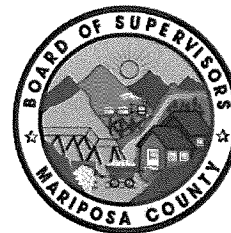


MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2021-461

MEETING: August 3, 2021
TO: The Board of Supervisors
FROM: Dallin Kimble, County Administrative Officer
RE: Final Response to 2020-21 Grand Jury Report

RECOMMENDATION AND JUSTIFICATION:

Approve the Response of the Board of Supervisors to the 2020-2021 Mariposa County Grand Jury Final Report; Authorize the Board of Supervisors Chair to Sign the Response; and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court.

The California Penal Code requires the Board of Supervisors, as the governing body of a public agency subject to the Grand Jury's reviewing authority, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to the matters under the control of the governing body within ninety days after the Grand Jury submits its Final Report.

Please see the attached response. For reference, the complete Grand Jury Final Report for 2020-21 is also attached.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 6, 2020, the Board approved Resolution 20-585, a response to the 2019-20 Grand Jury Final Report.

On February 18, 2020, the Board approved Resolution 20-75, a response to the 2019-20 Grand Jury Interim Report.

On August 20, 2019, the Board approved Resolution 19-480, a response to the 2018-19 Grand Jury Final Report.

On September 11, 2018, the Board approved Resolution 18-432, a response to the 2017-18 Grand Jury Final Report.

On September 12, 2017, the Board approved Resolution 17-615, a response to the 2016-17 Grand Jury Final Report.

On August 9, 2016, the Board approved Resolution 16-429, a response to the 2015-16 Grand Jury Final Report.

On November 3, 2015, the Board approved Resolution 15-521, a response to the 2014-

15 Grand Jury Final Report.

The Board has responded to earlier grand jury reports as required.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Approve the draft response with revisions.

Do not approve. A modified or new response will need to be approved within 90 days of the issuance of the Grand Jury Interim and Final Reports.

ATTACHMENTS:

20-21 Grand Jury Interim Report (PDF)

20-21 Grand Jury Final Report (PDF)

2021 Grand Jury Response (PDF)

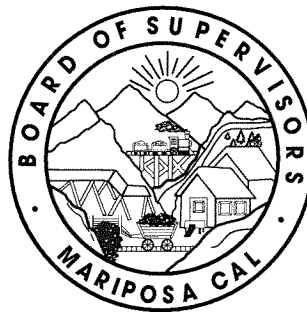
RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Tom Sweeney, District II Supervisors

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Mariposa County Board of Supervisors



District 1 ... ROSEMARIE SMALLCOMBE
District 2 TOM SWEENEY
District 3 MARSHALL LONG
District 4 WAYNE FORSYTHE
District 5 MILES MENETREY

DALLIN KIMBLE
County Administrative Officer

RENÉ LAROCHE
Clerk of the Board

P. O. Box 784
Mariposa, CA 95338
(209) 966-3222
(800) 736-1252
Fax (209) 966-5147
www.mariposacounty.org/board

August 3, 2021

The Honorable Michael Fagalde
Presiding Judge
Mariposa County Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Re: Response to the Mariposa County 2020-2021 Grand Jury Reports

Dear Judge Fagalde:

The Mariposa County Board of Supervisors is grateful for the time and dedication of grand jury members who have volunteered over the past year. This response is submitted with respect to the findings and recommendations of the grand jury. Please note that this response includes items released in the June interim report, which were also included in the final report, and the final report issued in July.

Because the Board of Supervisors directly oversees all County departments not represented by another elected official, this response is made on behalf of the Administration, Human Resources and Public Works Departments as well as the officials serving in those departments. The Board acknowledges and agrees with all findings in the report unless specified otherwise in the comments below. Accordingly:

Guest Speaker Presentations

1. The Board advocates for maximum transparency in government whenever and wherever possible. It is concerning however that publication of this section may discourage those interviewed in the future from sharing information they might otherwise disclose to the grand jury. The Board does not advocate any particular course of action for grand juries, but encourages future grand juries to ensure a safe and open environment for interviewees.
2. The Board agrees there is a critical need for a public information officer in Mariposa. This position was approved in 2019, but the needed funds did not materialize. The position became frozen in 2020 due to the novel coronavirus pandemic and remains frozen today. The public information officer is not the only critical position that remains frozen and we look forward to unfreezing and filling each of these positions as soon as we are able.

