

# MONO COUNTY GRAND JURY

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Final Report  
2010-2011

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## LOGO

Laura Patterson Design

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Cindy Kitts & Alyse Caton

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF MONO

IN RE:

2010-2011 Grand Jury

GENERAL ORDER

I certify that the 2010-2011 Mono County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Dated this 27 day of July 2011.

  
STAN ELLER  
Presiding Judge of the Superior Court



# **SUPERIOR COURT OF CALIFORNIA – MONO COUNTY**

**GRAND JURY**

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Cindy Kitts  
Grand Jury Foreperson  
2010-2011

June 27, 2011

The Honorable Judge Stan Eller  
Mono County Superior Court  
PO Box 1037  
Mammoth Lakes, California 93546

Dear Judge Eller:

Please find attached the Final Report for the 2010-2011 Mono County Grand Jury. The Grand Jury investigated five complaints, and conducted investigation of two Mono County Agencies as part of the Grand Jury watchdog function.

The 2010-2011 Grand Jury continued a practice initiated by the 2009-2010 Grand Jury of not establishing standing committees, choosing to establish committees based on the interests of each Juror. The method of establishing committees allowed better organization of committees, based on their interests, and time allotted, as well as a better way to spread the work more evenly between Jurors.

With the numerous complaints the 2010-2011 Grand Jury received, we worked hard to complete all the complaints, and have included all the information about all complaints and investigations in the reports. As a change from previous Grand Juries, the 2010-2011 Grand Jury elected to use a format, chosen by Grand Jury members, so that reports carry the same format when submitted.

All of the complaints received by the Grand Jury were thoroughly reviewed, and interviews conducted. The Grand Jury would like to thank the members of the Mono County Agencies to whom we interviewed for their total cooperation. This is true for the agencies we interviewed in the complaints, as well as the interviews with agencies as our watchdog function.

We had the opportunity to do interviews, and gather information about two of the County Agencies, and appreciate their support, and willingness to answer our questions, and give the members of the committee the information they requested in order to complete accurate reports.

This has been a somewhat difficult year, with many trials along the way, but we were able to pull together and complete our duties. The Grand Jury would like to thank Hector Gonzalez for his advice and leadership with regards to questions we had regarding Grand Jury protocol; Alyse Caton for her help in finding meeting rooms, Judge Eller, and Marshall Rudolph. I would also like to thank C.D. Ritter for her help with obtaining the use of the Community Services conference room for our meetings. We appreciate

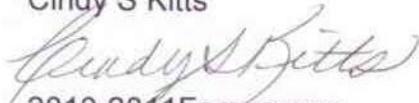
the support and aid that all of you gave us this year. We are fortunate to have such knowledgeable and willing people in the Mono County Superior Court.

I would like to personally thank Pat Agnitch, who served as the Secretary for the 2010-2011 Grand Jury. Pat did a great job taking minutes, and getting them to all the members. I would also like to thank Georgette Noble for her support under sometimes difficult circumstances.

It has been a privilege to serve as the 2010-2011 Grand Jury Foreperson, and to have served on the 2009-2010 Grand Jury. It has been a rewarding experience, and has given me the opportunity to see how the Grand Jury works, as well as how many of the Mono County agencies also work.

I appreciate the opportunity to serve our county and communities, and wish the very best to those who will sit on the 2011-2012 Grand Jury. I offer any help that the new Foreperson may need.

Cindy S Kitts

A handwritten signature in cursive script that reads "Cindy S Kitts".

2010-2011 Foreperson,

Mono County Grand Jury

## THE GRAND JURY SYSTEM

Shrouded in secrecy, the functions of a Grand Jury are not widely known. The following summary describes what a Grand Jury is and does:

The Grand Jury system dates back to 12<sup>th</sup> century England during the reign of Henry II. Twelve “good and lawful men” were assembled in each village to investigate anyone suspected of crimes. The jurors passed judgment based on what they themselves know about a defendant and the circumstances of the case. It was believed that neighbors and associates were the most competent to render a fair verdict. By the end of the 17<sup>th</sup> century, the principle that jurors must reach a verdict solely on the basis of evidence was established, and that practice continues today. Although California Supreme Court decisions have curtailed the historical criminal indictment function, the Grand Jury still serves as an inquisitorial and investigative body functioning as a “watchdog” over regional government.

The Mono County Grand Jury, as a civil Grand Jury, is not charged with the responsibility for criminal indictments except in the case of elected or appointed county officials. Its primary function is the examination of county and city government, including special legislative districts such as community service districts and fire protection districts. The Grand Jury seeks to ensure that government is not only honest, efficient and effective, but also conducted in the best interest of the citizenry. It reviews and evaluates procedures, methods and systems used by governmental agencies to determine compliance with their own objectives and to ensure that government lives up to its responsibilities, qualifications and the selection process of a Grand Jury are set forth in California Penal Code Section 888 et seq.

The Grand Jury responds to citizen complaints and investigates alleged deficiencies or improprieties in government. In addition, it investigates the county’s finances, facilities and programs. The Grand Jury cannot investigate disputes between private citizens or matters under litigation. Jurors are sworn to secrecy, and all citizen complaints are treated in strict confidence.

The Mono County Grand Jury is a volunteer group of 11 citizens from all walks of life throughout the county. Grand jurors serve a year-long term beginning July 1, and the term limit is two consecutive years. Lawfully, the Grand Jury can act only as an entity. No individual grand juror, acting alone, has any power or authority. Meetings of the Grand Jury are not open to the public. By law, all matters discussed by the Grand Jury and votes taken are kept confidential until the end of term.

One of the major accomplishments of a Grand Jury is assembling and publishing its Final Report. This document is the product of concentrated group effort and contains recommendations for improving various aspects of governmental operations. When it is completed, the Final Report is submitted to the presiding judge of the Superior Court. After release by the court, it is directed first to county department heads for review, then to the communications media. The Final Report is a matter of public record, kept on file at the court clerk’s office. It is also available on line at: [www.monocourt.org](http://www.monocourt.org).

## GRAND JURORS AND COMMITTEES

### 2010-2011 Grand Jurors:

Cindy Kitts, Foreperson  
Benton

Pat Agnitch, Secretary  
Crowley Lake

Laura Archibald  
Crowley Lake

Ron Glende  
Crowley Lake

Ralph Haber  
Swall Meadows

Glenn Inouye  
Swall Meadows

Michael Katusich  
Walker

Georgette Noble  
Walker

Michele Royalty  
Mammoth Lakes

Dawn Vereuck  
Mammoth Lakes

### Grand Jury Committees:

#### 10-01: Mono County Sheriff's Department

Ralph Haber, Chair  
Michael Katusich  
Georgette Noble

#### 10-03: Eastern Sierra Unified School District

Michele Royalty, Chair  
Pat Agnitch  
Ron Glende  
Glenn Inouye  
Cindy Kitts  
Georgette Noble

#### 10-05: Mono County Department of Child Welfare Services

Georgette Noble, Chair  
Ralph Haber  
Cindy Kitts

#### 10-07: Swall Meadows

Dawn Vereuck, Chair  
Pat Agnitch  
Ron Glende  
Cindy Kitts  
Michele Royalty

#### Jail Report

Pat Agnitch  
Glenn Inouye  
Michael Katusich  
Georgette Noble

#### 10-02: Town of Mammoth Lakes Finance Department (Withdrawn by Complainant)

Dawn Vereuck, Chair  
Michele Royalty

#### 10-04: Mono County Public Works Department

Pat Agnitch, Chair  
Glenn Inouye  
Cindy Kitts

#### 10-06: Eastern Sierra Unified School District (Combined with Case #10-03)

#### Continuity Committee

Ralph Haber, Chair

**Note: The Foreperson is a member of all committees**

## **GRAND JURY ADVISORS**

**Stan Eller**

Judge, Superior Court– Mono County

**Hector Gonzalez, Jr.**

Court Executive Officer, Superior Court– Mono County

**George Booth**

Mono County District Attorney

**Marshall Rudolph**

Mono County Counsel

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011  
COMPLAINT 10-01  
MONO COUNTY SHERIFF'S DEPARTMENT  
FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

**SUMMARY:**

**Complaint:** The 2009-2010 Grand Jury received a letter on April 12, 2010 from a citizen who complained that a Deputy Sheriff and a Deputy Safety Officer of the Mono County Sheriff's Department had harassed this individual and engaged in heavy-handed tactics on August 28, 2009.

**Methods:** The 2010-2011 Grand Jury accepted the complaint as #10-01. The investigation by the Grand Jury included interviews, document reviews and a review of the audio digital recording made during the August 28, 2009 interactions between officers of the Sheriff's Department and the complainant.

**Findings:** The Grand Jury concluded the complainant's complaints against the Mono County Sheriff's Department were well founded: the officers did not investigate properly, did not document properly, and did not report properly. The Grand Jury also found the deputies who went to the complainant's business to deliver a safety code acted unprofessionally.

**Recommendations:** The Grand Jury recommended that the Sheriff's Department conduct their own internal investigation of the August 28, 2009 event, institute a training program for its officers to follow guidelines, ensure that reports are completed, that County Codes and related information are available to business owners, and that officers follow existing Policies and Procedures in their interactions with the public.

**BACKGROUND:**

The complainant wrote to the Grand Jury on April 12, 2010 with two complaints. The first was directed at a Deputy Safety Officer and the second towards an additional deputy. They are summarized as follows:

1. A Deputy Safety Officer of the Mono County Sheriff's Department intimidated and harassed the complainant on August 28, 2009.
  - a. The Deputy Safety Officer intimidated and harassed the complainant by bringing two extra deputies to serve a single safety notice, and by threatening a citation and fine for noncompliance.
  - b. The Deputy Safety Officer informed the complainant on May 9, 2009 of a code violation citation that the complainant rejected as unjustified. The complainant ordered the Deputy Safety Officer off the property. The

complainant stated the belief that the August 28 incident was a result of this May 9, 2009 earlier confrontation with the Deputy Safety Officer.

- c. A few days after the May 9 confrontation, the complainant observed the Deputy Safety Officer performing actions and duties in an unsafe and dangerous manner, and the complainant reported this to the Deputy Safety Officer's supervisor. The complainant stated the belief that the August 28 incident was also in retribution for the complainant's reporting the unsafe behavior of the Deputy Safety Officer.
  - d. The Deputy Safety Officer and the Sheriff's Department did not provide safety information for the complainant's business, even when requested by the complainant.
  - e. The complainant stated that he, the complainant, was unable to work with the Deputy Safety Officer, in a productive manner.
2. A deputy of the Mono County Sheriff's Department harassed the complainant on August 28, 2009, when the deputy decided the complainant possessed and was under the influence of illegal drugs, and who then initiated an inappropriate drug investigation. A container of prescriptive pills was found in complainant's trailer. He did not have a prescription for the medication, so there was some evidence of a controlled substance.

#### METHODS:

A three-member Investigative Committee of the 2010-2011 Grand Jury conducted five interviews and reviewed a number of documents. The interviewees included: the complainant, the Sheriff, the deputy present on August 28, 2009, a second deputy also present on August 28, and the Deputy Safety Officer's supervisor. (The Deputy Safety Officer has since retired from the Sheriff's Department and could not be located).

Nine sets of documents were received and reviewed:

- An audio digital recording of the deputy's interaction with the complainant during the incident on August 28, 2009, made by the deputy as normal practice;
- The deputy's official report of the incident, filed two days later;
- The response, a week later, from the Mono County District Attorney's office acknowledging receipt of the deputy's report;
- The one-page notice copied from a safety code and served on the complainant by a Deputy Safety Officer;
- The Policies and Procedures Manual for the Mono County Sheriff's Department;

- State of California Policies and Procedures Manual covering the complainant's business;
- State of California ABC's of Law with respect to customers of the complainant's business and the operations of the business;
- A letter from the medical doctor confirming prescribed medications for the complainant; and
- Several other letters the complainant had written with regard to the event that would support the complaint sent to the Grand Jury.

## FINDINGS:

### 1. Deputy Safety Officer's Intimidation and Harassment on August 28, 2009:

- a. The complainant stated that the Deputy Safety Officer arrived in a marked Mono County Sheriff car on August 28, 2009 accompanied by two additional deputies to deliver a safety code. The complainant complained feeling intimidated and harassed by the unnecessary presence of the additional officers.

The deputy's report of the incident stated that the Deputy Safety Officer asked that the deputy and one additional officer to be present on August 28. The report stated that the three officers arrived in three marked vehicles. The complainant approached the officers, and the Deputy Safety Officer handed the complainant a one-page copy of the Safety Code, which the complainant read and acknowledged.

