RECOMMENDED ACTION AND JUSTIFICATION:

Approve the comments of the Board of Supervisors to the findings and recommendations contained in the 2003-2004 Mariposa County Grand Jury Final Report that were directed to the Board of Supervisors and authorize the Chairman to sign the cover letter for the comments. Penal Code §933.05 requires a comment within 60 days of the release of the Final Grand Jury Report to the Presiding Judge of the Mariposa County Superior Court on the findings and recommendations pertaining to matters under the control of the county agency.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has authorized the Chairman to sign letters commenting on the findings and recommendations pertaining to the Board of Supervisors that were contained in the past Grand Jury Reports.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Make modifications to the letter and/or comments and authorize the Chairman to sign letter with amendment(s) to letter and/or comments.

Do not authorize the Chairman to sign the letter. The Board of Supervisors will be in violation of Penal Code §933.05 if a response is not sent to the Presiding Judge of the Mariposa County Superior Court by August 20, 2004.

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

Annual Recurring Cost: $
List Attachments, number pages consecutively
Letter and Comments
Grand Jury Findings and Recommendations

CLERK’S USE ONLY:
Res. No.: 04-380 Ord. No. _____
Vote – Ayes: 4 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

Revised Dec. 2002
Case #2 – Nepotism
1. The Mariposa County Board of Supervisors adopted Resolution 86-79 regarding the issue of nepotism. The County Administrative Officer has distributed a copy of this Resolution to each Department Head requesting that they post a copy of it on employee bulletin boards within their department(s). A copy of the resolution is also available upon request at the Board of Supervisors/Administration offices.

2. Mariposa County has in place a policy dealing with discrimination and harassment in the workplace. This policy gives the steps to follow should an employee feel they are being harassed and also has information regarding confidentiality and retaliation. Each full-time employee is given a copy of this policy when they complete their hiring documents and must sign a form stating that they have received a copy of the policy. This form is then placed in their personnel file.

Case #3 – Yosemite West Community Planning Advisory Committee
1. On April 9, 2002, the Board of Supervisors adopted Ordinance 973 entitled “An Ordinance Adding Chapter 2.50.100 Citizen Advisory Committees to the Mariposa County Code Establishing Uniform Administrative Procedures” which governs the conduct of Planning Advisory Committees. The Ordinance states that “The Planning Director shall prepare draft bylaws for the review and approval of the Planning Advisory Committees prior to submittal and final approval by the Board of Supervisors.” At the time that the former Planning Director resigned, these by-laws had not been presented to the Board for review and approval. The Board is anticipating having a new Planning Director in place by September 2004 and this does not allow for sufficient time to adopt by-laws within the recommended 60 days time-frame. The preparation of by-laws will be one of the first priorities given the new Planning Director and should be accomplished by the spring of 2005.

2. Rules governing the creation, filing, and availability of minutes for Planning Advisory Committees are covered in Ordinance 973 as referenced above. Other departments or agencies that are required to take minutes are governed by the by-laws adopted by that particular entity.

3. The Board of Supervisors meets on the first four Tuesdays of each month. It is not possible to have the minutes of the previous Board of Supervisors meeting available and ready for adoption by the next meeting (unless a meeting was skipped because of a fifth Tuesday and/or a holiday). The agenda for the next meeting is distributed at the end of each Board of Supervisors’ meeting leaving insufficient time to incorporate the minutes from the meeting that just concluded into the next agenda. (The agenda and materials for Board meetings are typically assembled and distributed every Tuesday.) There is only one staff member to record and prepare the minutes, and usually the minutes are ready for the Board of Supervisors to review and approve within a two week period. In addition, Mariposa County has historically used very detailed minutes, which are time consuming to record and prepare, but provide a good deal of documentation on each Board of Supervisors’ meeting.
4. Membership requirements for Planning Advisory Committees are spelled out in Section 2 of the County Ordinance 973. The Board of Supervisors have and will continue to ensure that membership on Planning Advisory Committees meet the requirements of Ordinance 973.

