

DEPARTMENT: Administration

BY: Rick Benson

PHONE: 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:**

Approve the response of the Board of Supervisors to the 2006-2007 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 the annual 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 (90) days of when the Grand Jury submits its final report.

The draft response references the finding 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 of Supervisors has responded annually to the Grand Jury Final Report.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Approve the draft response with revisions.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Draft Response _____
Source:		Excerpts from Grand Jury Final Report 2006-07 _____
Internal Transfer _____		Department Head/Elected Official Responses _____
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.: 07-412 Ord. No. \_\_\_\_\_  
Vote - Ayes: 4 Noes: \_\_\_\_\_  
Absent: Turpin  
Approved  
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

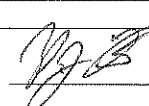
Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

**COUNTY ADMINISTRATIVE OFFICER:**

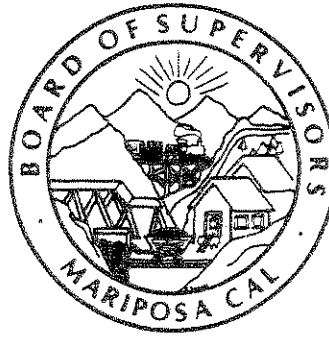
Requested Action Recommended  
 No Opinion  
Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: 

# Mariposa County Board of Supervisors

District 1 ..... BRAD ABORN  
District 2 ..... LYLE TURPIN  
District 3 ..... JANET BIBBY  
District 4 ..... DIANNE FRITZ  
District 5 ..... BOB PICKARD



RICHARD J. BENSON  
County Administrative Officer

MARGIE WILLIAMS  
Clerk of the Board

P.O. Box 784  
MARIPOSA, CALIFORNIA 95338  
(209) 966-3222  
1-800-736-1252

FAX (209) 966-5147  
[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

August 17, 2007

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

Dear Judge Walton:

Enclosed is the response of the Mariposa County Board of Supervisors to the 2006-2007 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 2007-2008 Grand Jury.

We at the County appreciate the quality of the 2006-2007 Final Report and the many hours of work that it represents.

Sincerely,

RICHARD BENSON  
County Administrative Officer

mbh  
Enclosure

cc: Keith Williams, County Clerk  
Margie Williams, Clerk of the Board of Supervisors  
2007-2008 Grand Jury

**MARIPOSA COUNTY BOARD OF SUPERVISORS**  
**Response to the 2006-2007 Mariposa County Grand Jury Final Report**

Investigation: Mariposa County Assessor – May 15, 2006, Complaint

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Becky Crafts, Assessor-Recorder dated July 2, 2007. The Grand Jury did not have any findings or recommendations on this complaint. The Mariposa County Board of Supervisors concurs with the response.

Investigation: Mariposa County Assessor – May 21, 2006, Complaint

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Becky Crafts, Assessor-Recorder dated July 2, 2007. The Grand Jury did not have any finding or recommendations on this complaint. The Mariposa County Board of Supervisors concurs with the response.

Investigation: Mariposa County Human Services – Behavioral Health

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Cheryl Rutherford-Kelly, Human Services Director dated July 11, 2007, and concurs with the response to the recommendations. It should be noted that the last four paragraphs of the response relate to communication issues between the Human Services Department and the Grand Jury, and reflect the Director's view of this matter. There were no findings or recommendations regarding the communication issue, and therefore the Board of Supervisors has no response regarding this topic.

Investigation: Mariposa County Sheriff – Animal Control

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Jim Allen, Sheriff/Coroner/Public Administrator dated July 3, 2007, and concurs with the response.

Inspection: Mariposa County Detention Center

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Jim Allen, Sheriff/Coroner/Public Administrator dated July 3, 2007, and concurs with the response.

Inspection: Mariposa County Juvenile Detention Center

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Gail Neal, Chief Probation Officer dated July 20, 2007, and concurs with the response.