The audio digital recording made by this deputy confirmed the Deputy Safety Officer told the complainant that the complainant was in violation of a safety code requirement for which a citation and fine could be issued. The complainant said the safety device looked appropriate and a good idea and that it would be immediately purchased. (Proof of this purchase was given to the Investigative Committee). The complainant questioned the Deputy Safety Officer why it was necessary to bring additional officers to serve this notice. The Investigative Committee could hear on the audio digital recording that the complainant maintained composure and at no time displayed agitation or anger.

In the interviews, the Investigative Committee asked the Sheriff, and the two deputies involved if it was unusual to bring supporting officers along when delivering a code document. They all stated that while it might be unusual in this circumstance, an officer is trained to err on the side of safety. If the officer has any concern regarding safety, backup support should be considered. According to the deputy's report and the audio

digital recording, no safety concerns occurred. The complainant was not cited for the absence of the safety device.

- b. The complainant was of the opinion that the Deputy Safety Officer brought the extra officers and acted in a threatening manner because of two earlier incidents. According to the complainant, the Deputy Safety Officer showed up on May 9, 2009 and stated to the complainant that there was equipment on the premises that was in violation of the code. The complainant told the Investigative Committee that he offered to show the Deputy Safety Officer evidence that no violation was present. The Deputy Safety Officer rejected the offer; they argued; and the complainant finally ordered the Deputy Safety Officer to get off the property, which the Deputy Safety Officer did.

When the Investigative Committee interviewed the Deputy Safety Officer's supervisor, the supervisor said that the Deputy Safety Officer verbally reported his visit on May 9 to the complainant, but the Deputy Safety Officer said that the complainant feloniously threatened the Deputy Safety Officer, who was forced to flee to safety. This may have been the reason the Deputy Safety Officer decided to bring backup on Aug 28. However, the Investigating Committee had no access to the Deputy Safety Officer to verify this. The supervisor told the Investigative Committee that neither the Deputy Safety Officer, the supervisor, nor any other officer filed a report, or initiated any investigation of this claimed felony, and no documentation is available.

In the written complaint, the complainant had no knowledge of the Deputy Safety Officer's version of what occurred on May 9. The Investigative Committee discovered the second version when it compared the interviews of the complainant and the Deputy Safety Officer's supervisor. At the time the complaint was written, the complainant had no knowledge that the Deputy Safety Officer had reported that confrontation to his superior and to other officers in the Sheriff's Department as a felonious assault.

- c. A few days later, the second incident occurred that the complainant felt contributed to the August 28, 2009 confrontation. The complainant told the Investigative Committee of observing the Deputy Safety Officer running into boats, while on the lake, and reported these observations to the Deputy Safety Officer's supervisor. When interviewed, the supervisor acknowledged receiving this verbal complaint from the complainant, but did not write a report, so there was no specific written report of the "unsafe and dangerous manner".
- d. The complainant stated that the Mono County Sheriff's Department, and particularly the Deputy Safety Officer neither provided nor assisted the complainant in obtaining safety materials. In its interview with the Deputy Safety Officer's supervisor, the Investigative Committee showed the

supervisor the materials it obtained from the complainant, and the supervisor stated these materials were unfamiliar, he did not know their content, or their distribution. In return, the supervisor gave the Investigative Committee a much larger book containing the relevant State and County laws and practices, saying that this larger manual was the guide used by the Deputy Safety Officer. The supervisor reported to the Investigative Committee that the source of the safety notice handed to the complainant on August 28 was unknown. Ten days later, the supervisor informed the Investigative Committee finding that it was from p. 211 of that book. The supervisor stated that he did not know what the Deputy Safety Officer distributed to relevant citizens.

- e. The complainant stated in the complaint: "I want very much to work with the various agencies here, but this previous situation with the County has made me completely distrustful of this agency". In the Investigative Committee's interview, the complainant stated that the context of this quote referred to the Sheriff's Department, and especially to this Deputy Safety Officer. In the interview with the Investigative Committee, the complainant reiterated repeatedly about being unable to work with the Deputy Safety Officer.

The Investigative Committee questioned each of the two deputies, the Safety Officer's supervisor and the Sheriff, and each reported that they perceived the complainant to be unreliable, excitable, and argumentative.

## 2. Deputy Harassments on August 28, 2009:

The audio digital recording confirmed that the deputy interrupted the Deputy Safety Officer and began to interrogate the complainant about agitation and drug use. The voices of the Deputy Safety Officer and the other deputies did not appear on the recording after the deputy initiated questioning. The deputy's first comment to the complainant was to calm down, followed by a question about agitation. The Investigative Committee could not detect this agitated behavior on the audio digital recording. During the next recorded 30-45 minutes, the deputy reported observations of the complainant's pupils, eyelid tremor, eye redness, as well as pulse rate, speech rate and agitation, postural steadiness, and general calmness. The deputy linked each observation back to drugs that the deputy suspected the complainant had taken. The Investigative Committee could find no evidence on the recording that demonstrated agitation or aggression. The Investigative Committee heard the complainant agreeing to all requested searches without complaint.

The deputy asked the complainant's permission to search the truck parked next to the residence, which the deputy also asked permission to search. The complainant agreed. The deputy asked the complainant to produce any guns present (which were seized), and medications (which were seized). The complainant showed the deputy where each item in the home was located. The deputy read the complainant a Miranda warning, and requested that the

complainant come to the Sheriff's Station for further drug testing, including a blood sample to be drawn by an EMT. The complainant agreed to come voluntarily. The deputy handcuffed the complainant, drove to the Station, and proceeded to repeat the same observational tests and measure blood pressure. After the blood test, a deputy returned the complainant to the individual's business.

The deputy's written report of the incident indicated that some of the physical observations of the complainant were consistent with use of a single drug: some observations indicated a central nervous system depressant and others a central excitant. The deputy explained these contradictions by concluding that the complainant may have taken more than one kind of central nervous system narcotic drug.

The deputy, in both report and interview, did not accept any of the complainant's explanations, all of which the Investigative Committee could hear on the audio digital recording. The complainant stated that he has a chronic eye disease that produces red eyes, and had constricted pupils because the sun was very bright. The complainant denied being agitated, but admitted to being a fast talker. The Investigative Committee heard the deputy on the audio recording frequently repeating the statement that these questions were being asked for the complainant's own benefit.

The Investigative Committee reviewed a copy of the action report prepared by the District Attorney (DA) and sent back to the Sheriff's Department about a week later on September 10, 2009. This action report noted that the State's results of the blood tests were all negative, and concluded that no further investigation or arrest was justified.

The Investigative Committee asked the deputy about the training and experience received in detecting the presence of illegal drugs. The deputy stated having 29 years of experience in high drug areas regarding characteristics and behavior indicative of drug ingestion. The Investigative Committee asked the deputy if it was possible that the complainant might display these behaviors without having ingested any drugs, and that the behavior observed might be attributed to personality, abetted by eye disease and the circumstances. The deputy did not accept these possibilities, and reported that narcotics are always the cause of these behaviors and symptoms. He said to the complainant on the audio recording: "The eyes don't lie."

The Investigative Committee asked the deputy about the State's negative drug findings, and the deputy reported he disagreed with the State's findings.

### 3. Adherence to the Policies and Procedures Manual of the Sheriff's Department:

The Investigative Committee requested a copy of the Sheriff's Department's Policies and Procedures Manual, which was furnished. It contains the required policies and procedures covering all of their operations, including investigations

and reports. The Investigative Committee examined this manual for policies and procedures that applied to the activities of the officers in the Sheriff's Department involved in these complaints.

The Investigative Committee found four relevant policies. These included:

1. A citizen's complaint is to be acknowledged when received, and further responded to when an investigation of the complaint is completed (see complaint 1a and 1c);
2. When the department learns of a code violation committed by a citizen, it is to be documented in a report (complaint 1a);
3. When the department initiates an investigation of a citizen for a potentially illegal act (e.g. illegal drug possession), the citizen is to be informed of the outcome of the investigation regardless of whether charges are filed (complaint 2);
4. If an officer observes a citizen engaged in potentially illegal behavior, a report is to be filed and an investigation initiated (complaint 1b).

The Investigative Committee asked the Sheriff about each of these policies and procedures. The Sheriff acknowledged that these policies are included in the Policies and Procedures Manual, and that officers are expected to follow them.

## DISCUSSION:

1. Intimidation and Harassment by Safety Officer on August 28, 2009:
  - a. The deputy's report and the audio digital recording of the conversations established that the two actions claimed by the complainant to have occurred on August 28, 2009 did occur (two extra deputies, and a threat of citation and fine). The Investigative Committee concluded that the three deputies arriving together on August 28 made the complainant feel intimidated. The complainant's question to the Deputy Safety Officer, heard on the recording, confirms that the complainant felt the extra officers were unnecessary to serve a code document.

The Investigative Committee concluded that it was reasonable for the complainant to feel intimidated and harassed by the deputies, and that bringing backup officers by the Deputy Safety Officer was reasonable given the previous interaction with the complainant. Further, it is in the Deputy Safety Officer's duty to inform a citizen if a citation may be made.

- b. The Investigative Committee reached no conclusion regarding the confrontation on May 9, 2009. It was unable to do so because no report was issued, no investigation occurred, no witnesses were interviewed, and the participants' versions could not be compared. The Investigative

Committee concluded that the absence of an investigation and report was contrary to the policies and procedures of the Sheriff's Department.

- c. The Investigative Committee verified that the complainant did provide a verbal complaint directly to the Deputy Safety Officer's Supervision against the Deputy Safety Officer regarding the performance of duties, and that complaint was received but not acknowledged, and no follow up communication was provided to the complainant, as stated in the Policy and Procedures Manual. The complainant did not know the outcome of this complaint, but stated he believed the actions of the Deputy Safety Officer on August 28, 2009 resulted from his earlier complaint. The Investigative Committee cannot determine whether the Deputy Safety Officer's actions on August 28, 2009 resulted from this complaint because no report of the complaint was written. The Investigative Committee concluded that the absence of communications to the complainant was contrary to the policies and procedures of the Sheriff's Department.
  - d. The Investigative Committee determined that the Deputy Safety Officer's supervisor was uninformed about safety materials, such as which ones that were required, what the Deputy Safety Officer was to do about violations, or where to find relevant codes. The Investigative Committee also concluded that the Sheriff's Department does not have adequate procedures to insure that citizens, who are responsible for the safety of the public, have access to safety literature.
  - e. The Investigative Committee noted the statement in the complainant's complaint that the individual had become completely distrustful of this agency (the Sheriff's Department) and of this Deputy Safety Officer. It also noted statements made by every Officer interviewed, including the Sheriff, that they distrusted the complainant as being unreliable, a drug user, and angry. From these statements, the Grand Jury concluded that the relationship between the complainant and the Sheriff's Department, including the Deputy Safety Officer, was a difficult one.
2. Harassment by Deputy Sheriff on August 28:

The Investigative Committee concluded that the deputy harassed the complainant on August 28 by beginning and continuing a drug investigation without sufficient or justifiable evidence of drug use. The deputy concluded his investigation without ever acknowledging to the complainant that the drug test from the State of California Department of Justice laboratory was negative. The laboratory data was available one week after the confrontation. The Investigative Committee also concluded the deputy was erroneous in conduct and evaluation of the situation. The Investigative Committee found the deputy's conclusion that the State testing laboratory made an error was not credible. The District Attorney determined that there was no justification for further investigation or arrest, based on the State's blood test results. The Investigative Committee found no justification for the deputy's conduct during the confrontation on August 28, 2009.

He also failed to notify the complainant of the negative results of the laboratory tests little more than a week later.

3. Adherence to the Policies and Procedures Manual of the Sheriff's Department:

The Investigative Committee concluded that the Policies and Procedures Manual was not followed in these incidents. There were four significant events, which were not adequately investigated, reported, or concluded: a citizen's complaint, a confrontation between a citizen and an Officer, an investigation of potentially threatening behavior by a citizen against an Officer, and an investigation of potential illegal drug possession by a citizen.

**RECOMMENDATIONS:**

All recommendations are addressed to the Sheriff of Mono County, who is requested to acknowledge and respond regarding each of these recommendations to the Grand Jury within three months of the publication of this report.

1. Harassment and Intimidation by the Deputy Safety Officer:

- a. The Grand Jury makes no recommendation regarding the complaint against the Deputy Safety Officer for the events of August 28, 2009, because no reports were written by the Deputy Safety Officer or his supervisor about the event that occurred on August 28, 2009, or any of the earlier ones. The Deputy Safety Officer has retired from the Sheriff's Department and was not available for this investigation.
- b. The Grand Jury makes five recommendations to the Sheriff's Department regarding the earlier incidents involving the Deputy Safety Officer.