5. The Board of Supervisors will direct Department Heads to ensure that members on committees that their departments are responsible for carry out their job duties and do not miss meetings. A memorandum to this effect will be issued to departments by the end of August 2004.

Case #5 – Road Repair and Maintenance, Zones of Benefit
1. The Board of Supervisors recently reviewed Public Works’ road maintenance schedule and direction was given to staff to return with short and long range road maintenance schedules. The Board will review and adopt the road maintenance schedule when it is presented.

2. The Board of Supervisors has a contract with HDC and Associates to perform an internal salary review and classification study. The classification study is almost complete and the salary review is scheduled to begin during Fiscal Year 2004-05. Salaries for road maintenance personnel will be included in the salary review.

3. The Board of Supervisors will direct Personnel staff to review with the Public Works Department the need for flag persons on road crews and to identify a funding source. This will be accomplished within 120 days.

Case #6 – Fees Charged at the Landfill
1. The scales were removed in preparation for the new compost facility and will be reinstalled with the construction of the compost facility. Construction of the compost facility is anticipated to begin in the fall of 2004 and will take approximately one-year to complete.

2. The Board of Supervisors will direct staff to work with the Public Works Department on reviewing the existing contract with our landfill operator to determine the feasibility of making the gate attendant at the County landfill a county position. The review and recommendation should be completed by October 2004.

Case #7 – Personal Services Contracts
1. The Board of Supervisors has for the most part replaced the personal services agreements with professional services agreements and contracts for services. This was done in February and March of 2004. Unlike goods, professional services and other services by code require review to determine that the contractors have sufficient skills and training to provide the services. Unlike contracts for goods, all professional services agreements and contracts for services require Board of Supervisor approval. Performing a request for bid for contract services will require additional staff time and cost to perform the bid process and in determining if the individuals responding to the bid have the necessary skills and expertise. Contracts for professional services are generally very specific in the job skills required and do not easily form a pool of contractors.
2. Generally professional services are retained by the county pursuant to code for the types of skills not normally available from county employees. For example the County has had a shortage of qualified engineers and a substantial number of pending projects requiring specialized engineering skills. The Board of Supervisors will continue to review all contracts to ensure they are necessary and could not be performed by county employees.

3. Each contract is written with respect to specific project or scope of service. Those requiring extensive travel on the County's behalf are reimbursed for such, as is common in the industry for such expenses. The Board of Supervisors have information available during the contract review process to determine if these reimbursements are appropriate based upon staff recommendation.

**Oversight – Inspection of the Juvenile Detention Facility**
1. The Board of Supervisors agrees that additional fencing and landscaping work needs to be performed at the Juvenile Detention Facility. Funding for this project has not been identified in the budget process and it is not anticipated that funding for this project will be available during Fiscal Year 2004-05 given the County's current financial situation. This project will be reviewed each budget cycle to determine if funding can be identified without jeopardizing existing county services.

**Interview with the District Attorney**
1. The Board of Supervisors recently reviewed elected and appointed county official salaries and made salary adjustments accordingly. The Board of Supervisors recognizes that some salaries for county officials need to be adjusted, but given the financial condition of the County at this time, these adjustments were not deemed prudent. The salaries for staff in the District Attorney’s office are considered during negotiations and are governed by the Memorandum of Understanding that is adopted by the Board of Supervisors once negotiations are completed. The Board of Supervisors has a contract with HDC & Associates to conduct an internal salary review which will begin during Fiscal Year 2004-05 and staff from the District Attorney’s office will be included in the review.

**Interview with Mariposa County Fire Chief**
1. The Board of Supervisors has insufficient information regarding the establishment of a fire training facility in Mariposa County to determine if this project should be pursued. The Board will consider information on the fire training facility when it is presented to them.

**Interview with the Director of Public Works**
1. The Board of Supervisors has a contract with HDC & Associates to conduct an internal salary review which should begin during Fiscal Year 2004-05. The Board will review and consider salary adjustments once this salary review is completed. Mariposa County has continued to struggle with hiring and maintaining qualified Engineers. This situation is not unique to Mariposa County but is affecting many counties throughout the State.

