Response: Somewhat Agree. The Department cannot answer for County Personnel. However, we do use the basic personnel form but it was modified five years ago, after discussions with employees, so that areas for future development are tied in with expectations and include a plan to help the employee reach their potential.

After meeting with the employees as noted above, we are going to include a section that the employee will fill out as to what they need to reach their career goals or to master their field of practice. This will give supervisors a better guide to what their employees expressly want as well as what the employee needs to be improved as demonstrated on the job. Sometimes employees want to promote or are interested in other positions in the department; we want to help employees secure the training they need to move into future positions as well as to do their current job well.

5. The timeliness of evaluations is not within county standards.

Response: Agree / Improvement Taking Place. County Personnel has advised this department that we are, overall, very timely. Many late evaluations were only three to five days late. However, late is late. Our goal is to have 100% completed on a timely basis.

It would have perhaps been more helpful if the Grand Jury noted what they verbally acknowledged in relation to evaluations in Behavioral Health. All evaluations were due at the same time for the employees who transitioned from the contractor as they all started work on the same day. That was very difficult for the supervisors when they were also responsible for changing the organization. Some balance has resulted from new hires entering the department at different times.

The Grand Jury indicated that one personnel matter that they received several complaints about had to do with not keeping an employee past the probationary period. While the Grand Jury members helping the department agreed that the decision on this matter was the right one, they wanted the probationary employee to be told in writing of their "failings." The Grand Jury is correct when they advised us that a written warning/six month evaluation would have complimented all of the verbal warnings. But the fact remains that the probationary employee was told what was needed, and why, on numerous occasions. The supervisor was trying to negotiate a written evaluation which caused part of the delay. The written evaluation that was done was not acceptable to the employee and, like the verbal discussions, was ignored. The employee refused to sign it.

The department is at a serious disadvantage in relation to public information and personnel matters. An employee can say anything they wish, yet the department is subject to litigation if they respond. To be able to discuss programs, children's needs and issues with a Grand Jury that cared deeply about children and families, is very much appreciated.
5. **Timeliness of Evaluations**

    *Agree as indicated above.* Management is working with supervisors to get all evaluations completed in a timely manner.

6. **Evaluation Process for Employee Development**

    *This has been accomplished.* Please see number 4, above.

The points of clarification above could have been made clearer to the Grand Jury during their visits to the department. We discussed so many things that were of mutual interest and concern that I may not have given enough information to the representatives.

The most important and valuable thing this Grand Jury did was to honestly listen, look at documentation and provide their very best advice during meetings. Their impartiality was very much appreciated.

Sincerely,

Cheryle Rutherford-Kelly, M.S.W.
Agency Director
September 5, 2006

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


Dear Judge Parrish:

I am pleased to provide you with my response to the Final Report of the Grand Jury relative to Mariposa County's employee training and education requirements. The Grand Jury concluded that the County "is taking steps to correct concerns regarding whether there is consistency in the hiring practices" of qualified personnel. In that regard, I agree with the findings of the Grand Jury.

I would like to thank the members of the Grand Jury for their diligence during their tenure as a juror.

Sincerely,

[Signature]

Mike Coffield
Personnel/Budget Manager
The Honorable Wayne R. Parrish  
Presiding Judge of Mariposa County Superior Court  
Mariposa, CA. 95338

Re: Grand Jury Report

Dear Judge Parrish,

As you know, the Recorders Office is responsible for the recording and maintenance of all legal documents for the county. With that goes the responsibility of maintaining the privacy of the public. I take great pride in the efforts of this office for their efforts toward that duty. We have always attempted to serve the public in a timely manner as well as assisting the public in their requests. Our records are public information and thus, they are open for inspection by anyone so desiring.

To that end, let me state that it is our policy to continue to maintain the privacy of all individuals coming into or calling into our office, and, we will continue to offer the most efficient service to the public.

I concur with the findings of the Grand Jury and wish to thank them for the professional manner in which they conducted their investigation.

Very Respectfully yours,

Robert Lowrimore  
Assessor/Recorder

Cc: Mary Hodson, Deputy CAO  
Board of Supervisors