**Recommendation 1:**

The Sheriff's Department should acknowledge the receipt of citizen complaints made to an officer, in writing, and inform the citizen that the complaint has been investigated.

**Recommendation 2:**

All altercations, charges or accusations against or between citizens brought to the Sheriff's Department should be documented, investigated, and a complete written report filed. A policy regarding use of additional officers should be included.

**Recommendation 3:**

The Sheriff's Department should establish a policy of regular training for officers, which would prevent situations where a citizen could feel intimidated by the Sheriff's Department.

**Recommendation 4:**

The Sheriff's Department should have procedures to identify and minimize disagreements between officers and citizens when those conflicts have the potential to jeopardize the safety of the citizens of the County.

**Recommendation 5:**

The Sheriff's Department should have a plan to distribute required safety codes to businesses that affect the safety of the public, or to provide owners of businesses with the sources from which they can acquire these codes.

**Recommendation 6:**

The Sheriff's Department should carry out an internal investigation of the August 28, 2009 confrontations of the three deputies and the complainant.

**Recommendation 7:**

The Sheriff's Department should maintain quality assurance procedures to insure that all required policies and procedures contained in the Policies and Procedures Manual are followed, to track failures of compliance, and to reduce the chances of future failure.

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011  
COMPLAINT 10-02  
TOWN OF MAMMOTH LAKES FINANCE DEPARTMENT  
FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

SUMMARY:

**Complaint:** The 2009-2010 Grand Jury received a letter dated May 27, 2100 from an individual who owns a condominium in the Town of Mammoth Lakes. This property owner complained that a staff member from the Town of Mammoth Lakes Finance Department harassed and threatened arrest if said property owner refused to comply with the Town's Tourist Operational Tax (T.O.T).

**Methods:** The 2010-2011 Grand Jury accepted the complaint as #10-02. The investigation by the Grand Jury included interviews, document reviews and internal departmental notes. The Grand Jury interviewed the Finance Director of the Town of Mammoth Lakes along with the Finance Department's Office Manager.

**Findings:** The Grand Jury concluded that the property owner's complaint was unfounded. Further, the staff member who the property owner complained about is no longer employed by the Town of Mammoth Lakes. Once notified of this, the complainant verbally withdrew the complaint.

**Recommendations:** The Grand Jury has no recommendations.

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011**  
**COMPLAINT 10-03**  
**EASTERN SIERRA UNIFIED SCHOOL DISTRICT**  
**FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

SUMMARY:

**Complaint:** The Grand Jury received a citizen complaint regarding the budgeting, excess spending and deficit spending of the Eastern Sierra Unified School District (ESUSD).

**Methods:** All budgeting documents going back 3 fiscal years were examined. Ten interviews of members of ESUSD and Mono County Office of Education (MCOE) were conducted. Five public presentations were examined. Two independent budget audits were reviewed.

**Findings:** The Findings showed a dramatic increase in spending starting in 2007-2008 that exceeded revenues in 2008-June 2010. In 2007-08, the ESUSD had a large reserve fund and an increase in revenue due to a funding change to Basic Aid status. Basic Aid funding is based on local tax revenue, instead of directly from the State from Average Daily Attendance. Budget documents reviewed revealed a year over year increase in spending, without a commensurate increase in revenue. ESUSD spending in excess of income was \$882,046 for 2008-09 and \$1,565,637 for 2009-2010. Therefore the reserve funds were used to make up the difference. Eventually, in 2010, the reserve funds were decreased to the point that the ESUSD budget was below expected reserves. MCOE placed ESUSD on Qualified status and took over the budgeting process. Qualified status means that ESUSD is not up to the standard for the State of California. Expenditures were decreased to comply with recommended reserve funds.

The Grand Jury found that budget documents were not available in the ESUSD Website to the public. The ESUSD Board and Superintendent did not understand the importance of balancing expenditures with revenues and did not have a person of sufficient financial training and background to act as an advisor.

**Discussion:** Leadership of the ESUSD Superintendent and Board has a responsibility to the public. In this case the Superintendent's office and Board were unprepared to alter the budget with their new funding status, failed to follow the advice of MCOE and did not recognize clear economic indicators at the time. The school board, in a position to demand more responsible decision-making, continued to approve expenditure instead of demanding budget balance. The result was a failure of public trust and intervention by the MCOE.

**Recommendations:** The Grand Jury recommends that all budget documents be provided on the ESUSD website for the public. The Grand Jury also recommends that ESUSD continue to use MCOE for financial services, including budgeting, until they

have a Financial Manager capable of taking over this function. The ESUSD meeting minutes should include any discussions that occur at the meetings.

#### BACKGROUND:

**Complaint:** A citizen complaint was received by the District Attorney May 3, 2010 regarding the "...excessive spending that has caused the School District to have more than a \$2.2 million deficit and the closure of three schools." The complaint further states that the parents, teachers and community members could not get accurate information of what happened, where the money went and the exact state of the deficit spending.

This complaint was accepted by the Grand Jury for investigation. A Subcommittee was formed including five Grand Jurors for the Eastern Sierra Unified School District (ESUSD) investigation.

**School funding Options:** In the State of California, school districts are classified for funding purposes as ADA (Average Daily Attendance) or Basic Aid (based on local property taxes). ADA districts receive their funding from the State; the amount calculated being based on the number of students and daily attendance. If a District's revenue from local property taxes increases, the District may be reclassified as Basic Aid. Under Basic Aid, the majority of revenue comes from local property taxes. ESUSD was funded as an ADA District up until 2006-07, after which it became a Basic Aid District for fiscal year 2007-08. This was advantageous to ESUSD, as the available funding increased considerably. In fact the amount available the first year was approximately \$1 million more than the prior year when the District was funded as an ADA District.

#### METHODS:

This investigation included interviews with the parties involved with the budget process from 2007 to 2010. This included the Mono County Superintendent of Schools, the Mono County Deputy Superintendent of Business and Operations, the past (2007-early 2010) Business Manager for ESUSD, a Special Projects Coordinator, the Superintendent of ESUSD and its Board. A total of **10** interviews were conducted.

##### 1. Availability of Documents to the Public:

The investigation included research of public information that yielded documents regarding the ESUSD budget process. These were evaluated to determine if the process and results are readily available to the public. This included, but was not limited to, ESUSD agendas, minutes, budget plans, interim budget reports, annual audits, external audits and any other related documents. Documents were requested and provided by ESUSD in paper copy format.

## 2. Budget Process Review:

The investigation included documentation reviews from July 2007 to July 2010, including ESUSD budgets, ESUSD Board meeting minutes, presentations and letters sent from Mono County Office of Education to ESUSD Board, Business Manager and the District Superintendent.

All the budgetary documents for ESUSD were requested and evaluated for the fiscal years from July 2007 to 2010. The current budget of 2010-11 was also requested and reviewed. Each year, three budget documents were produced, including the expenditure and revenue projections (Adopted Budget) for the fiscal year and projections for the subsequent two years. The Adopted Budgets were issued in July of the fiscal year. Two Interim reports were issued the following January and then again in March to reconsider the projections. Therefore a total of 3 budget reports are issued each year, including projections for succeeding years. A 3<sup>rd</sup> interim budget was produced in 2010 due to the change in status of the District to "qualified". The ESUSD Board, Business Manager and Superintendent issued these documents. They were submitted to the Mono County Superintendent of Schools to ensure they comply with the standards and criteria established with Education Code 33127. A total of 10 budgets were evaluated, as well as the annual external audit documents. Five budgets presentations made at public meetings were included in our analysis.

**Audits:** Independent audits were conducted by Vavinek, Trine, Day and Co, LLP; Certified Public Accountants. The 2007-2008 and 2009-2010 audits were reviewed.

## 3. Interviews:

Ten interviews were held from September through November of 2010. Each interview was one to one and a half hours in length. These were all confidential interviews and no statements will be attributed to a specific person.

## 4. Review of ESUSD Monthly Meeting Minutes:

Minutes of the ESUSD meetings were written approximately monthly during the period of this investigation. Minutes of these meetings were requested and reviewed for this investigation. The meetings included a report from the Business Manager and approval of new expenditures. All agendas, minutes and financial presentations were reviewed from 2007 to 2010.

## FINDINGS:

### 1. Availability of Documents to the Public:

Research of the publicly available information determined that the budget documents from July 2007 to July of 2010 were not available in the public

domain as of Jan 2011. The Grand Jury was able to obtain these documents by making a formal request. It is unclear if the general public would have been provided these documents on request. The ESUSD has a website that includes a link to documents; however, no budget documents from the period in question were available. It should be noted that during the time of the investigation, more documents were added to the website. Meeting agendas and minutes were located, but no budget documents were added.

The Grand Jury requested the budget documents, the communications between ESUSD and MCOE and the ESUSD Board meeting minutes. In this manner the Grand Jury was able to obtain documents. However, documents were NOT available in the public domain, as is required by the State of California, at the time of our initial investigation. This deficiency appears to have been partially corrected as of November 2010; however, budget documents were still not available on the website as of this date.

## 2. Budget Process Review:

The Mono County Office of Education (MCOE) reviewed all budgets and responded formally to the ESUSD Board and Superintendent. Letters were sent to the District from MCOE, summarizing its findings and making recommendations for actions. All letters from 2007 to July 2010 pertaining to the budgets were reviewed for this investigation, including emails between the MCOE Deputy Superintendent of Business and Operations and the ESUSD Business Manager. The final documents are sent to the State of California and the Governor signs the annual Budget Act.

Education Code, section 42127 Specifies that: *“Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions and expenditures that it has made to its budget to reflect the funding made available by that Budget Act.”*

The Adopted Budget and First Interim Report for the 2007-08 fiscal year showed significant rising expenditures and revenue projections. However, the reserve fund showed a healthy level for that fiscal year. This was the first year that the District had transitioned to a Basic Aid District, with revenues dependent on local tax revenues. The revenue was substantially greater than it had been in the past, before the Basic Aid designation. However, the entire revenue increase was spent and exceeded by June of 2009, resulting in deficit spending.

The Second Interim Report 2007-08 response from the Mono County Deputy Superintendent, Business and Operations to the Business Manager contained a warning that the revenue projections for subsequent years was too optimistic because they assumed a 10% increase in tax revenues. The April 2, 2008 letter from MCOE to ESUSD Board, Superintendent and Business Manager stated: *“In light of the state’s economic crisis, we believe this increase is too optimistic and would recommend that the district reduce that percentage significantly when preparing documents for 2008-09 and the subsequent years.”* This was a very

important warning, because the ESUSD had increased wages and personnel. These increases were critical because they would continue into the following years. Without corresponding increases in tax revenue, these expenditures would not be sustainable.

The August 10, 2008 letter from MCOE to ESUSD reminded the District that budget documents must be made public under the State Budget Act. ESUSD did not act on this warning.

The January 6, 2009 letter from MCOE to ESUSD identified a spending deficit that resulted in an \$834,487.22 reduction in the reserve fund. The March 18, 2009 letter from MCOE to ESUSD increased that reserve fund reduction to \$909,273.31 and stated: "... the continuation of deficit spending at this level will eventually deplete district reserves, so a careful review of the current deficit financing should be done to ensure future fiscal health."

The July 21, 2009 Adopted Budget for 2009-2010 increased expenditures again, increased projected revenues and continued to increase the deficit. The ESUSD had not responded to the Mono County Office of Education warnings from the prior two years. In fact, they increased the expenditures and continued to project higher revenue projections than actually occurred. These overly optimistic projections occurred in spite of explicit direction from MCOE that such projections were not realistic. An email revealed that the Superintendent of ESUSD believed that revenue growth would continue to rise. In fact, the tax revenue declined from over \$10 million to just over \$8 million.

The January 29, 2010 letter from MCOE to ESUSD documented continual deficit spending that reduced the reserve fund. This letter also contained a warning that property taxes were expected to decrease (according to Consumer Prices Index declines). The letter stated: "...the negative CPI will have a major impact on the funding of basic aid districts, of which Eastern Sierra Unified is one, because their general purpose revenue is based solely from property taxes."