2. The Board of Supervisors recently approved a re-organization in the Administration/Personnel departments allowing for greater oversight of the Risk Management function. A staff person has been assigned to review and follow up on
workers compensation and liability claims. Staff will continue to work on improving the efficiency of the County’s Risk Management system.

Oversight – Assessor/Recorders Office
1. The Assessor/Recorder position is a constitutionally elected official and as such the Board of Supervisors has no authority to eliminate this position.
Summary of Recommendations

Respondents: Board of Supervisors

Page 40, et seq.
1. The Mariposa County Board of Supervisors, Chief Administrative Officer/Personnel Director should make readily available to each county employee a copy of the nepotism policy.

2. The Mariposa County Board of Supervisors, Chief Administrative Officer/Personnel Director should have a procedure in place whereby an employee can make a confidential complaint about hostile work environments and/or office morale and insure that each county employee is informed as to this procedure.

Page 49, et seq.
3. The Board of Supervisors adopt by-laws for Planning Advisory Committees within 60 days.

4. The Board of Supervisors and the Planning Department should adopt standard rules regarding the creation of minutes for each and every department and agency required to take and keep minutes.

5. The Board of Supervisors and the Planning Department should have written minutes available at the next regularly scheduled meeting for approval and adoption.

6. The Board of Supervisors should carefully monitor the make-up of the committees they appoint to insure they represent all categories of property owners within a planning area.

7. The Board of Supervisors should have in effect a monitoring system to insure their appointees are carrying out all of their duties, including not missing meetings.

Page 68, et seq.
8. The Board of Supervisors should adopt the Department of Public Works’ road maintenance schedule on an annual basis.

9. The Board of Supervisors should review the salary scale for road crew employees to become more competitive with the job market and retain skilled employees.

10. The Board of Supervisors should consider the creation of a part-time and/or on-call job category for flag persons. This would allow trained and skilled road crew workers to actually do the work they are trained and hired to do.

Page 72
11. The Board of Supervisors and the Department of Public Works should install a set of scales as soon as possible at the Mariposa County Landfill.
12. The Board of Supervisors should assign a County employee to collect fees and give receipts at the County Landfill.

Page 73-74
13. The Board of Supervisors should amend the personal services contract ordinance to parallel the bid procedure for buying goods, i.e. for a contract in excess of $10,000 the contract should be advertised or in the event that a series of contracts for similar services will be offered, at least an annual request for bids for those types of services should be conducted to establish a pool of potential contractors.

14. The Board of Supervisors should review the amount of money they are currently spending on service contracts and evaluate whether it would be more cost effective to have County employees perform those same services.

15. The Grand Jury believes that reimbursement for expenses should not be a separate part of a contract for services, and in particular that meals should not be reimbursed. It is recommended that the Board of Supervisors review the inclusion of reimbursement for expenses in their personal services contract.

Page 83-84
16. Juvenile Detention Safety concerns—the area between the detention facility, the recreational area and the location where law enforcement personnel deliver and pick-up in-custody minors should be fenced in. Erecting chain-link fencing in this area would negate the necessity of shackling and hand-cuffing minors merely to go outside for an hour in the recreation area. Also, it would provide a secure sallie-port for the movement of in-custody minors to and from law enforcement vehicles.

Page 87-88
17. The Grand Jury recommends the Board of Supervisors reviews the salary levels for the Office of District Attorney and make adjustments to bring it more in accordance with other similarly situated counties.

Page 89-90
18. The Grand Jury recommends the Board of Supervisors pursue the establishment of a Fire Training Facility in Mariposa County.

Page 91-92
19. The Board of Supervisors and the Personnel Director should re-evaluate the pay-scale for qualified engineers in order to have sufficient staff to perform work less expensively than contracting it out to private individuals.