Review: Mariposa County Library System

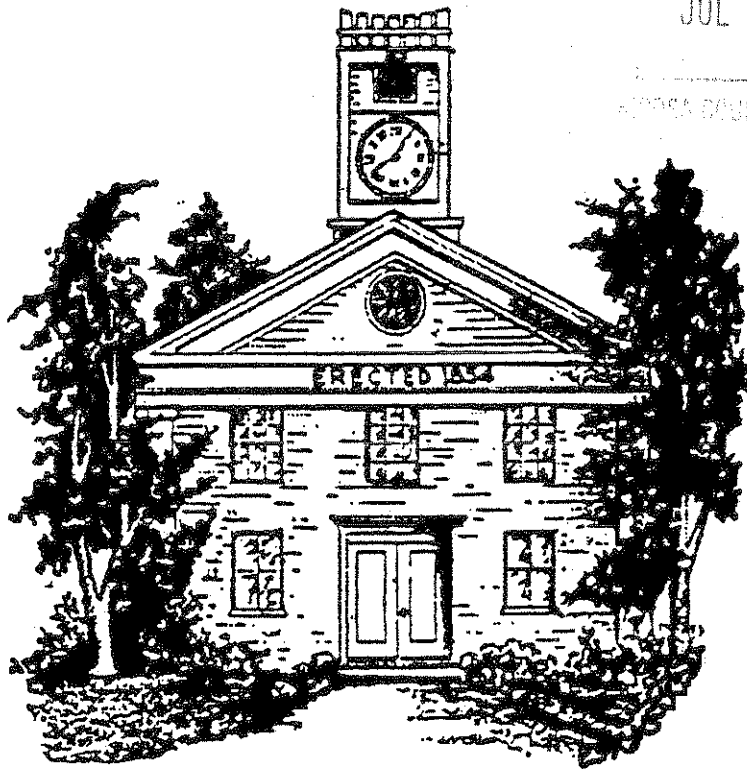
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Janet Chase-Williams, Interim County Librarian dated August 7, 2007, and concurs with the response.

# 2006-2007 MARIPOSA COUNTY GRAND JURY

RECEIVED

JUL 3 2007

MARIPOSA COUNTY ADMINISTRATIVE SERVICES



MARIPOSA COUNTY COURTHOUSE

## FINAL REPORT

# MAJOR INVESTIGATIONS

## *Mariposa County Assessor: May 15, 2006 Complaint*

### Summary

- A. Synopsis – A complaint was received May 15, 2006 stating that the last ten years of assessment on APN 018-XXX-XXXX and APN 018-XXX-XXXX was for more than the 2% limit imposed by Proposition 13.
- B. Findings
- a. The property tax statements on APN 018-XXX-XXXX and APN 018-XXX-XXXX list the assessed value under the following categories: Land, Improvements, Williamson Act Land, and the Homeowner Credit.
  - b. On September 13, 2006, members of the Mariposa County Grand Jury met with personnel from the Mariposa County Assessor's Office. Information on Proposition 13 and Proposition 8 was requested as well as any information on the Williamson Act.
  - c. **Proposition 13** was enacted by California voters on June 6, 1978. Officially called "People's Initiative to Limit Property Taxation", Prop 13 basically limits assessed values to adjust no more than 2% per year from the 1<sup>st</sup> year base value.
  - d. **Proposition 8** passed in November 1978, amended Proposition 13 to reflect declines in value. As a result, Revenue & Taxation Code Section 51 requires the Assessor to annually enroll either a property's Proposition 13 base year value factored for inflation, or its Market Value as of January 1 (taking into account any factors causing a decline in value), whichever is less. Prop 8 reductions in value are *temporary* reductions, which recognize the fact that the current market value of a property has fallen below its current (Prop 13) assessed value.
    - i. Once a Prop 8 value has been enrolled, a property's value must be reviewed each following January 1<sup>st</sup>, to determine whether its then current market value is less than its Prop 13 factored value.
    - ii. When and if the Market Value of the Prop 8 property increases above its Prop 13 factored value, the Assessor will once again enroll its Prop 13 factored value.

- c. Even though the Williamson Act Land portion of the tax bill fluctuates from year to year it is not in violation since it is exempt from the provisions of Proposition 13 and Proposition 8.
- d. The Mariposa County Assessors office is available to the public Monday through Friday to help with any questions on an individual tax bill.