ESUSD continued its overly optimistic revenue projection in spite of four written warnings from the Mono County Office of Education, and reduced tax revenue. The thrust of the MCOE warnings regarded:

- a. Optimistic revenue projections from property tax increases
- b. A warning that the CPI was expected to decline, negatively impacting ESUSD
- c. Escalating expenditures that outstripped revenue projections
- d. Deficit spending that continued to erode the reserve fund to a critical level

The April 12, 2010 letter from MCOE to ESUSD's Second Interim Report stated, "...it appears that the District may not be able to meet its financial obligations for the 2010-11 fiscal year. We are therefore unable to concur with the district's positive certification and are changing the District's certification from positive to qualified."

A Third Interim Report for the 2009-2010 fiscal year was submitted by the ESUSD Director of Fiscal Services (earlier referred to as the Business Manager) to the Mono County Office of Education after recommendations and approvals of the ESUSD Superintendent and Board of Trustees. This report included a \$306,855 revenue increase for class size reduction and two decreases in revenue. It also contained a 3-year decrease in expenditures by reduction in work force and a resulting reduction in salaries and benefits, books and supplies. The overall reduction in expenditures projected to be 23%.

This investigation focuses on the expenditure and revenue projections and actual budget for 2009-2010, as that budget resulted in reclassification of ESUSD by MCOE and the citizen complaint.

The first projection for 2009-10 fiscal year was made in the Adopted Budget of 2007-08. The projections were revised in every report thereafter for a total of nine projections.

Revenue projections for 2009-10 increased from \$9,265,776 in the 2007 Adopted Budget projections to \$10,067,612 in the Adopted Budget of 2009-10.

Expenditure projections for the 2009-10 fiscal year increased from \$9,292,933 in the 2007-08 Adopted Budget to \$10,752,340 in the Adopted Budget of 2009-2010. These expenditure increases occurred in spite of the warnings by Mono County Office of Education Deputy Superintendent, Business and Operations to the ESUSD Superintendent, Business Manager and School Board.

### 3. Interviews:

The Mono County Office of Education Superintendent confirmed that the County Office of Education is responsible for fiscal oversight of both Districts in the County – Mammoth Unified School District (MUSD) and the Eastern Sierra Unified School District (ESUSD). The MCOE notified ESUSD regarding their deficit spending in written correspondence on several occasions. The MCOE Superintendent indicated that ESUSD failed to file the required paperwork for Categorical Programs in fiscal years 2007-08 and 2008-09, which would have resulted in the District receiving approximately \$150,000 annually. The MCOE Superintendent attributed this oversight to the Business Manager's lack of experience in educational finances. The MCOE worked with the State to have these funds released to ESUSD, which totaled more than \$300,000. As of July 15, 2010, the MCOE is responsible for managing ESUSD financials at no cost to ESUSD. This agreement is in place until June 2011. When questioned about expenditures that may have caused ESUSD to overspend, the Superintendent

cited the hiring of Assistant Principals which is a luxury for a small district; purchasing 1-to-1 laptop computers for 7<sup>th</sup> – 12<sup>th</sup> grade students; hiring Technology staff; hiring an Academic Counselor; having all District administrators attend conferences/workshops, and hiring in-house trainers.

The Mono County Office of Education Deputy Superintendent of Business and Operations has more than 20 years' experience in working with school districts. School District budgeting is rather unique and requires a specific skill set, as opposed to having general accounting experience. This position is responsible for providing support to both Districts, providing oversight to the District's budgetary process, assessing the District's financial health and rating them accordingly, and alerting District staff and School Board members of the District's rating. The Deputy Superintendent made it clear that budgetary support was offered to ESUSD, as it was to MUSD; however, the offer for guidance was not readily accepted.

The ESUSD projection for fiscal year 2010-11 is a deficit of 6%. The Deputy Superintendent indicated that large reserves are more critical to a Basic Aid District since revenues are based upon property values which can fluctuate. When questioned as to why ESUSD was in a financial crunch when Mammoth Unified School District was able to manage their budget, the explanation was similar to that cited by the MCOE Superintendent. The Deputy Superintendent also indicated that salary increases were a factor, in addition to hiring new personnel.

The former ESUSD Business Manager was interviewed via telephone. Although having experience as a Certified Public Accountant, this individual did not have experience working in a school district prior to being hired in July, 2006. ESUSD became a Basic Aid District the following fiscal year. The Business Manager's responsibilities included creating a budget for ESUSD based upon the Superintendent's educational goals for the District, an analysis of trends for expenditures and revenues, projection how much funding would be allocated to ESUSD. The Business Manager indicated that learning how to budget for a Basic Aid District was based upon tracking the District's historical and regional trends through the help of School Services of California and the Department of Education, with little guidance from the Mono County Office of Education. The Business Manager indicated that meetings with the ESUSD Superintendent occurred routinely to discuss and determine how to balance the budget, although the Superintendent was primarily focused on educational issues. The budget was always presented to the Board of Trustees for review and comment. At times budget workshops were conducted to review the budget in a more in-depth manner. The Business Manager provided 4 major budget reports to the Board annually.

The challenges of preparing a budget prior to having solid figures were cited by the former Business Manager. For example, the District did not have the final budget numbers for fiscal year 2009-10 until early 2010. The Business Manager was first alerted that there would be a deficit in revenues when the 1<sup>st</sup> tax

apportionment was issued in January 2010. When questioned about the written warnings from the Mono County Office of Education, the former Business Manager responded by saying that when leaving ESUSD in midyear 2010, the District still had about a 10% in the reserve fund which is considered healthy in most districts.

All 5 Board of Trustee members were interviewed; several served on the Board for 8 or more years. The interviews were conducted prior to the November election in which 3 Board members ran for re-election. Some Board members expressed concern about ESUSD's deficit spending since fiscal year 2008-09; however, it was not perceived as a significant problem given that the District had large reserves. Some of the Board members interviewed continued to have the same belief despite recent budgetary reductions. This philosophy of spending "extra" funds on students, as opposed to maintaining a healthy reserve fund, appeared to be prevalent among the majority of Board members. Some Board members felt confident in the budgetary abilities of professional staff, while others indicated that staff failed the Board. One Board member believed that there was a failure in District leadership and a failure of the Board to reign-in said leadership, while another Board member thought highly of the Superintendent's leadership and financial abilities. All Board members acknowledged having attended annual budgetary workshops. When questioned about the brevity of Board minutes with reference to budgetary matters, one Board member indicated that the minutes did not always reflect the flavor of the meeting. During fiscal year 2009-10 when the budgetary crisis was at its height, the Board requested several scenarios for budget cuts. At least one Board member suggested that this approach be taken when presenting budgets in the future.

The Special Projects Coordinator was interviewed, as this individual was previously the Business Manager prior to 2006. The Special Projects Coordinator indicated that ESUSD works with the Mono County Finance Director and the Mono County Property Tax Collector to gather information regarding County revenues, which has an impact to ESUSD's Basic Aid status. In early 2010 it was noted that there was a drastic reduction in Mono County revenues received from the Previous Year tax collection efforts. The Special Projects Coordinator indicated that the Mono County Office of Education provided minimal support to ESUSD regarding being a Basic Aid District, a concern also voiced by the former Business Manager. When questioned about large expenditures initiated by ESUSD when becoming a Basic Aid District, this individual acknowledged that spending funds on salary increases were necessary to bring salary levels up to par with similar districts. There was also a significant increase in personnel from 2007 until 2009.

Prior to employment with the ESUSD, the Superintendent did not have Basic Aid experience and it was noted that there was a steep learning curve. The Superintendent and key staff attended seminars and web-based training regarding being a Basic Aid District

The Superintendent indicated that calculating Basic Aid funding is difficult as there are projections from the State of California, plus input from the Mono County Office of Education and the Assessor's Office. To determine the revenue stream, the current year taxes are considered along with unsecured taxes and the prior year tax assessments. Unanticipated expenditures helped to create the recent budgetary situation. For example, the State is now requiring "Fair Share" funds from Basic Aid school districts which is \$250 per student; plus the State reduced transportation funding to ESUSD by 20% which resulted in a decrease of \$600,000 annually. These expenditures and reductions affected both ESUSD and MUSD. Both districts incurred additional expenditures when Special Education programs were transferred from MCOE. ESUSD also experienced an adjustment to their revenues when a charter school based in Fresno, California was extracted from the District through recent State Legislation, which requires charter schools to operate through the county in which it resides.

The Superintendent believed the District had the money in the reserve fund and the need, so the funds were spent. In retrospect, the Superintendent now believes that Basic Aid Districts should have a reserve fund of 20%. The ESUSD's goal is to achieve a 20% reserve, hopefully in approximately 3 years, but the Superintendent wouldn't be surprised if that goal was achieved in 1 year, or in 6 years.

When questioned about the transparency of providing crucial ESUSD information to the community, the Superintendent indicated that the District is in the process of updating the website, however, the District is contracting for technological support since technology staff were eliminated from the budget.

#### 4. Review of ESUSD Monthly Meeting Minutes:

Meeting minutes for the period January 2008 through May 2009 were reviewed for items that referred to the budget. The Business Manager reported frequently at these meetings, however the wording in the minutes was limited to one or two sentences and revealed no fiscal reporting or discussion. However a large number of new expenditures were documented and approved by the Board. These expenditures came in the form of additional personnel and new project approvals.

### DISCUSSION:

#### 1. Availability of Documents to the Public:

Documents were not available to the public by way of the Website for ESUSD. The Website has changed several times over the last year and has referred to documents, but has only been populated with agendas. Population with all the historical documents would be relatively simple and would greatly add to the transparency of documents with the public.

## 2. Budget Process Review:

ESUSD increased expenditures during fiscal year 2007-08. These expenditures did not place the District in financial difficulty at that time because the reserve fund was high and the District received an increase in funding when it became a Basic Aid District. However, expenditure increases continued through 2008-09. The projections for the 2009-10 fiscal year expenditures increased also year over year, and resulted in deficit spending. This deficit spending reduced the reserve fund to the extent that the Mono County Office of Education revised its certifications for the District to "qualified". The main reason for the continued increase in expenditures was that the increases came in the form of increased salaries and increased overall headcount of both teaching staff and administrative staff. Thus they were continuing expenditures year over year. The ESUSD Board and Superintendent should have been aware of this and they were appraised of such many times.

Teacher's salaries were increased and more personnel were hired starting in 2007. This change affected the 2007-08 budget, but also all future budgets, as the majority of expenses were continual expenses, year over year. It was assumed at the time that property tax revenue would continue to increase at 10% per year. In fact revenues declined starting in 2008, and continued to decline to the present day. There was a healthy reserve fund in 2007. However, as each year's budget was created, the expenditures were greater than the revenue such that the reserve fund had to be used to make up the difference.

The ESUSD Board of Trustees meetings practiced extensive approval of expenditures, but with little to no discussion of the necessary revenues to offset those expenditures. The ESUSD Board, Superintendent and Business Manager were all sent letters from MCOE stating that revenues were declining and expected to continue to decline. ESUSD did not respond by reducing expenditures.

Finally, in early 2010, the reserve fund was depleted to the extent that the Mono County Office of Education (MCOE) issued a warning and reclassified ESUSD as "qualified". After ESUSD was reclassified to "qualified" the budget process was transferred to the Mono County Office of Education on July 15, 2010. After the budget was taken over by the Mono County Office of Education (MCOE) expenditures were reduced to be in line with expected revenue. At this time-MCOE is responsible for the budget planning for ESUSD, but it is expected to take 3 years to bring the reserve fund up to normal for a Basic Aid District.

## 3. Interviews:

Transitioning to a Basic Aid district resulted in the ESUSD receiving a large revenue windfall. ESUSD had approximately a 24 % reserve fund and immediately began to spend these funds on salary increases, hiring additional staff, textbook adoption, a new telephone system and laptop computers for high school students. Salary increases were deemed necessary as ESUSD staff

were paid less in comparison to nearby districts. Salary increases, however, are not one-time expenditures and require perpetual increased funding to sustain the approved increases. Salaries and benefits account for approximately 80-85% of the District's budget which makes it difficult to reduce expenditures. Several individuals interviewed indicated that at the time the District's culture was to spend today's money on today's students as opposed to allocating money to increase the reserve fund. The ESUSD's current goal is to increase the reserve fund to 20%.

Apparently ESUSD staff felt confident in their revenue projections due to the limited number of foreclosures in northern Mono County. However, consideration was not given to the fact that unpaid property taxes from the preceding year would have a significant impact on revenues, and the local and national economic climate.

The Mono County Office of Education (MCOE) routinely reviews and comments on the budget submissions three (3) times per year from the two (2) districts under its jurisdiction – the Eastern Sierra Unified School District and the Mammoth Unified School District (MUSD). On several occasions, the MCOE advised the ESUSD that their revenue projections were too high and that expenditures should be curtailed to avoid deficit spending. The ESUSD ignored this advice from the MCOE.

