

DEPARTMENT: Administration

BY: Rick Benson

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve the comments of the Board of Supervisors to the findings and recommendations contained in the 2008-2009 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 September 4, 2009.

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: \$		Letter and Comments
Source:		Grand Jury Findings and Recommendations
Internal Transfer		
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.: 09-430 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

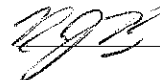
COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

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

CAO: 



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Approve the Comments of the Board of Supervisors to the Findings and Recommendations Contained in the 2008-2009 Mariposa County Grand Jury Final Report that were Directed to the Board of Supervisors and Authorize the Board of Supervisors Chair to Sign the Cover Letter for the Comments

RESOLUTION 09-430

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 25, 2009

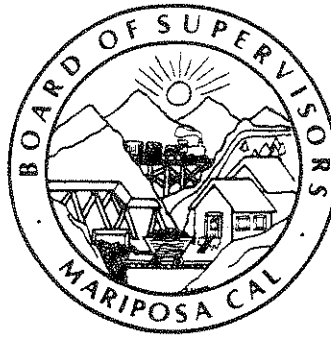
ACTION AND VOTE:

Approve the Comments of the Board of Supervisors to the Findings and Recommendations Contained in the 2008-2009 Mariposa County Grand Jury Final Report that were Directed to the Board of Supervisors and Authorize the Board of Supervisors Chair to Sign the Cover Letter for the Comments (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this response only contains comments for the Board of Supervisors which are due within sixty days of the Report. Responses from departments need to be submitted within ninety days; and elected officials responses are totally independent of the County response. He advised that Human Services is finalizing the preparation of their response to the suicide item. Supervisor Cann asked for clarification of the statement in the draft response relative to the Board not having any authority over the elected officials or County Counsel. Steve Dahlem provided input. Board members thanked the Grand Jury for their work. Rick Benson thanked Mary Hodson for her work on preparing the response. (M)Bibby, (S)Allen, Res. 09-430 was adopted approving the response, with the change to delete reference to the Board not having authority over County Counsel/Ayes: Unanimous.

Cc: Mary Hodson, Deputy CAO
File

Mariposa County Board of Supervisors



District 1BRAD 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

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August 25, 2009

Honorable Wayne R. Parrish
Assistant Presiding Judge
Mariposa County Superior Court
Post Office Box 28
Mariposa, California 95338

Dear Judge Parrish:

Enclosed are the Board of Supervisors comments to the 2008-2009 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,

BRAD ABORN
Chairman

BA/mbh
Enclosure

**Board of Supervisors Comments
On the 2008-09 Mariposa Grand Jury Findings and Recommendations
Pertaining to the Board of Supervisors**

Citizen's Complaint – Williamson Act Violations

Findings:

- The Board of Supervisors agrees with the Grand Jury's findings.

Conclusions:

- The Board of Supervisors agrees with the Grand Jury's conclusions and will continue to adhere to the rules governing the Williamson Act.

Citizen's Complaint – Juvenile Suicide

Recommendations:

- Any request for additional funding by the District Attorney's office to conduct an investigation into this matter will be reviewed by the Board of Supervisors when requested and taken into consideration within the financial constraints of the County's operating budget.
- The Board of Supervisors relies on the expertise and management skills of its appointed department heads to carry out their respective departmental responsibilities and believes that the involved departments are striving to ensure that tragedies such as this do not occur again. The Board of Supervisors has no authority over elected officials.
- The involved departments were all requested to submit responses to the presiding Judge within the allotted 60-day time period.

Citizen's Complaint – "Field of Dreams" Sports Complex

Findings: The Board of Supervisors agrees with the findings with the following exceptions:

- According to the minutes from the 9/4/01 meeting, no direction was given to Mariposa County Parks and Recreation, rather the Board of Supervisors was presented with the Parks and Recreation Master Plan.
- There was no Board of Supervisors meeting on 2/9/02 (a Saturday), however on 2/12/02 the Board did establish a Public Hearing Date to inform the public of the County's intention to purchase unimproved real property.
- The 3/21/02 meeting was a joint meeting with the Board of Supervisors and the Board of Trustees with the Mariposa County School District. The following is an excerpt from the minutes regarding action taken:
"BOARD ACTION: Supervisor Stewart stated he would like to see the Bridgeport Fire Station move forward. He stated he feels this was an important meeting and that the two Boards should continue to meet and share ideas for facilities and projects. Supervisor Pickard suggested there could be coordination with State legislation. Nancy McConnell thanked the Board of Supervisors for meeting with the School Board, and she stated she agrees that the two Boards should try to meet again."
- The minutes from the 5/20/03 do not mention any public opposition. The only public comment mentioned is noted as follows:

“Jim Petropulos, Public Works Director;
Authorize County to Purchase Approximately 54 Acres of Land from the
Mariposa First Baptist Church and Authorize the Chairman of the Board
to Execute the Escrow Agreement Subject to Review and Approval by
County Counsel

BOARD ACTION: Jeff Green, County Counsel, advised that the
recommended action is to adopt a resolution of intent to purchase the
property, and that a hearing will be scheduled for final action. Jim
Petropulos reviewed the terms and conditions of the purchase, and he
noted that Fred Solomon was present to assist in answering questions.
Chairman Pickard noted that members of the Parks and Recreation
Commission were present.

Input from the public was provided by the following:

- Don Starchman, Starchman Law Offices, as a volunteer representing the
Mariposa First Baptist Church, stated they are looking forward to moving
ahead and working closely with the Board on this project.

(M)Parker, (S)Bibby, Res. 03-177 was adopted, a resolution of intent to
purchase the property as recommended. Supervisor Parker requested
that a press release be prepared relative to this matter. Rich Inman,
County Administrative Officer, stated he would handle this. Ayes:
Unanimous”

Comments: The Board of Supervisors agrees with the comments with the exception of
the following:

- The Board of Supervisors has not received a report from staff regarding what
happens with the grant money in the eventuality that the property is sold, and
so cannot confirm if this is an accurate statement.

Recommendations:

- The Auditor is knowledgeable regarding the financial status of the county, but
the actual costs of capital improvement projects are best calculated by
engineers and construction experts. The Auditor reviews all Board Agenda
Items that involve financial transactions, and as an elected official has the
ability and authority to comment on the feasibility of capital improvement
projects if they so desire.

Conclusions:

- The Board of Supervisors is appreciative of the Grand Jury’s recognition of
County Staff being cooperative and forthcoming with requested information.
- The Board of Supervisors has not received an official report from staff stating
that the property is unsuitable for a sports complex, and so cannot agree with
this statement.
- The Board of Supervisors does not believe that the project was mismanaged.
Members of the Board of Supervisors reacted to requests from county citizens to
pursue a sports complex, but over time other more pressing matters took
precedence and this project became inactive. Given the economic
circumstances of today, this project may not be feasible at this point in time.

Citizen's Complaint – Guest Ranch

Findings:

- The Board of Supervisors appreciates the Grand Jury's finding that the County conducted our business in an appropriate manner.

There was no recommendation.

North Side Safety/Health Issues

Facts:

- The Board of Supervisors agrees with the Facts.

Underserved:

- The Mariposa County Fire Department is a volunteer fire department with the exception of the Fire Chief and Deputy Fire Chief so no county fire station in staffed 24-hours a day. The citizens of the Lake Don Pedro area approved an assessment in 2007 and now have a CalFIRE station manned all year for fire and emergency services. This is the only Amador Fire Station in the County. The Human Services department is in the process of staffing a satellite office in the Coulterville area.

Recommendations:

- Due to fiscal constraints, it is not currently possible for the County to purchase and construct a facility to house fire, law enforcement, human relations, animal control, family support, and substance abuse.
- The County is in the process of providing the North Side with three new engines – Coulterville, Greeley Hill, and the Lake Don Pedro area.
- The Board of Supervisors relies upon the recommendations of the Sheriff who is currently responsible for animal control activities. To date no mention has been made of the need to establish an animal control facility on the North Side.
- The Board of Supervisors defers to the expertise of the Sheriff regarding the number of law enforcement personnel to deploy in a specific area of the County.
- The Human Services Department is in the process of establishing a satellite office on the North Side.
- Mercy Emergency Services is a privately owned company. Currently the number of emergency medical calls on the North Side is insufficient to maintain a viable ambulance service in this area. Recognizing the critical importance of this type of service, the County provides a subsidy to Mercy Ambulance of approximately \$150,000 a year that allows them to keep an ambulance on the North Side.
- The Health Department recently completed outfitting a vehicle with emergency supplies and it is stationed in Coulterville.
- A helispot exists on the North Side in the Greeley Hill area called the Ponderosa LZ.
- The County has purchased new fire engines through the County Service Area #3 assessment, and three engines will be placed on the North Side – Coulterville, Greeley Hill, and Lake Don Pedro.

Comments:

- The Board of Supervisors agrees that a county community center would be very beneficial to the North Side, but given the current financial constraints this is not feasible at this time.