- e. Williamson Act restricted values are calculated using a prescribed income capitalization formula. The capitalization rate includes an interest rate component, risk rate component, and tax rate component. The interest (yield rate) component of the capitalization rate is calculated annually by the State Board of Equalization (SBE) and is based upon the yield rate for long term United States government bonds.
- f. There are 2 ways to exit out of a Williamson Act Contract:
  - i. First is the Non-renewal process. The landowner files a notice of non-renewal with the county. The notice of non-renewal starts the 19 year non-renewal period in which the annual tax assessment gradually increases. At the end of the 19 year non-renewal period, the contract is terminated.
  - ii. Second is cancellation. Only the landowner can petition to cancel a contract. To approve a tentative contract cancellation, a county or city must make specific findings that are supported by substantial evidence. The existence of an opportunity for another use of the property is not sufficient reason for cancellation. In addition, the uneconomic character of an existing agricultural use shall not, by itself, be a sufficient reason to cancel a contract. The landowner must pay a cancellation fee equal to 12.5% of the unrestricted, current full market valuation of the property. An example of a cancellation is the recent 3.5 acre portion of a 40 acre parcel of Williamson Act Contract No. 23. The cancellation is proposed so that a new sewage treatment plant for the Don Pedro Sewer Zone 1-M is constructed. Since that in itself is not sufficient reason for cancellation, the argument of public concerns over the existing wastewater treatment facility is operating under a Cease and Desist Order issued by the State of California Regional Water Quality Board. The existing facility has exceeded its service life and cannot be repaired
- e. In the complaint there was a list of properties owned by the Merced Irrigation District (MID) that are under Williamson Act contracts. There is also the statement "How can 774.36 acres of Williamson Act land owned by the Merced Irrigation District (a for profit public / private corporation) not be paying property taxes?"
  - i. MID is a special district in Merced County. They are exempt from property taxes but still have to abide by the rules of the Williamson Act.
  - ii. MID has been serving eastern Merced County for more than 80 years. MID is publicly owned, not-for-profit, corporation. The

## ***Mariposa County Human Services Department - Behavioral Health and Recovery Services – October 1, 2006 Complaint***

### **Summary**

A. Synopsis – A complaint was received by the Mariposa County Grand Jury dated October 1, 2006. The complaint discussed possible misuse of Mariposa County funds and the possibility of Medi-Cal fraud within the Human Services Department, Behavioral Health & Recovery Services.

### **B. Findings**

- a. On November 10, 2006, the Mariposa County Grand Jury requested a copy of the Human Services Department Policies and Procedures Manual. This document was not available at the time of this initial request.
- b. On December 20, 2006, the grand jury was provided with an alleged CD version of the Human Services Department Policies and Procedures Manual.
- c. After the grand jury reviewed the information on the CD, it was discovered the manual was incomplete. The statement "Policies and Procedures yet to be developed" was found on the sections not completed.
- d. An attempt was made to contact the Behavioral Health and Recovery Services Department to obtain the incomplete sections.
- e. On January 3, 2007, the Behavioral Health and Recovery Services Department was contacted and asked for reasons why the Policies and Procedures Manual was incomplete and also if an old copy of the manual could be provided. Personnel from the department stated that they did not have an old manual since the Mental Health Services had previously been contracted out to Kings View for numerous years. The contract with Kings View expired July 1, 2004. Since that date the department has been developing a Policies and Procedures Manual.
- f. In April 2007, the Mariposa County Grand Jury was provided an updated Policies and Procedures Manual. Many sections of the manual still remain incomplete.
- g. Members of the Mariposa County Grand Jury met with the Director of the Mariposa County Behavioral Health & Recovery Services on Tuesday, February 27, 2007, to investigate the citizen complaint in regards to inadequate documentation on client charts by a clinician, and the



- iv. 7.0: Clinical Service/Alcohol and Drugs/Prevention Services
- v. 10.0: Systems of Care
- vi. 11.0: Cal Works
- vii. 12.0: Heritage House
- viii. 13.3.1: Suicide/Homicide Reviews
- ix. 13.6.1.3: Safety Suggestions
- x. 13.6.1.4: MSDS List
- xi. 13.6.1.5: Employee Safety Handbook
- xii. 13.6.1.6: Employee Safety Training
- xiii. 13.6.1.6.1: Employee Safety Training Checklist
- xiv. 13.6.4: Medical Emergencies

- iii. Computers are available at the Mariposa County Sheriff's Office and at the Mariposa County Public Library for those who do not have access to computers.
- iv. Sheriff personnel will access the Mariposa County Animal Control website for those who come to the office requesting this service.