#### 4. Review of ESUSD Monthly Meeting minutes:

No discussion of fiscal impact was presented in the minutes. The minutes consisted of a listing of items approved but had no documentation of discussion. The minutes prior to May 2009 were not available in any public forum that the Grand Jury could find. Minutes had to be requested of the ESUSD. Some documents are now available on the ESUSD website, but the budget documents are omitted as of this writing, February 2011.

### RECOMMENDATIONS:

#### 1. Public Availability of Documents:

The public is entitled to full documentation of the budget process, documents and details of revenues and expenditures. The law is meant to achieve transparency between the public and its elected and appointed officials.

A website for ESUSD exists and contains a placeholder for such documents. However, documentation was not available until July 1, 2010, and did not include the budget documents. This investigation concludes that all prior budgets, (approved and interim), minutes and communication from the Mono County Office of Education regarding budgets be available on this website. The Grand Jury recommends that the documents for the last five years be included. This should include ESUSD meeting agendas, minutes and all budget documents,

interim budgets and letters received from the County. It should also contain the annual independent audits.

**Action:** ESUSD Superintendent

**Timeframe:** 3 months

2. Budget Review Process:

The budget process appeared to change dramatically when ESUSD was changed from ADA to Basic Aid. More funds were available to the District, and expenditures were planned to fully utilize the increase in funding. However future revenue projections were overly optimistic. The economy had taken a turn downward, unemployment increased, property values decreased and some property taxes were not paid. This occurred all over California and the nation. However the budget planning did not reflect this economic decline.

The ESUSD revenue projections appeared to be based on historical data. However, this did not take into account the current economic recession. The attitude of most of the responsible parties seemed to be to take advantage of the money available at the time of the budget plan and not to heed future ramifications. This is contrary to responsible fiscal planning. ESUSD did not seriously consider that the expenditures had significant implications on future years and could not be successful without a growth rate in tax revenue that is unrealistic. The ESUSD revenue did decline from its peak in 2007, and for the following 3 years.

It appears that the current Board and Superintendent lack the skills needed to conduct safe and accurate budget planning. The Grand Jury recommends that ESUSD continue to utilize Mono County Office of Education for this function until they have a Financial Manager that can take over these functions. Further, the Superintendent is responsible to make educational materials and methods available to the Board to be sure all budgeting is done according to current accepted accounting practices. The Superintendent and Board need to be much more informed of, and be prepared to take immediate action with various revenue and expense scenarios that may negatively impact the district budget.

**Action:** ESUSD Superintendent

**Timetable:** 3 months

3. Interviews:

The interview process showed that most of the active participants in the ESUSD budget process were ill equipped by education and experience to create a sustainable and practical annual budget. They did not react and respond to the Mono County Office of Education (MCOE) written warnings, and finally spent down the reserve fund to a level that resulted in a “qualified” rating. They had numerous warnings and did not react responsibly to correct their deficiencies.

Most importantly, with some exceptions, the attitude of the budget process individuals showed that they had not learned from the experience, and would likely make the same mistakes in the future. The budget planning and implementation function now is the responsibility of MCOE, and should remain so. A training program to reduce these deficiencies is recommended. An honest evaluation of ESUSD Board and Superintendent financial planning skills should be implemented and deficiencies identified.

**Action:** ESUSD Superintendent

**Timetable:** 6 months

4. Review of ESUSD Monthly Meeting Minutes:

The ESUSD meetings are public and documented with minutes. However, these minutes were cursory in their description of the budgeting process during the time in question. The minutes did not reflect the specific revenue and expenditure discussions. The Grand Jury recommends that the minutes fully reflect the discussions that occur. Presentations with handouts should be included in the website, as well as the annual Adopted Budget, Interim budget documents, and audits.

**Action:** ESUSD Board of Trustees President

**Timetable:** 3 months

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011**  
**INVESTIGATION 10-04**  
**MONO COUNTY PUBLIC WORKS DEPARTMENT**  
**FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

SUMMARY:

**Statement:** The Grand Jury is charged with reviewing various aspects of county government to determine if an agency is complying with State laws. These laws can range from fulfilling the agency's prescribed duties to promoting governmental transparency to providing good customer service and efficient use of public resources. The Grand Jury chose to review the operations of the Mono County Public Works Department ("PWD"). The PWD encompasses a broad range of divisions including Engineering, Facility Maintenance, Solid Waste services, Fleet Operations and Road Operations. Within these divisions includes responsibility for Park Maintenance, Capital Improvement Program, Land Development review, Airport Operations and Maintenance, Cemetery Operations and Maintenance, and the Operation and Maintenance of Lundy Campground.

**Methods:** Six interviews were conducted involving personnel in a variety of classifications and divisions. A variety of documents were reviewed, in addition to examining a recent independent evaluation of the Solid Waste division and materials on the PWD website.

**Findings:** The Grand Jury found that the PWD has been focused on improving productivity and accountability during the past two years and administrative staff stated that great strides have been made in these areas. While the Grand Jury wholly supports the need for strong productivity and accountability of County staff, the level of detail and time required by PWD staff with respect to timecards is questioned.

The Solid Waste division is operating at a deficit due to the downturn in building and construction activity in the County. The Solid Waste division is not generating sufficient revenue to offset operating costs. The Grand Jury finds that the PWD is conducting appropriate due diligence, consequently by conducting an independent evaluation producing several recommendations to be offered to the Board of Supervisors for consideration.

**Discussion:** Overall the Public Works Department is doing a good job in providing a variety of services to the community. The department is in transition and managerial staff is striving to increase productivity while minimizing costs. As the department changes in an effort to successfully accomplish the desired goals, it is important to insure that longtime employees are involved in the process. Implementing an inventory system, providing constructive recommendations for staff improvement, streamlining the operation and being sensitive to the needs of the community are steps in the right direction towards achieving a more effective organization.

**Recommendations:** The Grand Jury recommends that the Public Works Department continues to operate as efficiently and effectively as possible. Staff throughout the organization should perform to the highest ability, and whenever possible, receive the necessary training to optimize their efficiency and awareness of department operations.

#### BACKGROUND:

Every year the Grand Jury reviews an aspect of County government to learn more about the selected agency's operation and offer recommendations. This year the Public Works Department ("PWD") was selected as the last review occurred in 2006. The PWD is responsible for the management and operation of a wide range of County programs and services. The divisions include: Engineering, Parks and Facilities Maintenance, Solid Waste services, Fleet Operations, Road Operations, Airport Operations and Maintenance, Cemetery Operations and Maintenance, Capital Improvement Program and internal Accounting functions. The PWD employs 58 staff; 6 vacancies currently exist.

#### METHODS:

The Grand Jury reviewed the overall scope of the Public Works Department, including the organization and staffing responsibilities, proposed Capital Improvement Program Budget for fiscal year ("FY") 2010-11, Budget Policy Decisions for FY 2010-11, Department Accomplishments for FY 2009-10, Department Goals for FY 2010-11, a consultant's evaluation of the Solid Waste Division, sample timecards, and various documents that were available on the County's website.

The review of the PWD also included 6 interviews with staff. Those interviewed included the Interim Public Works Director, the Assistant Director, Facilities Supervisor, Fiscal & Technical Specialist, Road Maintenance Supervisor and Solid Waste Facility Supervisor.

##### 1. Interviews:

Six interviews were conducted from September 2010 to February, 2011. The interviews ranged from 1 hour to 2 ½ hours in length and each interview was confidential. Staff interviewed represented the following department divisions: Engineering, Accounting, Facilities, Solid Waste and Road Operations and management.

##### 2. Documents:

The Grand Jury reviewed several Public Works documents including a Department Organizational Chart; staff Areas of Responsibility; sample timecards; a consultant's evaluation of the Solid Waste Division; Public Works Department Accomplishments for fiscal year 2009-10 and fiscal year 2010-11

Goals; proposed Capital Improvement Programs (fiscal year 2010-11) and Budget Policy Decisions (fiscal year 2010-11). In addition, various documents listed on the County's website were reviewed.

A recent evaluation of the Solid Waste Division conducted by HDR Engineering was reviewed as well. This document was prepared in November 2010 and outlines several options that can be implemented to make the division more cost effective which is currently being reviewed by the Mono County Board of Supervisors. As of this writing, the Board of Supervisors has voted to increase fees and close the facility on Sundays.

## FINDINGS:

### 1. Interviews:

Currently the Public Works Department is in transition, working towards being flexible to change and efforts towards streamlining the operation. The Department would like to move to a "one-stop" concept to simplify the community's interaction with County services provided by the Public Works Department. At the time of our interviews, re-organization and consolidation of the department with the County's Community Development Department was being investigated.

The goal of the Interim Public Works Director is to raise the expectations of staff. Evaluations are conducted annually and the probationary period for a new employee is one year. In the past, comments listed in staff evaluations were fairly generic and did not provide constructive suggestions for improvement, if needed. Currently each evaluation must be reviewed by the respective Supervisor or Superintendent and the Director before being presented to the employee to insure that there is substance in the document.

Communication within the department is important with weekly meetings occurring on the management level and daily communication on an operational level. department-wide staff meetings do not occur on a regular basis.

Facility work orders are managed by an assistant to the Operations and Maintenance Assistant Director. This individual organizes and prioritizes work orders by level of priority and location, and then assigns the work accordingly. Over 1,200 work orders were completed in FY 2009/10, and an average of 50-60 work orders were not completed and carried over to subsequent fiscal years. work orders range from simple tasks such as setting up tables and chairs for a meeting, to painting a facility. The management team thinks that the work order system is functioning well; however, staff fulfilling these work orders thinks that the system could be more efficient at times. A total of 74 out of 77 projects that were assigned were completed.

A Cost Accounting Management (“CAM”) program is utilized to manage Capital Improvement projects. This system is also used for payroll and calculating operational costs. If projects take longer than 3-4 days to complete, or are valued at \$3,000 or more, a project is bid out instead of being performed in-house. Approximately 70-75% of projects are completed in-house, with the remainder being performed by outside contractors, including most concrete work and some electrical projects.

Road projects receive large amounts of funding from taxpayers. In the past, PWD staff has lent support to the National Park Service to clear snow from Tioga Pass. Staff involved with clearing Tioga Pass has received avalanche training. The PWD also tries to re-grade dirt roads every year.

The County takes responsibility for conducting road surveys to determine which roads in the County require work. To establish resurfacing priorities and a guideline for funding, a pavement management analysis system is utilized, which includes a road condition index.

The PWD provides a wide range of services to the community and strives to accomplish a multitude of projects. Frequently, however, the community is unaware of these efforts as the County does not have a public information officer to convey these accomplishments and periodically the department will write a press release to share this information with the community.

In 2008 a consultant was hired to analyze the PWD and make recommendations. Prior to this time staff spent a great deal of time responding to issues as opposed to being more proactive. As a result, according to management, the operation is functioning more efficiently and the department is more process-oriented.

In the past students from the Eastern Sierra Academy worked as interns with the Engineering Division. Now that the school has been absorbed by high schools in the Eastern Sierra Unified School District, the department is unsure if students will continue to lend support. The intern program was mutually beneficial to the department and to the students involved in the internship.

The PWD is responsible for the management of three cemeteries in the County. County Counsel is currently reviewing a draft ordinance which will set guidelines for cemetery operations. Between interior facilities and exterior sites such as cemeteries and parks, the PWD is responsible for 1 million square feet of maintenance, including the maintenance of 93 County-owned buildings.

County Counsel services are now being billed to each department when services are rendered, thus impacting the PWD budget. Agenda items presented to the Board of Supervisors are reviewed by County Counsel, Risk Management, etc. which also incurs a cost to the PWD.

The number of Capital Improvement projects is starting to decrease due to the economy, although there are a few projects that are in process or being considered such as the Lee Vining Streetscape project.

Engineering staff has received training in the California Environmental Quality Act (CEQA) process and Myers-Briggs, a leadership type indicator. Staff mentioned that in-house webinars are also available.

The Grand Jury found that supervisory staff were routinely not involved in the budgeting process for their areas of responsibility. One individual was not trained on how the purchasing process functioned and had to learn through trial and error.

