

**2009-2010**

**GRAND JURY**

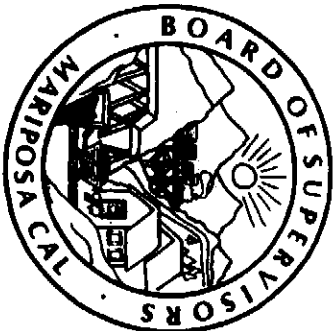
**RESPONSES**

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6. LAKE DON PEDRO COMMUNITY SERVICES DIST.
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8. MARIPOSA COUNTY LANDFILL – PUBLIC WORKS

# Mariposa County Board of Supervisors

District 1 ..... BRAD ABORN  
District 2 ..... LYLE TURPIN  
District 3 ..... JANET BIBBY  
District 4 ..... KEVIN CANN  
District 5 ..... JIM ALLEN



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)

September 20, 2010

Honorable F. Dana Walton  
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 2009-2010 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. A file copy will also be submitted to the 2010-2011 Grand Jury.

We at the County appreciate the quality of the 2009-2010 Final Report and the many hours of work that it represents.

Sincerely,

For RICHARD J. BENSON  
County Administrative Officer

RB/mbh  
Enclosure

cc: Board of Supervisors  
Affected Department Heads  
Keith Williams, County Clerk  
2010-2011 Grand Jury  
Marge Williams, Clerk of the Board

Reviewed:   
Honorable F. Dana Walton, Per PC933

**Mariposa County Board of Supervisors  
Response to the 2009-2010 Mariposa County Grand Jury Final Report**

Citizen's Complaint – Mariposa County Unified School District

The Mariposa County Board of Supervisors has no authority or jurisdiction over the Mariposa County Unified School District.

Citizen's Complaint – Probation Office

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Gail Neal, Chief Probation Officer, dated August 23, 2010, and concurs with her response.

Citizen's Complaint – J.C. Fremont Hospital and Mariposa County Sheriff's Department

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response from Brian Muller, Sheriff, dated July 21, 2010, and the response of Jim Rydingsword, Human Services Director, dated July 27, 2010, and concurs with their responses. It should be noted that the Mariposa County Board of Supervisors has no authority or jurisdiction over the J.C. Fremont Healthcare District.

Citizen's Complaint – Lake Don Pedro Community Services District

The Mariposa County Board of Supervisors has no authority or jurisdiction over the Lake Don Pedro Community Services District.

Oversight – Adult Detention Facility

The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Brian Muller, Sheriff, dated July 21, 2010, and concurs with his response noting that as of this response, no request has been formally submitted for a full-time maintenance worker position.

Oversight – Mariposa County Solid Waste Facility

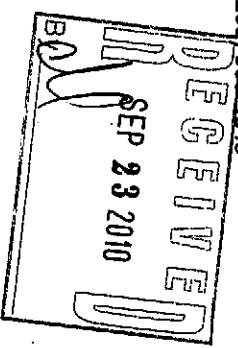
The Mariposa County Board of Supervisors has reviewed the Grand Jury Final Report and the response of Allen Toschi, Public Works Director, dated August 3, 2010, and concurs with his response.



Aaron N. Rosander  
Superintendent

**MARIPOSA COUNTY UNIFIED SCHOOL DISTRICT**

P. O. Box 8 Mariposa, CA 95338 \* Phone (209) 742-0250 Fax (209) 966-4549



September 21, 2010

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

RE: Mariposa County 2009-2010 Grand Jury Final Report

Dear Judge Walton:

Please accept my apologies for the delay in providing our agency's response to the Grand Jury report, per your letter of July 13, 2010.

This letter will confirm that Mariposa County Unified School District agrees with the Grand Jury's finding in the matter of a complaint regarding the delay experienced by the 2008-09 Grand Jury in obtaining the District's financial audit for the year ending June 2008. The District also agrees with the 2009-10 Grand Jury's recommendation that no further action is needed.

If you need any further information from us, please do not hesitate to contact our office.