**c. Disposition Of Impounded Animals**

- i. Mariposa County Animal Control is responsible for the disposition of animals that have been impounded. The exception is animals impounded by court order. In these cases, the court decides disposition.
- ii. California State Law dictates that all unclaimed animals must be impounded for a minimum of five days. Many are given a few extra days in hopes that they will be claimed.
- iii. Mariposa County Animal Control and SPCA have an agreement which allows the SPCA manager or designee to come to the impound facility and identify those animals which they believe to be adoptable. These animals are transferred to SPCA for adoption.
- iv. The Mariposa County Animal Control staff makes every effort to place qualifying animals with breed rescue groups.

**C. Recommendations**

- a. That the Mariposa County Animal Control Department continues a positive working relationship with the SPCA.
- b. That the Mariposa County Animal Control Department, via the Sheriff's Office, keep the Board of Supervisors apprised of:
  - i. The need for a kennel technician (preferably full time) which would allow department officers more time in the field for their regular duties as well as time for community public relations. This could also enable the department to initiate regular open hours at the impound facility.
  - ii. The need for a county owned facility. This would allow for centralization of services, mitigate neighborhood noise and be commensurate with county growth.
  - iii. That the Mariposa County Animal Control Department be funded

# ROUTINE INSPECTIONS, TOURS, AND VISITS

## *Mariposa County Detention Center – November 8, 2006 Facility Inspection*

### Summary

A. Synopsis – The Mariposa County Grand Jury visited the Mariposa County Detention Center on November 8, 2006. The tour was conducted by personnel in the Mariposa County Sheriff's Office. The purpose of the visit was to inspect conditions, operation and management of all aspects of the facility. The grand jury also viewed inspection reports from the Mariposa County Health Department, the Mariposa County Fire Department and the California State Department of Corrections.

### B. Findings

#### a. The Facility and Inspection Reports.

- i. All inspection reports were provided to the grand jury members.
- ii. All reports were current and all were in compliance per the issuing authority's regulations.
- iii. Facilities management has implemented an inventory check list and security procedure for all kitchen utensils that represent potential weapons.
- iv. The aforementioned items are inventoried and secured by the kitchen staff before they leave in the evening.
- v. Emergency evacuation plans, maps and procedures are available but for security reasons are not posted.
- vi. All facility personnel are well trained in the implementation and operation of these emergency procedures.

#### b. Inmate Housing

- i. All living areas were clean and well maintained.
- ii. The facility can adequately house 58 inmates. The population was 49 (84% of capacity) on the date of this inspection.

g. Visitation Policy

- i. Each inmate is allowed 1 hour per week of visitation time.
- ii. Each visitor is logged in/out by facility personnel.

C. Recommendations

- a. That the Mariposa County Sheriff and his department maintain their current high level of professionalism.
- b. That the Mariposa County Sheriff continues to keep the Mariposa County Board of Supervisors apprised of:
  - i. The need for adequate personnel to manage and to secure the facility.
  - ii. The potential need for a larger facility that will be commensurate with Mariposa County growth.
- c. That the Mariposa County Sheriff continues to keep the Mariposa County Board of Supervisors apprised of the limited facility housing capacity which requires the implementation of the early release program

D. Conclusions

- a. The Mariposa County Detention facility is managed both professionally and humanely.
- b. The citizens of Mariposa County are the beneficiaries of the high professional standards employed by Mariposa County Sheriff's Office.

d. Staff

- i. The staff consists of 10 people.
- ii. Two on-duty staff are required whenever a juvenile is in custody. One of these must be core-trained. (Refer below, section e. Training).
- iii. The department employs part time, as needed staff that are trained and have experience working with juveniles.

e. Training

- i. All staff are either core-trained (a five week, full time training program) or are trained in house per department policies and procedures.
- ii. Six of the 10 department officers are core-trained.
- iii. Monthly training sessions are required. These consist of discussions about staff concerns or of topics presented by outside speakers.
- iv. At least one core-trained officer must be on duty during scheduled office hours or whenever a juvenile is in custody.

C. Recommendations

- a. The Mariposa County Grand Jury recommends that staff members continue to avail themselves of training that will enable them to maintain their high level of professionalism.

D. Conclusions

- a. The Mariposa County Juvenile Detention Center is clean, well managed and performs the job it was designed to do.
- b. The Mariposa County Juvenile Detention facility is in compliance with applicable state and county codes.
- c. The staff is to be complimented for the positive atmosphere exhibited by the facility.

