

96-401

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: 9/24/96
AGENDA ITEM NO.:

DEPARTMENT: Administration

BY: Mike Coffield
County Administrative Officer

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No x)

Resolution Adopting the Response to the 1995/96 Grand Jury Report and Directing the County Administrative Officer to Transmit the Response to the Judge of the Superior Court

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board must respond to the Grand Jury report under Penal Code Section 933(c) no later than 90 days after the grand jury submits its final report on County operations. The 1995/96 Grand Jury Final Report was filed by the Court Clerk on July 9, 1996, thereby establishing the time to respond as no later than October 7, 1996.

Departments of the County for which the 1995/96 Grand Jury made recommendations have responded and a draft response is attached for the Board's consideration.

Additionally, pursuant to a request by the Board for an investigation into the charges filed by the 1994/95 Grand Jury, the 1995/96 Grand Jury submitted an Interim Report, dated February 23, 1996.

The Board extends its thanks to the 1995/96 Grand Jurors for the zeal with which they pursued these charges and for the courage their report evinced.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Adopt the Response as Drafted
2. Give direction to revise the Response for final action on October 1st

COSTS: (x) Not Applicable A. Budgeted Current FY \$ B. Total Anticipated Costs \$ C. Required Additional Funding \$ D. Internal Transfers \$ SOURCE: () 4/5ths Vote Required \$ A. Unanticipated Revenues \$ B. Reserve for Contingencies \$ C. Source Description: _____ Balance in Reserve for Contingencies ,if approved: _____		SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively: _____ Draft Response to the 1995/96 Mariaposa Grand Jury _____ _____ _____ _____ _____
CLERKS USE ONLY: Res. No. <u>96-401</u> Ord. No. _____ Vote - Ayes: <u>4</u> Noes: _____ Absent: <u>Parsons</u> Abstained: _____ Approved () Denied () 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		ADMINISTRATIVE OFFICER'S RECOMMENDATION: This item on agenda as: _____ Recommended _____ Not Recommended _____ For Policy Determination _____ Submitted with Comment _____ Returned for Further Action Comment: _____ _____ CAO's Initials: _____

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE COFFIELD, COUNTY ADMINISTRATIVE OFFICER
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: RESPONSE TO 1995-96 GRAND JURY FINAL REPORT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on September 24, 1996

ACTION AND VOTE:

Resolution Adopting the Response to the 1995/96 Grand Jury Report and Directing the County Administrative Officer to Transmit the Response to the Judge of the Superior Court (County Administrative Officer)

BOARD ACTION: Following discussion, (M)Stewart, (S)Reilly, Res. 96-401 adopted, with change to delete the paragraph in the action form as discussed/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

cc: File

**RECOMMENDATIONS OF THE
1995/96 MARIPOSA GRAND JURY**

AND

RESPONSES OF THE MARIPOSA COUNTY BOARD OF SUPERVISORS

The Board of Supervisors wishes to thank the members of the Grand Jury for their efforts in the past fiscal year. The many hours of commitment are sincerely appreciated and the members are commended for their dedicated interest in the operations of the County of Mariposa.

**RECOMMENDATIONS OF THE
1995/96 MARIPOSA GRAND JURY
AND
RESPONSES OF THE MARIPOSA COUNTY BOARD OF SUPERVISORS**

Report of Special Investigation Committee

Much of the work of this Grand Jury was centered around the indictments of Mariposa County officials brought by the prior years Grand Jury at the end of their term.

As is documented in this Grand Jury Interim Report, these indictments created a challenge that demanded much time and effort of us and of the attorney we hired to help us. In summary, our findings were that the indictments were without foundation in fact or law and that the officials named in the indictments were innocent of all charges.

The lasting effects of the indictment are (1) a blemish on each of the named indictee's career record and (2) damage to the reputation of Mariposa County in the eyes of both County residents and those familiar with the politics of the county, and (3) the debasement of the entire Grand Jury system of checks and balances.

RECOMMENDATION:

It is with these consequences in mind that we make the following recommendations.