Cordially,

Aaron N. Rosander, Superintendent

NB

Reviewed:   
Honorable F. Dana Walton, Per PG933

MARIPOSA COUNTY BOARD OF EDUCATION AND TRUSTEES

Janette Gamble  
District 1

Eldon Henderson, President  
District 2

Judy Eppler  
District 3

Joe Cardoso  
District 4

Kimberly Forsythe-Allison  
District 5



**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

August 23, 2010

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

Re: Mariposa County Grand Jury Report 2009-2010


Dear Judge Walton:

I have reviewed the Mariposa County Grand Jury's report for the year 2009-2010. The report addresses a complaint directed toward the Probation Department in regard to the Ignition Interlock Device (IID). Unfortunately, I was not privy to the contents of the complaint. The Grand Jury's Report was the first I became aware of a complaint being made. Therefore, I cannot comment directly on the complaint itself.

Based on the Grand Jury's findings I can add that once an individual is placed on probation with an IID order, he or she is given a list of IID providers. It is up to the individual to select the manufacturer and arrange for installation of the IID on his or her vehicle. The list was obtained from the Department of Motor Vehicles' website.

As such, I agree with the Grand Jury's findings.

Sincerely,

  
Gail A. Neal  
Chief Probation Officer  
Mariposa County

cc: Mary Hodson, Deputy County Administrative Officer

Reviewed   
Honorable F. Dana Walton, Per PG933



JOHN C. FREMONT HEALTHCARE DISTRICT

July 26, 2010

The Honorable F. Dana Walton  
Presiding Judge of Mariposa Superior Court  
P.O. Box 28  
Mariposa, CA 95338-0028

Dear Judge Walton:

I am responding to your letter of July 12, 20210 regarding a patient rights violation complaint.

On behalf of the John C. Fremont Healthcare District, I agree with the findings of the Grand Jury and support the recommendation that "Mariposa County continue to look for an independent Patient Rights Advocate".

Sincerely,

Charles E. Bill,  
Administrator/CEO

CB/kb

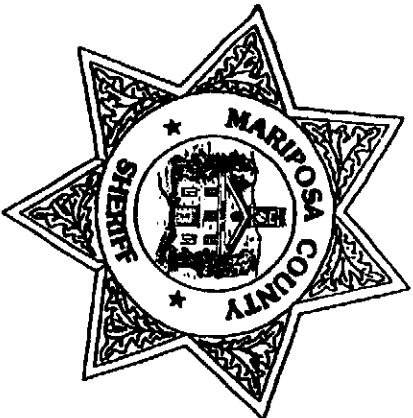
Reviewed:  
Honorable F. Dana Walton, Per PC933

Hospital • (209) 966-3631 Fax: (209) 742-6749

Rural Health Clinic • (209) 966-0850 Fax: (209) 966-0855

Home Health / Hospice • (209) 966-3800 / (209) 878-0800 Fax: (209) 966-3778

5189 Hospital Road • P.O. Box 216 • Mariposa, California 95338 • (209) 966-3631 • Fax: (209) 966-3776



# Office of the Sheriff - Coroner Public Administrator

**Brian E. Muller**  
Sheriff-Coroner-Public Administrator

**Doug Binnewies**  
Undersheriff

July 21, 2010

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

Re: Response to Mariposa County 2009-2010 Grand Jury Final Report

I am in receipt of the 2009-2010 Mariposa County Grand Jury Final Report. Pursuant to Penal Code 933.05(b) this shall serve as a response to the Grand Jury's findings and recommendations regarding the Adult Detention Facility, and one (1) Citizen Complaint.

Having reviewed the observations and conclusions of the 2009-2010 Final Report, I wish to make the following comments:

### Adult Detention Facility

I would like to start by recognizing the hard work and dedication of Lieutenant Brent and each member of her staff. Adult Corrections is one of the least recognized and under appreciated fields within the local criminal justice system. The staff at the adult corrections facility is committed to providing a clean, safe and secure environment for inmates, while recognizing the need to reduce recidivism through treatment and rehabilitation.

Observation 1 -- Solitary Confinement Cells. Due to cost restraints, limitations were necessary during the original jail design phase. As a result of those limitations, the construction of single occupancy cells was not a viable option. The existing structure and floor plan is restrictive and not conducive to expansion, therefore it is necessary to decommission multiple beds when it is deemed necessary to isolate an inmate. This

P.O. Box 276

Mariposa, CA 95338

(209) 966-3615

FAX (209) 742-5090



necessity has created some significant inconveniences in the past; however jail staff has consistently dealt with the inconveniences and made the necessary housing adjustments to ensure the safe housing of all inmates.