The Grand Jury learned that the PWD timecards are extremely detailed and staff time is attributed to projects in ½ hour blocks of time. For example, in the Road Operations Division, staff must document the amount of time spent removing snow or performing a task per each street on a daily basis. This level of detail can sometimes take staff several hours to complete a timecard. While this level of accountability is desirable, sometimes due to the nature of the work being performed, staff does not complete their timecards daily and therefore the task of completing a timecard becomes more complicated and time consuming. Once timecards are submitted to the Accounting Division, staff inputs hours and related projects listed on the paper timecard into the computer. The effort needed for clerical staff to insure that the timecards are completed accurately, keying-in hours and allowing for timecard adjustments for overtime, sick, vacation, etc. is very time consuming. However, there is a short span of time to allow for these adjustments. Modifying the payroll period slightly, by even one day, would help staff in this large department tremendously.

Some of the staff voiced intimidation concerns from their supervisors, by either being reprimanded for making mistakes or through micro-management. As a result, these individuals are apprehensive in offering suggestions that could enhance department operations. Many have learned not to question authority - just to take direction but not necessarily initiative.

The Road Operations Division is divided into 4.5 districts which are allocated geographically. Responsibilities include sealing road cracks, snow removal, installing and maintaining snow poles and street signs, filling-in road shoulder when needed and cleaning culverts in designated areas. The Division is responsible for removing snow from 204 miles of roadway, and the maintenance of 684 miles of road. With respect to snow removal in the County, a road-by-road priority list exists. This Division works closely with Caltrans and there is a good rapport between the agencies. There is cooperation throughout the PWD and staff can be borrowed from another division when needed for a big project. Staff in the Road Operations Division has been reduced significantly during the past 20 years. Personal cell phones are used to communicate with one another, not radios due to their limited communication range. Supervisory staff in this Division are also not involved in the budgetary process.

The Solid Waste Division is a 7 day per week operation. Benton Crossing is a regional site and there are transfer stations in Benton, Chalfant, Paradise, Pumice Valley, Bridgeport and Walker. There are several State mandates which

the staff needs to follow and document. For example, Mono County cannot accept trash from another county. Certain types of waste require specialized handling and processing such as electronic waste (E-waste), metals, household waste and appliances. Scavenging or “re-use” is not permitted which requires staff to patrol the site daily to insure that this is not occurring. Fees are calculated upon the weight of the waste, plus a surcharge/gate fee. The weights are checked annually by the Department of Weights & Measures and the Health Department inspects the facility every 30 days. State inspections occur every 18 months and the water and gas are tested quarterly. Due to numerous safety issues, Solid Waste staff wears protective equipment and sometimes utilizes respirators. As a result, staff is paid 10% more than Road Operations staff.

## 2. Documents:

A variety of Public Works documents were reviewed. The organizational chart depicts how the department is structured, staffing levels and vacancies. Currently there are 58 staff and 6 vacancies. A listing of staff Areas of Responsibility outlines staff and their respective responsibilities.

A list of more than 25 major items was identified in the Public Works Department’s Accomplishments for fiscal year 2009-10. Goals for FY 2010-11 were reviewed, one of which stated “to provide staff with clear expectations and hold accountable”. Apparently the lack of accountability has been a problem in the past, and although strides have been made in this area, management stated that accountability is still the biggest problem to overcome. Honest staff evaluations, more stringent timecard documentation and an efficient inventory system are ways in which the department is addressing this challenge.

The Proposed Capital Improvement Program fund for FY 2010-11 was reviewed. A total of 7 projects are proposed for approval and funding; 19 projects were funded in the previous fiscal year and are in various stages of completion. There are 8 projects set-aside for future consideration, primarily due to funding uncertainties. Also reviewed was a list of 27 policy decisions that were included for consideration during the FY 2010-11 budget process.

The Grand Jury learned about the complex timecard system which each employee is required to complete on a monthly basis. Each task is assigned an activity code, and in one pay period, a timecard can consist of more than 10 pages. This level of detail is apparently needed for State funding, employee accountability, tracking equipment depreciation and for reference if questioned by a community member. At times it can take staff several hours to complete a timecard. Once a timecard is submitted to the Public Works office, staff reviews the timecard for accuracy and then redundantly transfers the data into the CAM system. Due to County deadlines, limited time is given for this process which is also the time for any last-minute changes to be reflected on the timecard due to overtime, illness, etc.

Due to the economy, lack of development and the resulting decline in construction in the County, less waste is being disposed which results in the Solid Waste Division collecting less revenue. The Solid Waste Division is operated through an Enterprise fund and currently operates at a \$1M deficit. This deficit, combined with the need to close the Benton Crossing facility in 2023, or sooner, due to the expiration of the land lease from the Department of Water and Power, has resulted in an independent evaluation of the County's Solid Waste operation. In November 2010, the HDR Engineering firm completed an evaluation of the operation and provided several options to close the operating gap. Recommendations such as increasing disposal fees, reducing operational days, privatizing services, hauling waste to Nevada and closing facilities have been proposed for discussion. The Board of Supervisors has recently decided to close the budget gap by increasing fees and eliminating the operation on Sundays.

## DISCUSSION:

### 1. Interviews:

As the PWD works to transform itself to a more responsive and accountable operation, it is important that changes, and the rationale behind these changes, are communicated to the entire organization. This may enable staff to support the changes and embrace them. In addition, staff at all levels should feel comfortable in offering constructive suggestions to their supervisor which would benefit the department. Communication should flow downwards and upwards. In some instances, a sense of low morale was perceived and staff conveyed feelings that their efforts and contributions were not always appreciated. Recognizing employees for above average efforts can go a long ways in boosting an individual's morale as well as larger facets of an organization.

As mentioned, more than 1,200 work orders were processed and completed in FY 2009-10. It is possible that additional work orders could be completed if slight modifications were made to the scheduling process. The Grand Jury found that building maintenance tends to revolve around facility use which makes sense, however, sometimes a more effective time management approach could be employed. For example, a painting project has been suspended and then re-started to allow for facility use rather than closing a facility for a brief period to complete the task in one stretch. As maintenance staff travel to all points in the County to complete projects, whenever possible enabling a project to move from beginning to end without interruption seems to be more efficient and cost effective. It has also been suggested that one point of contact for community centers throughout the County, as opposed to having multiple people involved, can minimize oversights and potential conflict.

2. Documents:

The Grand Jury found that the PWD's website to be up-to-date and comprehensive. The documents that staff provided for review were informative in depicting the responsibilities of the department. Community members may appreciate having the snow removal priority system listed on the website. Priorities include: schools, emergency facilities, County facilities, major roads, rural roads, etc.

RECOMMENDATIONS:

1. Interviews:

- a. Enhance communication opportunities across Divisions. Specific emphasis should also be placed on employee recognition.

**Action:** Director

**Timeframe:** 6 months

- b. Involving supervisory staff on various levels of the operation such as budget preparation, when applicable, will enhance their awareness of the department and can make them more valuable to the organization.

**Action:** Director and Superintendents

**Timeframe:** 3 months

- c. Periodically conduct in-house training for staff in purchasing and payroll procedures.

**Action:** Director and Superintendents

**Timeframe:** 3 months

- d. The Grand Jury encourages the Public Works Department to continue providing support to the National Parks Service to get Tioga Pass open as early as possible, if feasible. Public Works has much experience in clearing roads effectively and the Pass opening has a dramatic effect on the County's business economy.

**Action:** Board of Supervisors

**Timeframe:** Annually

- e. If funding permits, hire an in-house building design professional to perform design review that is currently being conducted by consultants which could expedite projects and could ultimately save the County money.

**Action:** Director

**Timeframe:** 2 years

2. Documents:

- a. Review the timecard process with emphasis on streamlining the process for time efficiency. Investigate possible alternatives for using timecards for time spent as opposed to gathering detailed information on work accomplished. This detail has an effect on deadline dates which also affects the Payroll Department.

**Action:** Director

**Timeframe:** 3 months

- b. Address opportunities to convey to the community the accomplishments of the PWD through press releases, newsletters, internet, and/or community meeting presentations.

**Action:** Director and/or appropriate staff

**Timeframe:** Immediately

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011  
INVESTIGATION 10-05  
MONO COUNTY DEPARTMENT OF CHILD WELFARE SERVICES  
FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

**SUMMARY:**

**Statement:** The Grand Jury is charged with reviewing periodically certain entities within county government. The 2010-2011 Grand Jury selected the operations of the Mono County Child Welfare Services (CWS). The CWS is a division of Mono County Department of Social Services, and is the major system of intervention of child abuse and neglect.

**Methods:** The Grand Jury interviewed the administrative supervisors of the CWS, each of the social workers who provide services, and the fiscal officer for the Department of Social Services. The Grand Jury also reviewed the state regulations, report and investigation guidelines, and income and expense accounts.

**Findings:** The Grand Jury found the Department of Social Services is committed to identifying, protecting, and providing individualized interventions and services for the children of Mono County. The CWS division assists families and individuals by helping them maintain and /or enhance their quality of life, and to prevent abuse, neglect and exploitation of the most vulnerable sector of the community. The Grand Jury found the CWS to be a superior program and commends its staff for their high level of quality and caring.

**Recommendations:** The Grand Jury recommends that the CWS's search for an additional staff member be continued to assist present staff with the caseload levels, and that the search for additional foster care facilities within Mono County be expanded.

**METHODS:**

A two-member committee of the 2010-2011 Grand Jury conducted seven interviews and reviewed a number of documents. The interviewees included the Director, the Program Manager, the three Social Workers presently employed, and the Financial Manager of the Department of Social Services (DSS). Eleven documents were examined and reviewed:

- California DSS-Manual of Policies and Procedures –CWS Regs. division 31, Chapter 331-000 through Chapter 331-500;
- California DSS Handbook 265 through 1340.1531;
- US Census Bureau Demographics for Mono County (2000);
- State of California Fiscal Management and Control, Manual of Policies and Procedures;

- Organization Chart for the department;
- State of California CWS Net Allocation of Findings by Department;
- Budget Development Package for fiscal year 2009-2010;
- Intake and Evaluation Processing Forms and Tools;
- County Emergency Shelters (manual); and
- County Child Welfare Service Agencies Emergency Response Contacts for the State of California.

### BACKGROUND:

Child Welfare Services (CWS) is the governmental agency in the State that responds to and reports issues of child abuse and neglect. The CWS is the major system of intervention and services for children and families. The Mono County CWS has a responsibility to protect children while maintaining family integrity. Their goal is to keep the child in his/her own home when it is safe. When the Court determines that a child is not safe, a plan is created to return the child to its family as soon as possible. Their mission is to protect children, and to provide stability, services, and support so that children can grow up in a safe environment. The CWS also fulfills its commitment to the community by employing competent and educated staff working within the framework of CWS's Practice Values to reach the CWS goal that all children are entitled to safety and protection.

### FINDINGS:

The Mono County CWS follows Federal (Public Law 96-272) and California Welfare and Institutions Code guidelines that define child abuse or neglect as any of the following:

- A child is physically injured by other than accidental means.
- A child is subjected to willful cruelty or unjustifiable punishment.
- A child is abused or exploited sexually.
- A parent or guardian fails to provide adequate food, clothing, shelter, medical care, or proper supervision of a child.

Complaints and alerts primarily come from mandated reporters (i.e. teachers, law enforcement, doctors, nurses and other county employees). These parties must report all instances of potential abuse or neglect they observe. Other reports come from parents, children, and other citizens along with referrals from Mono County Social Services Department.

The basic mandated services are:

- Emergency Response: Investigation and intervention in situations of alleged abuses.
- Family Maintenance: Services for families in which children may be at risk of abuse and neglect, but can remain safely in the home. These services may be voluntary or court ordered.
- Family Reunification: Services for families with children that have been adjudicated dependents of the court.
- Permanent Placement: Services for the child when the family has been unable to reunify and a plan has been made for permanent placement of the child, such as guardianships and long term foster care.
- Adoption: Services for children in need of adoptive homes and to families wishing to adopt.

The mandated services above are supervised and managed by Mono County Director of CWS and a Program Manager. The staff that carries out these duties is composed of Social Workers. Mono County employs three Social Workers at levels I through IV. These levels reflect the amounts of initial training in social work skills, amount of experience, and quality of work on the job.

Social workers must adhere to and perform their duties in accordance with the California Welfare Services Program, (identified as 331 regulations, and consists of the following guides):

Regulations adopted by the California Department of Social Services (CDSS) for the governance of it agents, licensees, and /or beneficiaries;

- Statutes from appropriated Codes which govern CDSS programs; court decision.
- Operational standards by which CDSS staff will evaluate performance within CDSS programs.

The department uses a centralized computer program to manage evaluations and assessments. The system interacts with the governmental agencies of the State and Federal Government.

Each Social Worker, upon hire, spends time in Sacramento receiving Core Training from the State of CWS programs and practices under the CWS regulations. Further training is provided by a program operated by UC Davis conducted in Mammoth Lakes, supervised by senior Social Workers.