1. The Grand Jury should have out of county, independent legal advice available on an as-needed basis. We recommend an initial budget of \$10,000 be set aside for such legal advice. The members of a Grand Jury are not attorneys, yet they are asked to pass judgment on some very specialized and legally technical issues in the course of their one year term. They should know at the onset of their term that not only is legal advice available from the District Attorney's and County Counsel's staff and the Superior Court Judge, but also from attorneys that are not involved in county activities.

RESPONSE: The County Administrative Officer included in the 1996/97 budget requests a \$10,000 line item in response to the 1995/96 Grand Jury recommendation. Although the Board of Supervisors certainly agrees with the Grand Jury recommendation to fund legal services as required, the Board was unable to prospectively fund this request this year. However, as an alternative, the Board of Supervisors agrees that the Grand Jury should continue to be made aware of the availability of legal advice from the District Attorney, County Counsel and the Superior Court Judge and that if a need arises for outside counsel, the Grand Jury will be able to seek additional funding from the Board of Supervisors at that time.

RECOMMENDATION:

2. The Grand Jury should have a paid, sworn secretary available at each meeting to take minutes, type these minutes, reproduce them and make them available for all Grand Jurors at the next meeting. This would have eliminated the "hidden agenda" of some of last year's Grand Jurors and kept their discussion above board, quite possibly resulting in not having the indictments filed.

RESPONSE: Again, the Board of Supervisors concurs with the need for adequate support staff. The County Administrative Officer included a request for \$7,600 in the 1996/97 budget in response to this recommendation. The Board of Supervisors was unable to approve this program enhancement this year. Again, if the need arises for additional clerical support, the Board will deal with the request mid-year from reserves.

RECOMMENDATION:

3. A small county grand jury must have the power of accusation in order to effectively operate. The power of accusation is the only tool available short of indictment and an indictment is much too powerful in most instances. At present, a small county grand jury (pop. < 20,000) having 11 members, cannot bring an accusation. The Board of Supervisors should continue to pursue the law to grant accusation powers.

RESPONSE: The Board of Supervisors pursued legislation which resulted the passage of Senator Monteith's Senate Bill 1394, chaptered by the Secretary on July 1, 1996 as an amendment to Section 3060 of the Government Code, which states in part, "An accusation may not be presented without the concurrence of at least 12 grand jurors, or at least eight grand jurors in a county in which the required number of members of the grand jury is 11."

Report of the Public Works Committee

The 1995 Mariposa County Grand Jury conducted a meeting with the Director of Public Works of Mariposa County and the Director of Equipment Maintenance. Committee members challenged several areas of activity by the Public Works officials and focused mainly on budgetary prioritizing by Public Works. The funding allocation for roads, repair and construction appears flawed from "carry-over" funding of the previous year. A common occurrence at the end of some fiscal years is for the Road Department to have a carry-over balance from their budget. For the fiscal years ending June 30, 1994 and June 30, 1995, this carry-over amounted to \$312,647.00 and \$639,483.00 respectively. (Figures are from Schedule (I), Mariposa County Annual Road Report to the State Controller's office, line 33, Unreserved Cash.) Additionally, vehicle maintenance costs, fuel, repairs and subsequent disposal/salvage procedures of equipment should be streamlined to a more efficient method.

The Mariposa County Grand Jury of 1995-1996 perceives that the Deputy Director of Roads for the County does have a difficult job of managing a department budget which includes nineteen income sources from county, state and federal agencies. The county road budget requires extensive planning in attempts to spend this money wisely on behalf of taxpayers. It is in the spirit of attempting to aid this process that the 1995-96 Grand Jury makes its suggestions.

Findings:

It was obvious to the Public Works Committee of the Grand Jury that the amount of records, charts, graphs, policies and procedures was more paper work than even the Public Works Department could comprehend.

Any questions by the committee were met with a stack of papers, with the comment, "read these then you might understand what we're faced with."

They seemed to avoid direct questions by presenting a copious amount of paper work.