Observation 2 – Facility Maintenance. Facility Maintenance is provided through a service contract agreement with an individual in the private sector. Due to the age and usage of the correctional facility, the need for repair work and preventive maintenance has increased steadily. Much of the equipment within the facility is specialized and repair work must be performed by professionals who specialize in electrical, plumbing, heating and air conditioning. To reduce costs and maximize productivity, inmate workers are utilized when possible to assist in maintaining the facility; however the need for a full time Maintenance Worker exists and would further reduce maintenance and repair costs through increased preventative maintenance.

Observation 3 – Staffing Levels. Low staffing levels within the jail is an on-going problem. Although recruitment of prospective employees has improved over the last two years, it has become increasingly difficult to attract candidates who are able to successfully pass the pre-employment background. Due to the thoroughness of the background investigation, the turnaround time from start to finish typically takes six to eight weeks. If a prospective employee is washed out of the background process during the later phase of the investigation, the opportunity to hire the next candidate will take at least another eight weeks. Although the slow pace of the background process often results in delays and lower staffing levels, it is critical to the security and integrity of the facility that the background investigation be as extensive and in-depth as possible.

#### Citizens Complaint

As noted, the Grand Jury received a citizen complaint relating to an incident which included a sheriff's deputy and John C. Fremont Hospital staff member.

I agree with the findings of the Grand Jury regarding this complaint as it relates to involvement by a sheriff's deputy. The accuracy of the incident as described by the complainant was questionable and the deputy that was alleged to have been involved was not even present at the time of the incident.

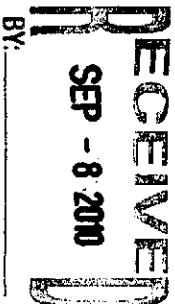
I wish to express my appreciation to the Grand Jury members for their hard work and willingness to serve our community by fulfilling such an important role. Their sacrifice of time and self is recognized and valued by all of us.

Respectfully Submitted,

  
Brian E. Muller, Sheriff/Coroner/Public Administrator

Reviewed:   
Honorable E. Dana Walton, Per PC933

September 3, 2010



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

Re: Mariposa County 2009-2010 Grand Jury Final Report

Dear Judge Walton:

Thank you for your recommendations included in the 2009-2010 Grand Jury Final Report. Our responses follow:

**FINDINGS:**

- 1) *Several requests for raw water were received and denied for subject residential property. We found no evidence of a raw water connection for residential irrigation use. Irrigation system in question appears to be from a private well.*
- 2) *Private wells are in conflict with the Lake Don Pedro Owners Association rules. The Lake Don Pedro Owners Association is a private entity, and not subject to Grand Jury inquiry.*


The Community Services District agrees with both findings.

**RECOMMENDATIONS:**

- 1) *The Grand Jury recommends that the Lake Don Pedro Community Services Board be more careful concerning rules of order. In particular the Board should respect the Brown Act rules. Compliance with the Brown Act is valuable for preserving the trust of the public.*


The recommendation has been implemented. All Board members are required to take Brown Act training within one year and do. The Community Services District agrees with the statements in the recommendations.

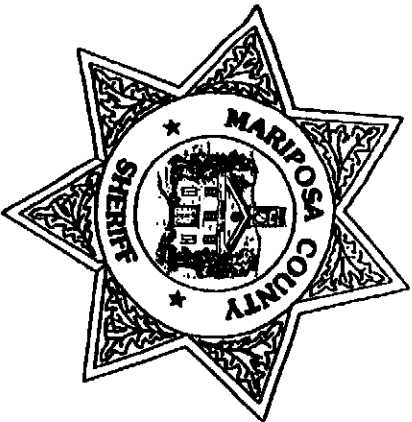
Respectfully submitted,

  
EMERY ROSS

President

Lake Don Pedro Community Services District

Reviewed:   
Honorable F. Dana Walton, Per PG933



# Office of the Sheriff - Coroner Public Administrator

**Brian E. Muller**  
Sheriff-Coroner-Public Administrator

**Doug Binnewies**  
Undersheriff

July 21, 2010

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

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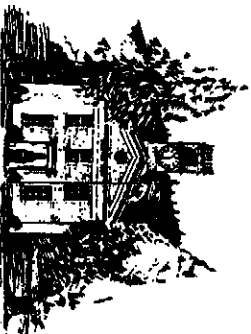
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Respectfully Submitted,