The present caseload includes six in foster care; two in-group homes out of Mono County; three in foster family agency homes out of Mono County; and one in Mono

County with a relative. In addition there are two court cases that are at home in Mono County, eleven open voluntary cases and independent living plans open for six children who were Mono County foster children at the age of 16 years and are now between the ages of 18 and 21.

After review of DSS fiscal documents including the State of California Health and Human Services Agency Net Allocation 09/10-11 and its attachments I-V, addressed to Mono County, the Grand Jury finds the department to show sound and solvent fiscal management. By comparison with the vast majority of California counties, Mono County has had greater per capita access to resources for its programs, and that less than 10% of the funding has come from County sources.

#### DISCUSSION:

Mono County follows an intake process and once this has begun, Social Workers must assess and evaluate so the results and findings are documented. Each case and plan goal is based on an individual case-by-case scenario and relevant information to the case. Each Social Worker typically follows the case from the beginning when possible to ensure continuity between client and Social Worker. Each Social Worker continually strives to meet the department goals for making an accurate assessment in order to keep the child safe, in an appropriate intervention and make placement if required. The assessment documentation directs and assists with meeting the needs of each child. Evaluation must include present and apparent problems, possible causes, and effects if intervention with the family is required. Families are included as a support in problem resolutions.

If a plan includes permanent placement services, the Social Workers have several options to evaluate and include in the placement plan. These include short or long term foster care, adoption or guardianship, group homes or other childcare institution. Returning the child to his or her home is the ultimate goal of the department.

The Grand Jury found special attributes in each of the supervisory and working staff members. These included an intense commitment to the rights and needs of children, and a willingness to engage with the children and their families to work out the best solutions when abuse and/or neglect is reported and found. The Grand Jury also found a warm esprit-de-corps among the staff resulting from the strong and warm leadership of the Director and staff supervisors.

The Grand Jury finds capable people, who are professionals in their field of expertise, are administering Mono County Child Welfare Services. They have hired operational staffs that have the required skills, and that initial and continuing training is excellent. Each Social Worker has the duty and responsibility of performing within the department with a high caseload.

However, their respective caseloads and management of each is labor intensive, with many of their working hours spent on extensive travel due to many out of county placements.

## RECOMMENDATIONS:

The Grand Jury addresses two recommendations to the Director of the Department of Social Services (in which the Department of Child Welfare Services is housed). According to State Regulations, the department shall acknowledge and respond to these recommendations within 90 days of the publication date of this report.

**Recommendation 1:** The CWS should keep as a high priority their search to add a fourth Social Worker to its staff to better balance the workload, and to adjust for the added time spent in travel to placement sites outside of County.

**Recommendation 2:** The CWS should keep as a high priority their search to find and certify new foster homes in Mono County.

**Action:** Director

**Duration:** 3 months

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011**  
**COMPLAINT 10-06**  
**EASTERN SIERRA UNIFIED SCHOOL DISTRICT**  
**FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**  
(COMBINED WITH 10-03)

SUMMARY:

**Complaint:** The letter requested investigation of the ESUSD regarding the contract with the Superintendent and subsequent budgetary processes and decisions.

**Methods:** Two investigations have been made of both topics in the complaint. Examination of both investigations revealed that the complaint overlapped the other two investigations. A report was issued July 2010 that included an ESUSD Superintendent Contract report. Another investigation of the ESUSD budgeting Process is complete and will be made public in mid-2011.

**Findings:** There is no need for an additional investigation.

**Recommendation:** A letter of acknowledgment is recommended and was sent to the complainant.

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011  
COMPLAINT 10-07  
MONO COUNTY RIGHT-OF-WAY CODES  
FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

**SUMMARY:**

**Statement:** The Grand Jury received a citizen complaint dated October 18, 2010, regarding Mono County's ambiguous Code, inconsistent enforcement of Mono County Codes by County staff and the use of unwritten guidelines.

**Methods:** Four interviews were conducted including the complainant, their architect, Mono County Code Enforcement and Mono County Public Works staff. A variety of documents were reviewed, including correspondence and emails to the complainant from County staff; emails between the architect and County staff; minutes from the November 9, 2010 Board of Supervisors meeting; Mono County website for Code information pertaining to the right-of-way, encroachments and abatement of nuisances, and the United States Postal Service's Residential Mailbox Standards.

**Findings:** The Grand Jury found inconsistencies between the language in the Code regarding the right-of-way and an informal policy employed by Mono County staff regarding mailbox installations in the County's right-of-way. Findings also indicate the United States Postal Services (USPS) mailbox standards differ from Mono County Code; however, staff has referred Mono County residents to the USPS standards for mailbox requirements.

**Discussion:** The County has a responsibility to provide accurate information to its residents. This information can be communicated in written form, via the County's website, and verbally. In this case, the complainant and their agent received vague and contradictory information verbally regarding the installation of a mailbox in the County right-of-way. Per County staff, informal policy permits "break-away" mailboxes in the right-of-way. According to the complainant, County staff stated that a mailbox did not require an encroachment permit, and that the USPS should be consulted for mailbox guidelines. In speaking with County staff, throughout the County there are various objects in the right-of-way areas, which do not have encroachment permits.

**Recommendations:** The Grand Jury recommends that the complainant's mailbox be allowed to remain, that County Code be more specific with regards to mailbox requirements and specifications and that enforcement of unauthorized objects in the right-of-way be consistent. The County Code should be provided in writing to citizens who request it.

## BACKGROUND:

A citizen complaint was received by the Grand Jury, dated October 18, 2010, regarding the “unequal, capricious application of the law, intentional disregard for the Mono County Codes by the County, and attempts to enforce as law unwritten department policies”. These complaints stem from the installation of a residential mailbox structure, which the complainant’s architect designed to complement their home and prevent vandalism, which the complainant had experienced at their other home. Prior to designing the mailbox, the complainant’s architect contacted the Mono County Public Works Department to determine if there were mailbox design standards and if an encroachment permit was required. The verbal response was “no”, an encroachment permit was not required for a mailbox and to check with the United States Post Office (USPS) regarding design or placement specifications. The architect consulted with the USPS and a mailbox structure was constructed in April 2009. Large boulders flanked both sides of the mailbox along the complainant’s driveway and street curbing.

The mailbox was completed in April 2009 and did not appear to be problematic during the wet winter of 2009/10. The County repaved the street in spring 2010 and a snow pole was placed at the edge of the curb adjacent to the mailbox. Soon thereafter the complainant received notification from USPS that the snow stake prevented mail delivery. The complainant called the Public Works Department to request that the snow stake be moved. Subsequently, the Mono County Public Works Department mailed correspondence dated May 26, 2010 to the complainant citing Mono County Code violations pertaining to the mailbox being in the County’s right-of-way and stipulating that the mailbox and the adjacent boulders needed to be removed by July 1, 2010. The County’s concern regarding objects being in the right-of-way is the potential hazard to snow removal operations and the storage of snow removed from the roadway. This correspondence was addressed to the complainant but was mailed to the complainant’s husband’s business, not the mailing address on the Mono County Tax Roll, and was not sent via certified mail. The complainant claims to never receiving this correspondence via the mail.

Subsequent correspondence, via certified mail, was sent to the complainant by the Mono County Public Works Department (June 7, 2010) and the Mono County Community Development/Compliance Division (September 27, 2010), regarding violations of the County Code for a “Permit Required” (MC Code Section 13.04.020 A) and creating a “Public Nuisance” (MC Code Section 7.20.010 D.1). The June 7, 2010 letter from the Public Works Department indicates that the mailbox structure and boulders need to be removed and then proceeds to include an encroachment permit to initiate the encroachment permit process. When the complainant questioned the Public Works staff regarding applying for an encroachment permit for the mailbox structure, staff indicated that an encroachment permit for the existing mailbox would be denied and that the letter was a standard “form” letter.

The September 27, 2010 letter from the Compliance Division cited the same Code violations as the June 7, 2010 letter – “Permit Required” and “Public Nuisance”. The complainant requested an extension of time from the Compliance Division and stated that an extension could not be approved without consulting with the Public Works

Department. In the meantime, the complainant called the appropriate Board of Supervisors office about the situation. The complainant was subsequently informed by the Compliance Division that an extension had been granted to November 15, 2010.

An on-site meeting was held involving the complainant, the respective Board of Supervisor for this geographical area within the County, Public Works and Compliance Division staff. As a result of this meeting, the complainant decided to request that this matter be reviewed and a decision rendered at an upcoming County Board of Supervisors meeting. This meeting took place on November 9, 2010 and the outcome was that County Counsel will develop an agreement between the complainant and the County releasing the County from liability due to damage or injury that may be caused by said mailbox. As of the writing of this report, the Grand Jury has learned that an agreement has been drafted and presented to the complainant for review. The Grand Jury has also learned that the adjacent boulders have been removed and the bottom of the mailbox structure has been saw-cut so that it would break-away upon impact.

#### METHODS:

This investigation included interviews with the parties involved in this matter. A total of four interviews were conducted. Correspondence between the various Mono County departments and the complainant reviewed, in addition to Mono County Code of Ordinances, and United States Postal Service information regarding mailboxes.

##### 1. Interviews:

The investigating committee conducted four interviews in researching this matter. Those interviewed included the complainant, the complainant's architect, Mono County Public Works staff and Mono County Community Development/Compliance Division staff. All of the interviews were confidential.

##### 2. Documents:

The committee also reviewed correspondence from the Mono County Public Works Department and the Mono County Community Development Department/Compliance Division to the complainant; reviewed photographs of the mailbox structure; reviewed minutes from the November 9, 2010 Board of Supervisors meeting when this matter was discussed; email communications between the complainant and the architect regarding this matter; an email communication between the architect and MC Public Works staff; email communications between the Interim Public Works Director and the complainant; the Mono County website for Code information; the United States Post Office website for Residential Mailbox Standards, and USPS mailbox information provided by Public Works staff.

## FINDINGS:

### 1. Interviews:

- a. The interview with the complainant indicated that they are law-abiding citizens who would have proceeded in a different manner had they known that a mailbox structure could not be located within the County's right-of-way. They stated that they and their architect performed due diligence in determining if there was a need for an encroachment permit to install a mailbox in the County's right-of-way and consulted with the United States Postal Service for specifications when directed to that source by a Mono County Public Works staff member.

The complainant also experienced frustration and a sense of arrogance when interacting with a Public Works staff member. The complainant not receive either of the two communications sent by the Public Works Department (dated May 26, 2010 and June 7, 2010). The Compliance Division assumed the complainant to be unresponsive to the letters of violation. In addition, information in the June 7, 2010 letter was misleading in that an encroachment permit, which was enclosed in the letter, could not be submitted as it would be denied based upon the existing mailbox structure.

- b. The interview with the architect reiterated the process that occurred when trying to determine if an encroachment permit was required for a mailbox. When contacting the Mono County Public Works Department, the architect was told that a mailbox did not require an encroachment permit; however, the United States Postal Service should be consulted for mailbox guidelines. This agent has also noted that throughout the County there are objects in the right-of-way (i.e. boulders, fire hydrants, etc.) that do not appear to be in violation of Mono County Code as these objects have not been removed.

This individual indicated that Mono County Counsel is in the process of developing an agreement between the complainant and Mono County which will release the County from liability for damage/injury that may occur as a result of the mailbox structure from being in the right-of-way.

- c. The Compliance Officer was also interviewed and cited that placing anything in the Mono County right-of-way requires an encroachment permit; however, the Officer indicated that Public Works has an informal, unspoken policy allowing landscaping and breakaway mailboxes to be placed in the right-of-way. The Compliance Officer participated in the on-site meeting with Mono County staff and a Board of Supervisor to view the mailbox structure in question. This individual concluded that an agreement was being developed and that the concrete base of the mailbox structure would be saw-cut to enable it to breakaway if hit. As of

the writing of this report, the Grand Jury has learned that the concrete base of the mailbox structure has been saw-cut.

2. The Public Works Road Operations Supervisor, who has been in this position for approximately 2 years, was interviewed. This individual explained that the Mono County Code does not permit anything to be placed in the right-of-way without an encroachment permit, which requires County review. When questioned about the distances involved in the right-of-way, this individual indicated that the right-of-way is an average of 60 feet from the center of the road. According to this Supervisor, the Post Office requires mailboxes to be of a breakaway design; however the investigating committee found that the USPS indicates that breakaway supports are ideal but not a requirement.