RESPONSE: The Board is sympathetic to the Grand Jury's frustration with the volume of data which must be digested before thorough and meaningful recommendations may be made. Frequently, even the Board, which deals weekly with the multiple Public Works issues in the agenda, feels hide bound by an impenetrable array of regulations, much of them mutually exclusive, which govern local government operations today. The department's perception was that the volume of data supplied was specifically requested by the committees, and their provision of that data was motivated only by their desire for full disclosure and a thorough response and was certainly not intended in any way to confuse the committee with minutia.

RECOMMENDATIONS:

1. County vehicles be operated for 150,000 miles as opposed to 120,000 miles prior to disposal.

RESPONSE: To the best of their recollection, Public Works staff does not recall that the subject of County vehicle replacement was discussed during any of their meetings with the committee, except, perhaps in passing. The Grand Jury Report provides no justification for this recommendation. The Board of Supervisors during its recent deliberations on replacement schedules retained, for the time being, the 120,000 mile schedule.

2. The Public Works budget be scrutinized by the Public Works Director and fielded to qualified staff members for possible revision based upon current and future requirements of the Public Works Department.

RESPONSE: Each and every budget is reviewed and scrutinized by the Public Works Director after being prepared by fully qualified staff. Revisions are made where necessary

to provide the County the most efficient services for the dollars available. Public Works is continually searching for more cost-effective ways to serve the public now and in the future. These budgets are then adopted, after thorough discussion annually by the Board of Supervisors during budget deliberations.

3. Recently, contract negotiations were completed between Mariposa County and Local 752 of the Service Employees International Union. This union represents many of the workers in the Road Department. For the first time, Mariposa County hired an outside consultant to bargain with a union representing county employees. Considering the discord this caused during contract negotiations, we believe this hiring to be an unproductive use of county funds.

RESPONSE: The Board recognizes that the SEIU negotiations this year appeared to be more contentious than usual, however, this union also complained to the Board about the caliber of the CAO's representation on the two previous contract negotiations handled by him. Also, the County had used a contract negotiator (Mr. George Barendse) in the past, and the Personnel Director also conducted negotiations. The Personnel Director position has been deleted, leaving no permanent staff to conduct complicated, time intensive negotiations. This year, the entire contract was open. Over 100 proposals were ultimately negotiated and the Board determined that professional representation was absolutely essential. In light of the magnitude of the demands by the Union, and the ultimate cost of the contract settlements, we believe the expenditure was well justified and unless some permanent staffing is added in the meantime, we will probably seek similar contractual expertise in the future.

Report of the Audit and Finance Committee

The Jury Commissioner is tasked to perform "filing" various legal documents, death certificates, marriages, annulments, an assortment of other documents relating to real estate, permits of all types, etc. The "filing" process is an essential part of county operations and requires a broad knowledge of court functions. The Jury Commissioner coordinates the paperwork flow of law enforcement operations within Mariposa County.

Findings:

The current procedures for jury selection is on an alternating basis between the local Department of Motor Vehicles and the Mariposa County Voters Registration list. This Grand Jury concurs with the Jury Commissioner's selection policy.

RECOMMENDATIONS:

The above tasks justifies, in our opinion, the need for staff support as soon as practicable. The Superior Court Judge must approve any request of this nature. The Audit and Finance Committee members agreed that the Jury Commissioner be supported by a full-time, grade 4

clerk, currently vacant and/or a part-time (Temp.) clerk to assist the Jury Commissioner in jury selection process.

An additional problem that creates an unusually heavy work load for the Jury Commissioner is the software currently utilized in the jury panel selection procedure. An IBM contract for computers to search and select individual jurors is outmoded. The software supplier, (under contract with IBM and Mariposa County) recently went bankrupt and is now operating under a new name, thereby negating the software clause in the original contract.

New software for the Jury Commissioner is on hold until Mariposa County's contract for software with IBM has been resolved. (Present software is a slowly responding program.) It is our understanding that this has since been resolved.

RESPONSE: **The Board of Supervisors approved during the 1996/97 budget process a court automation package which is intended to automate many manual processes and free up valuable staff time in the court.**