  
Brian E. Muller, Sheriff/Coroner/Public Administrator

  
Reverend F. Dana Dalton, Per PC933  
Honorable F. Dana Dalton, Per PC933

# COUNTY of MARIPOSA



4639 Ben Hur Road  
Mariposa, CA 95338  
Phone: (209) 966-5356  
Fax: (209) 966-2828

## DEPARTMENT OF PUBLIC

### WORKS

Divisions of:

Administration  
Aerometrics  
Design & Construction  
Facilities  
Roads  
Transportation  
Airport  
County Surveyor  
Engineering  
Parks & Rec.  
Solid Waste  
Fleet Maintenance

Allen Toschi  
Director

August 4, 2010

Honorable F. Dana Walton  
Presiding Judge of the Superior Court  
5088 Bullion Street  
Post Office Box 28  
Mariposa, CA 95338

RE: MARIPOSA COUNTY 2009-2010 GRAND JURY FINAL REPORT

Dear Honorable F. Dana Walton

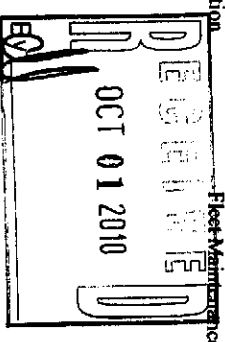
The purpose of this letter is to respond to the Grand Jury Final Report dated June 4, 2010 and received on July 22, 2010.

According to Penal Code 933.05

(a) Findings: Mariposa County Public Works (PW) *agrees* with the findings which are: 1) The operation of the facility is hampered by lack of personnel; 2) Odor control with shredded almond roots has been effective; and 3) The amount of plastic in the trash is much more than the preliminary studies had projected.

(b) Recommendations:

- PW *agrees* that with education of, and support from the public, the facility efficiency could be greatly improved, however this will be a long term improvement.
- PW *agrees* that with increased amount of material recycled, the income could be increased.
- PW *agrees* that more staff would lead to a higher quality compost and more useful finished product.
- PW *disagrees* that all expenses would be reduced, and thereby allow more staffing and increased pay to workers. The PW Solid Waste & Recycling Division is an enterprise fund and is expected to operate solely on revenue generated. Currently the Division is responsible for operating four transfer stations as well as implementing many unfunded state-mandates. Increased revenue is sorely needed to continue the operation of the Solid Waste System in Mariposa County and the level of service that the public has become accustomed to. The costs associated with operating each transfer station exceeds revenue collected from those facilities. Many cost savings measures have been implemented over the past two years such as: using extra help employees to staff the facilities whenever possible; reducing days and hours of operations; and renegotiating contracts with Franchise Hauler. The Division has also taken on unfunded mandates even though other agencies might have taken the lead. Cooperative ventures have been forged wherever possible to reduce the overall impact to any one Department.



Most of these unfunded mandates have taken the form of waste streams being banned from disposal in our landfill. Some of these waste streams are charged a fee, but this fee may not always cover the handling costs. Subsidizing these programs is often weighed with the alternative of the cost associated with the possibility of increased illegal dumping. Unfunded mandates include management of the following: Sharps (lancets and hypodermic needles) and other biomedical waste; tires; appliances; universal and electronic waste, which includes household batteries, televisions, computers, etc.; Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generators of hazardous waste (usually small businesses); and recyclables. In addition, funding is needed to maintain the buildings and equipment. PW is constantly seeking State and Federal grants for the handling of these unfunded mandates as well as for increasing the day to day operational efficiency.

Mariposa County Public Works appreciates the Grand Jury's comments. PW has a very dedicated staff that works hard to address the concerns of the community. If you have any questions or would like clarification please do not hesitate to contact me at (209) 966-5356 or Dr. Miller, Solid Waste & Recycling Division Manager at (209) 966-5165.

Sincerely,



Allen G. Toschi, P.E.

Public Works Director

cc: Board of Supervisors  
Steve Dahlem, County Counsel  
Michelle Miller, Division Manager

Reviewed:   
Honorable F. Dana Walton, Per PG933