3. Office closures caused by the novel coronavirus pandemic were unavoidable in response to directives from the State of California. The County continued to operate even when offices closed with many employees reporting to their regular workstation each day. The County also safely reopened offices, and Board meetings in particular, months before many peer counties across the state. With that clarification, the Board acknowledges there have also been many lessons in the past year, and many technological improvements, that will improve the County's resilience moving forward.

Merced Irrigation District (MID) Settlement

1. In December 2019, the Board allocated \$250,000 for the initial water project feasibility studies. The Board further designated the Water Agency Advisory Committee as the entity that would take the lead investigating possible projects and their feasibility.

The Water Agency Advisory Committee was unable to meet for an extended period during the novel coronavirus pandemic. This group has begun meeting again this year and intends to make some preliminary recommendations to the Board in the coming weeks that will enable the County to secure a qualified firm for the first round of studies.

2. Unrestricted MID Settlement funds have been clearly identified in each budget. The Board has directed staff to continue this practice.

Correctional Facility Site Visit

1. The Board disagrees that correctional facility staff salaries are non-competitive. These salaries were established by a market study in 2018 and officers in these positions receive negotiated annual increases that are routinely greater than the Consumer Price Index (CPI). Contractual increases total 10.5% over the last three years.

All departments that rely on the County General Fund saw some budget reductions in the wake of COVID-19. The Sheriff's budget, including the jail, is the largest General Fund budget in the County. Despite this, the Board worked closely with Sheriff Binnewies to minimize the community impact of necessary reductions and it continues to work with Sheriff Briese to restore positions as quickly as possible. The Sheriff's six highest priorities, including one correctional officer, were unfrozen in the Fiscal Year 2022 budget. As with the public information officer previously addressed, the Board looks forward to unfreezing remaining positions in all departments as soon as that is possible.

2. The Board agrees the adult correctional facility is in need of renovation and expansion. Every effort has been made to secure necessary funding for these actions in the past and the Board will continue to support such efforts until renovation and expansion has been achieved.

Mariposa County 2020 Elections Process

1. While no specific findings or recommendations are noted on this item, the Board wishes to express its gratitude to the grand jury for following up on this concern and confirming the security of elections in Mariposa County.

Mykleoaks Subdivision Road Conditions

1. The Board agrees that roads within this subdivision are of acceptable width and condition. The Public Works Department has been advised to review the condition of Bear Trap Lane.
2. The Board has noted the recommendation for a complaint log in Public Works. It also notes the development of a capital improvement plan, including a plan for future road improvements, which has been discussed and will be included in a future staff work plan.

Public Works Department

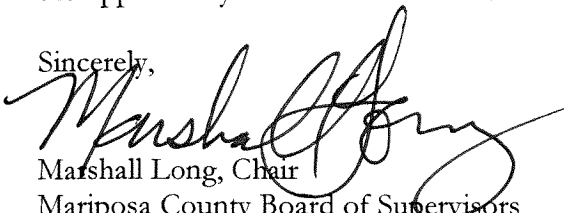
1. The Board asserts that it is overly broad to allege that Human Resources has not historically “been regarded as a safe, unbiased or effective resource for employees” (F1), particularly when the focus of the grand jury investigation is a single department other than Human Resources. The Board is aware of many instances when employees have effectively relied on Human Resources and the grand jury has not provided sufficient evidence to support its finding to the contrary. The Board must disagree with Finding F1 on these grounds.

As it happens, the Board repositioned Human Resources in December 2020 as a division of Administration. This change improves the ability of the County to recruit qualified human resources directors and is intended to empower Human Resources to objectively pursue the best interest of the County.

2. Public Works does have specific policies and procedures to which they are expected to adhere, including many countywide policies.
3. The remaining findings and recommendations in the interim report refer to personnel matters that the Board is obligated under the law to keep confidential. The Board can neither agree nor disagree with these findings and recommendations. As feedback for future grand juries, the Board notes that the provided report on this topic is vague, imprecise, and inadequate as a basis for personnel action or investigation. Any action that may or may not be taken by the Board of Supervisors regarding this matter will be based on independent investigations conducted by qualified third-party investigators.

This concludes the responses of the Mariposa County Board of Supervisors to the FY 2020-2021 Grand Jury report. The Board of Supervisors is pleased with the progress that has been made in so many areas of our county, including several mentioned here. We are grateful to the Grand Jury for the opportunity to continue address and improve the aspects of our operations discussed.

Sincerely,



Marshall Long, Chair
Mariposa County Board of Supervisors