20. The Board of Supervisors should evaluate the Mariposa County liability insurance, coverage and premiums. Claims and follow up should be assigned to one County employee.
21. The Board of Supervisors should review the necessity of an elected Assessor-Recorder. Perhaps this job should be vested in the Chief Administrative Officer and the Assistant Assessor could receive a substantial pay raise to continue doing the job of the Assessor-Recorder as is currently the case.

**Respondent: CAO/Personnel Director**

Page 40 et. Seq.

1. The Mariposa County Board of Supervisors, Chief Administrative Officer, and Personnel Director should make readily available to each county employee a copy of the nepotism policy.

2. The Mariposa County Board of Supervisors, Chief Administrative Officer, and Personnel Director should have a procedure in place whereby an employee can make a confidential complaint about hostile work environments and/or office morale and insure that each county employee is informed as to this procedure.

**Respondent: Mariposa County Fire Chief**

Page 66-67

1. The Mariposa County Fire Department should expand its criminal collections to include misdemeanor convictions.

Page 88-89

2. The Grand Jury recommends that Chief Shultz continue his efforts toward providing training and acquiring and providing sufficient firefighting and safety equipment.

**Respondent: Public Works Director**

Page 68, et seq.

1. The Director of Public Works should adopt and publish a road repair schedule on an annual basis listing which roads, or portions of roads, will be paved, repaved or repaired.

2. The Director of Public Works should create a procedure whereby there is coordination between the Road Department and other agencies that must tear up the roads to install telephone lines, gas lines, water lines, etc., so that work can be done in the proper order. A published, adopted schedule of road maintenance, as stated in Recommendations 1 and 2 above, would probably be helpful.

Page 72

3. The Department of Public Works should insure that receipts are made in duplicate, one copy for each and every person who utilizes the Mariposa County Landfill and one copy for County records.
August 10, 2004

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

Dear Judge Walton:

Enclosed are the Board of Supervisors comments to the 2003-2004 Mariposa County Grand Jury Report that pertain to the Board of Supervisors. The Board of Supervisors wishes to acknowledge the hard work and dedication of the members of the Grand Jury in fulfilling their responsibilities. Please contact me if you have any questions or desire additional information.

Sincerely,

GARRY R. PARKER
Chairman

GRP/mbh
Enclosure
MINUTE ORDER

TO: RICH INMAN, County Administrative Officer
FROM: RACHEL PETTY, Deputy Clerk to the Board
SUBJECT: APPROVAL OF COMMENTS OF THE BOARD OF SUPERVISORS TO THE FINDINGS AND RECOMMENDATIONS CONTAINED IN THE 2003-2004 GRAND JURY FINAL REPORT

Resolution No. 04-380

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on August 10, 2004

ACTION AND VOTE:

Approve the Comments of the Board of Supervisors to the Findings and Recommendations Contained in the 2003-2004 Mariposa County Grand Jury Final Report that were Directed to the Board of Supervisors and Authorize the Chairman to Sign the Cover Letter for the Comments (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer introduced the item. Relative to Case #2 – Nepotism, item 2, Supervisor Bibby stated that there may be several employees who have been employed prior to the implementation of the form.

Supervisor Bibby also recommended that Case #3 – Yosemite West Community Planning Advisory Committee, item 5 the portion “carry out their job duties” be deleted and stated that she disagreed with the landscaping needing to be done at the Juvenile Detention Facility. She further stated that if there is weed eating to be done that a possibility may be through community service. Discussion was held relative to the need for fencing. Rich Inman, County Administrative Officer stated that the first sentence would be deleted and that concerning the section Interview with the District Attorney, the second sentence would end at “adjusted”.

(M) Bibby, (S) Stetson, Res. 04-380 was adopted approving the comments of the Board of Supervisors with noted corrections to the findings and recommendations contained in the 2003-2004 Grand Jury Final Report and authorizing the Chairman to sign the cover letter/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

cc: Dana Walton, Presiding Judge
Mariposa County Grand Jury Foreman
File