C. Conclusion

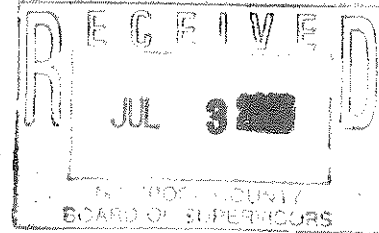
The Mariposa County Grand Jury found the staff to be professional, personable, and ready to assist the public. Mariposa County residents are fortunate to have the availability of such a fine service.



## Assessor-Recorder

Assessor (209) 966-2332  
Recorder (209) 966-5719

July 2, 2007



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

Re: Mariposa County Grand Jury Report 2006-2007, Response

I am in receipt of the 2006-07 Mariposa Grand Jury Report. Pursuant to Penal Code 933.05 (b) (4) (f), This shall serve as a response to the Grand Jury's findings regarding May 15<sup>th</sup> 2006 and May 21<sup>st</sup> 2006 complaints.

I would like to thank the Grand Jury Members for their dedication and diligence in serving our community. I am proud of the professionalism and level of service to the public my Office has exhibited and is substantiated by this report.

Respectfully submitted,

Becky Crafts, Assessor-Recorder

Cc: Mariposa County Board of Supervisors



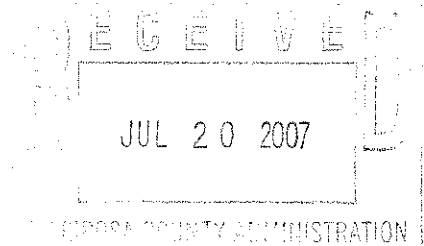
MARIPOSA COUNTY  
HUMAN SERVICES DEPARTMENT

P.O. Box 99 • Mariposa, CA 95338 • (209) 966-2000 • Fax (209) 966-8251

□ Behavioral Health and Recovery Services □ Community Action □ Housing Authority □ Public Guardian/Conservator □ Social Services  
CHERYLE RUTHERFORD-KELLY, MSW, DIRECTOR

July 11, 2007

The Honorable Judge F. Dana Walton  
Presiding Judge of the Superior Court  
5088 Bullion Street  
Mariposa, CA 95338



RE: Mariposa County Grand Jury Report 2006-2007

Dear Judge Walton:

On behalf of Human Services, I would like to thank the 2006-2007 Grand Jury, especially those who investigated a complaint, for their diligence and attention to detail.

We agree with the findings. Several of the recommendations have already been implemented. For example, we have software in place to format case notes. Policies have been, and are, being completed and updated across the agency, including in Behavioral Health. This is a challenge in a small county because there is simply not enough staff to focus only on policy and procedural manuals. The foundation of the department is based in practice and ethics. It requires that clients and the community come first. Therefore, if a person comes into the department seeking help and an employee was working on updating a manual, the person would take priority. Nevertheless, we want to keep manuals current and acknowledge their importance.

In terms of the time it took to get documents to the Grand Jury, we would like it to be noted that Behavioral Health staff made every attempt to get information to the Grand Jury in a timely manner. The timeline outlined in the summary, synopsis, simply does not reflect my staff's efforts to assist the Grand Jury to get the documents they needed.

The difference in date outlined in the synopsis of the Grand Jury and that kept by my staff is almost certainly due to simple, honest misunderstandings. Initially, my staff did not understand which policies and procedures the Grand Jury was requesting. This department has hundreds of pages of policies and procedures. We have manuals in every unit as well as access to the regulations of the various state departments that we must comply with. State Departments include Alcohol and Drug, Mental Health, Social Services and Community Development.

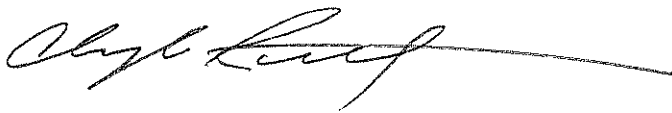
When the Grand Jury asked for documents and policies in November, 2007, the department attempted to understand which policies and procedures and/or regulations were needed for review. Two office assistants made every attempt to understand what was needed and called the Grand Jury member who requested the documents. At least seven calls were made to that person over the next month. The department was told that "all Human Service policies and procedure" manuals were needed. As a result the Social Service department began the very time consuming process of copying hundreds of pages of documents that the Grand Jury did not need. It was not until January, 2007 that other Grand Jury members intervened and the exact documents needed were specified.