The process involved in notifying the complainant regarding the Code violations was questioned. This individual indicated that two forms of correspondence were sent to the complainant citing the violations and a timeline for removing the mailbox structure. The communication indicated this matter would be turned over to the Code Compliance Officer for action if the mailbox was not removed from the right-of-way. If not removed, fines would be levied and ultimately the structure would be removed at County cost.

3. Documents:

The investigating committee reviewed a variety of documents, including correspondence, emails, Mono County Code and United States Postal Service standards for residential mailboxes.

- a. In reviewing United States Postal Service Residential Mailbox Standards, there are several requirements which conflict with Mono County Code.
  - Install the mailbox with the bottom of the box at a vertical height of between 41-45 inches from the road surface, unless there is a road or curb condition that prevents this.
  - Mailbox should be set back 6 – 8 inches from the front face of the curb or road edge to the mailbox door
  - For posts and supports, it's up to you to keep them neat and adequate in strength and size. Ideally, its assembly should bend or fall away when struck by a vehicle. The Postal Service doesn't regulate mailbox supports except for purposes of carrier safety and delivery efficiency.
  - Installation of curbside mailboxes must meet our specific construction standards, which you can find at your local Post Office or mail away for a copy of our standards.
- b. In conducting a "search" of the Mono County website for information regarding mailbox specifications and a definition of right-of-way, the information was not found. The website should be easier to navigate

rather than having to guess which section to explore. Specific information regarding mailboxes was not located. Although Code Section 13.04.020 regarding an encroachment permit being required is rather explicit, a reference to mailboxes, and any other object that the County now deems important, should be included and easy to find.

## DISCUSSION:

### 1. Interviews:

The interviews verified that the County Code regarding encroachment permits is not being enforced strictly as written. County staff has an unwritten policy, which permits mailboxes to be installed in the right-of-way; however, it is staff's perception that these mailboxes consist of a store-bought metal mailbox positioned on a 4" x 4" wooden post. Questions regarding mailbox specifications were directed to the United States Postal Service, which has different criteria for mailboxes. Technically, Mono County states that objects in the right-of-way require an encroachment permit; however, mailboxes are permitted as an unwritten policy. Whereas, the USPS requires mailboxes to be set back 6 – 8 inches from the front face of the curb or road edge to the mailbox door. Consequently, there is a discrepancy between USPS and Mono County requirements.

### 2. Documents:

More explicit language in the Mono County Code, regarding mailboxes or any other object that has recently come to staff's attention, will prevent future mishaps or miscommunications. Consistent enforcement of Mono County Code will also help to prevent problems. Driving throughout the County and seeing violations of objects in the right-of-way (boulders, signs, boats, trailers, vehicles, etc.) gives one the perception that these objects are acceptable and can be replicated in the neighborhood without issue.

## RECOMMENDATIONS:

Based upon the findings of the investigating committee, the Grand Jury recommends that the following items be considered for implementation.

### 1. Interviews:

- a. Allow the complainant's existing mailbox in question to remain in place. As of the writing of this report, the Grand Jury has learned that County Counsel has drafted an agreement, pursuant to direction from the Board of Supervisors, between the complainant and the County, which will release the County from liability for damage, and injury that may be

caused as a result of said mailbox structure's location within the right-of-way. This agreement has been presented to the complainant for review.

**Action:** Board of Supervisors

**Timeframe:** Immediately

- b. Consistently enforce Mono County Codes.

**Action:** Chief Administrative Officer

**Timeframe:** 3 months

- c. Insure that all Mono County Public Works staff are fully knowledgeable about mailbox requirements when placed in the right-of-way and impart accurate information to the public.

**Action:** Public Works Director

**Timeframe:** 3 months

- d. Develop an informational handout regarding mailbox requirements in the right-of-way and distribute to citizens when inquiries are made.

**Action:** Public Works Director

**Timeframe:** 3 months

- e. Provide effective communication training to Public Works staff to insure that staff acts in a professional manner when interacting with the public.

**Action:** Public Works Director

**Timeframe:** 3 months

## 2. Documents:

- a. Enhance the language in the Mono County Code, specifically citing items that require an encroachment permit. Incorporate unwritten policies, if applicable, or abandon them.

**Action:** Board of Supervisors

**Timeframe:** 3 months

- b. Develop a Code, which pertains to mailbox requirements and specifications. Incorporate unwritten policies, if applicable, or abandon them. As of the writing of this report, the Grand Jury has learned that County Counsel is in the process of drafting an ordinance which will include more specific language regarding mailboxes.

**Action:** Board of Supervisors

**Timeframe:** 3 months

- c. Develop an informational handout regarding mailbox requirements in the right-of-way and distribute to citizens when inquiries are made.

**Action:** Public Works Director

**Timeframe:** 3 months

- d. To insure that correspondence regarding Code violations, and potential fines, are received by the intended recipient, mail all correspondence to the address on record, and follow up with an email and/or direct telephone contact.

**Action:** Public Works Director

**Timeframe:** Immediately

- e. Coordinate efforts with the United States Postal Service offices in Mono County regarding mailbox requirements to insure that USPS and Mono County requirements are compatible.

**Action:** Board of Supervisors

**Timeframe:** 6 months

- f. Enhance Mono County's website so that it is easier to navigate.

**Action:** Chief Administrative Officer

**Timeframe:** 6 months

**MONO COUNTY GRAND JURY FOR THE YEAR 2010-2011  
INVESTIGATION 10-06  
MONO COUNTY ASSESSOR  
FINAL REPORT BY GRAND JURY INVESTIGATION COMMITTEE**

**SUMMARY:**

**Complaint:** The Grand Jury received a letter of complaint dated 1-2-2011 from a concerned citizen stating the Mono County Assessor is presently giving reassessment decline in values without proper justification as described below as well as internal employee dissatisfaction. The complaints are defined below.

1. Complaint #1

- a. The Mono County Assessor gave a decline in value to a personal service provider in exchange for discounted services, even after her staff appraiser declined the request.
- b. A significant and unjustified decline in value was granted on an 18 hole Golf Course with an inaccurate comparable on a 9 hole Golf Course.
- c. Mammoth Mountain Ski Area properties received a decline in value.

2. Complaint #2

- a. The Assessor is obsessed with firing a long-standing employee and continues to set him up for failure.

**Methods:** The Grand Jury accepted the complaint as #08. The investigation by the Grand Jury included one interview with the complainant. There were no documents or other materials presented for consideration or review.

**Findings:** The Grand Jury concludes the complaint has no validity or facts to warrant an investigation.

**Discussion:** The committee interviewed the complainant for approximately 1 ½ hour. The committee heard inconsistent statements and statements the complainant was relying on second hand information. Thus, the complaint is without merit and no need to proceed further.

**Recommendations:** The Grand Jury recommends that this complaint be dismissed. It is our feeling that the Mono County Assessor's Department be considered as a possible governmental elective government entity for the next Grand Jury to investigate.

## MONO COUNTY JAIL TOUR

Members of the Grand Jury toured the County Jail (the "Jail") facility in Bridgeport on April 14, 2011. In attendance were the Mono County Undersheriff, the Jail Commander and four Grand Jurors.

The tour consisted of viewing the booking cage, holding cells, jail library, laundry, kitchen and pantry, staff offices, dispatch and the exterior recreation area. Each area of the Jail is under camera surveillance, on a 24/7 basis. The Grand Jury learned that a library is required by law and as a result, the Jail library is stocked with paperbacks and Code books.

When an inmate is booked, the individual enters the booking cage and is strip-searched before entering the booking area. After being searched, the booking process is documented by video and audio tape. Each individual is digitally fingerprinted with the resulting analysis communicated immediately to Sacramento, with results received in 20 minutes. The inmate's property is tagged and secured. The inmate is given an intoxilizer test which is submitted to the Department of Justice in Fresno. A portable alcohol sensor (PAS) can also be used. Inmates who have been arrested on alcohol-related charges are given subsequent sobriety tests to insure that they are under the legal intoxication limit before leaving the Jail.

An inmate telephone system is financially beneficial to the County, as inmates are required to pay for phone calls, phone cards, collect calls, television and cable. The County generates approximately \$80,000 annually from these charges and the funds must be utilized to benefit the inmates (i.e. shade screening in exterior recreation area, etc.). The bed rating capacity is 44; the Jail now has 22 inmates.

The Jail is required to protect the constitutional rights of inmates, and insure that inmates are protected from one another. The Jail must provide inmates with the basic necessities including food, clean linens and clothing, and a clean facility. Inmates wear striped clothing when in jail, and orange attire when working outside the Jail facility (i.e. cemetery clean-up, assisting Mono County staff with mowing facilities, etc.). The laundry facility operates from 5:00a.m. – 10:00p.m. daily. Clean undergarments are provided twice a week; bedding and outerwear, once a week. The facility is inspected by the California Department of Health.

The Jail kitchen has a staff of two, which are State Certified Food Handlers, and is subject to annual food inspections by the Health Department. All meals are approved by a Registered Dietician and approximately 200 meals are served per day. Inmates and assigned staff receive free food; non-assigned staff pays a flat fee of \$2.50 per meal. The food pantry requires 2 ½ times the amount of food that would be required per week for each inmate. Equipment (knives, pots, pans, etc.) are inventoried twice a day.

The Jail is required to provide complete medical care to all inmates, which can be costly. Medical attention is available on-call 4 days per week from the Bridgeport Clinic to address inmate medical issues and prescribe medicine. The Jail's annual medical

budget is \$120,000; the facility is currently over-budget with medical costs totaling \$150,000. In addition to medicine, the Jail is equipped with medical equipment. The detox area (2 cells) requires a fireproof room and flooring to prevent injury to the inmate and the facility.

The Jail can refuse bookings, unless a felony crime is involved. The "A" cell block houses more serious offenders; the "B" and "C" cell blocks are for "lightweight" offenders. Isolation cells are used for child molestation cases or suicidal inmates, or to discipline inmates.

An exterior fenced-in area adjacent to the Jail building is used for recreation, although there is no equipment in this space. Inmates can use this outdoor area 3 hours per week. The Sheriff recently received a grant to replace existing surveillance cameras in the exterior recreation area to enhance viewing capabilities.

When needed, stinkball grenades and mace balls have been utilized to subdue inmates.

When questioned about the types of crimes seen by the Mono County Sheriff's Department, staff indicated that drugs and driving under the influence (DUI) are the crimes primarily witnessed – the "same crimes as seen in Los Angeles, but to a smaller degree".

The Records department is staffed by one person. The Inergen system prevents damage to the Jail's information technology system (records, dispatch, etc.). Two years ago when the Jail roof leaked, it caused approximately \$750,000 in damage resulting from 8" of water in the facility. Fortunately the computer system was not impacted

The Dispatch operation, which includes 911, CAD and RIMS, is completely computerized with battery/generator systems as a back-up should there be a failure. All 911 calls in the County are received by the Sheriff's Dispatch Center. Jail and 911 staff are cross-trained to provide back-up assistance when needed. A paging system is utilized to communicate to the inmate population and a camera surveillance system enables staff to monitor inmate activity. The CAD software system is no longer being upgraded and soon the manufacturer will only be able to offer parts. It is hoped that funds can be budgeted to purchase the Orbicon System to replace the CAD system before it is antiquated. Cellular 911 calls are directed to the Bishop Sheriff's Department. It is estimated to cost \$1 million for Verizon to move the 911 system to accommodate Mammoth, thus the desire to keep the 911 system based in Bridgeport. Digital 395 will benefit the Mono County Sheriff's operation.

Booking videos are kept for 120 days. Other surveillance equipment tapes must be kept for 18 days; however, the Sheriff's Department would like to keep them for 40 days.

The Mammoth Police Department pays for jail service. Between the County and Mammoth, each accounts for approximately 50% of the jailed inmates. The inmate population is approximately 40% locals and 60% from out of the County.

The department is concerned about the State's budget crisis and the potential impact upon its operation. An estimated \$700,000 may be lost from the World Cops grant from DMV fees which concludes on June 30, 2011. The Board of Supervisors will need to determine how to approach this potential budget loss. Currently the department has 26 deputies (peace officers) and 19 Public Safety Officers.

A "realignment" program has been approved by the Governor but won't be implemented until funding is in place. This "realignment" program proposes that inmates receiving a sentence 3 years or less could go to jail instead of prison. If so, the program would pay \$46/day per inmate (current Jail cost is \$176/day). Other options to incarceration include wearing ankle bracelets or participating in a work release program.

When questioned about issuing citations or fines to increase revenue, the Grand Jury was told that the majority of this funding goes to the State of California.

Overall, the Grand Jury was impressed with the Jail operation and was pleased to see that the facility is in excellent condition since roofing and flooring renovations have been made.