Once communication commenced with the Grand Jury and we knew the department of focus was Behavioral Health, Mental Health unit, we were able to quickly provide information. Subsequent meetings between the Grand Jury members and representatives of this Department helped a great deal.

While this matter is small compared to the magnitude of the responsibilities of the Grand Jury and this Department, future grand juries may want to identify which program is involved so that we can better respond to their questions and get them the information they need.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl Rutherford-Kelly", with a long horizontal flourish extending to the right.

Cheryle Rutherford-Kelly, MSW  
Agency Director

cc: Members, Board of Supervisors  
Rick Benson, County Administrative Officer

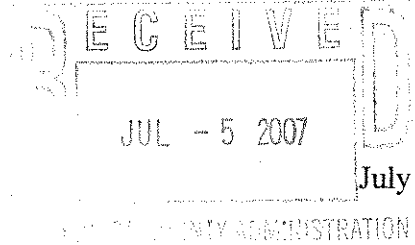
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# Office of the Sheriff - Coroner Public Administrator

James H. Allen  
Sheriff-Coroner-Public Administrator

Brian E. Muller  
Undersheriff



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

Re: Mariposa County Grand Jury Report 2006-2007, Response

I am in receipt of the 2006-2007 Mariposa County Grand Jury Final Report. Pursuant to Penal Code 933.05(b) this shall serve as a response to the Grand Jury's recommendations regarding the Adult Detention Facility and the Animal Control Facility.

I agree and will comply with the recommendations of the Grand Jury to ensure that professionalism and community interaction continue. I would like to take this opportunity to publicly thank the Grand Jury for their comments and support it is truly appreciated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James H. Allen". The signature is written over a horizontal line.

James H. Allen, Sheriff/Coroner/Public Administrator

cc: Mariposa County Board of Supervisors



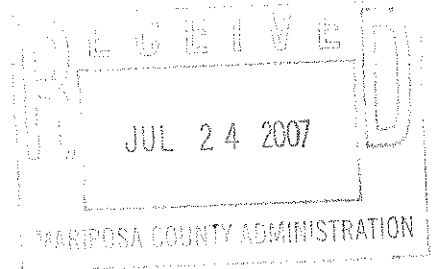
## COUNTY OF MARIPOSA PROBATION DEPARTMENT

5091 Bullion Street, P.O. Box 76  
Mariposa, California 95338  
Phone: (209) 966-3612 FAX: (209) 742-5961  
E-Mail: [probation@mariposacounty.org](mailto:probation@mariposacounty.org)

Gail A. Neal, Chief Probation Officer

July 20, 2007

Honorable F. Dana Walton  
Presiding Superior Court Judge  
PO Box 28  
Mariposa, CA 95338



Re: Mariposa County Grand Jury Report 2006-2007

Dear Judge Walton:

I have reviewed the Mariposa County Grand Jury's report for the year 2006-2007. The report addresses the members' annual inspection of the Juvenile Detention Facility. The Grand Jury found the facility to be well managed and relayed no concerns. The only recommendation was that the staff members continue to avail themselves to training.

I agree with the findings. The Probation Department and Juvenile Detention Facility Staff are required to maintain a certain number of hours according to state regulations. The training hours have been monitored and the department has been in compliance.

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

Sincerely,

A handwritten signature in cursive script that reads 'Gail A. Neal'.

Gail A. Neal  
Chief Probation Officer  
Mariposa County

cc: Mary Hodson, Deputy County Administrative Officer

**Mary Hodson**

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**From:** Chase-Williams, Janet N [janet.chase-williams@sjvls.org]  
**Sent:** Tuesday, August 07, 2007 11:39 AM  
**To:** Mary Hodson  
**Subject:** Grand jury memo from Library

**Memo**

**To:** Mary Hodson, Deputy CAO  
**From:** Janet Chase-Williams, Interim County Librarian  
**Date:** August 7, 2007  
**Re:** **Grand Jury Report**

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I have received the *2006-2007 Mariposa County Grand Jury Final Report*. I have reviewed the *Mariposa County Library System Review* and I am happy to agree with the findings and opinions of the Grand Jury.

8/7/2007

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