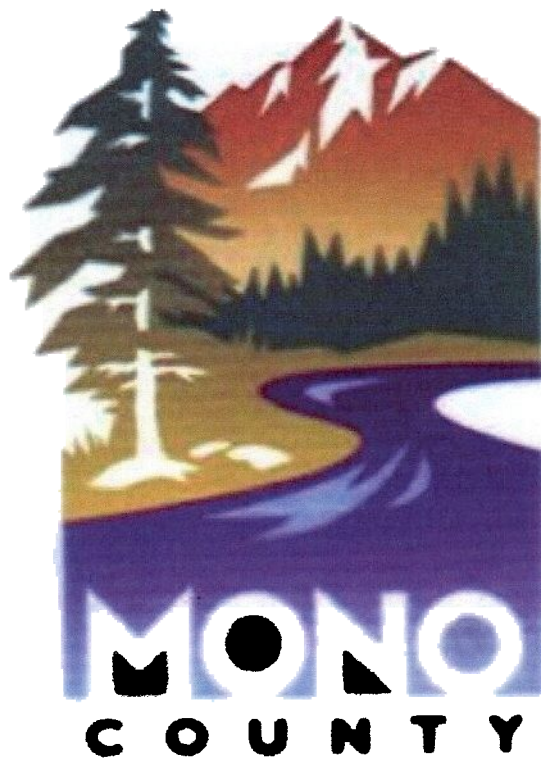


MONO COUNTY GRAND JURY



**Final Report
2005-2006**

TABLE OF CONTENTS

INTRODUCTION

Judge's Filing Decree	1
Jury Foreman's Letter to Judges.....	2
The Grand Jury System.....	3
Grand Jurors & Advisors	4
Grand Jury Committees	5
Citizen Complaints.....	6-7

GRAND JURY COMMITTEES

Administration, Health, Welfare & Social Services	8-9
Audit and Finance	10-12
Education	13
Executive and Handbook	14
Parks, Recreation and Public Works.....	15
Public Safety	16-17
Town of Mammoth Lakes.....	18

LOGO

Laura Patterson Design

COVER

Haven Kiers

LAYOUT

Barbara Smith

PRODUCTION

Beverly Cheeseboro & Barbara Smith

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

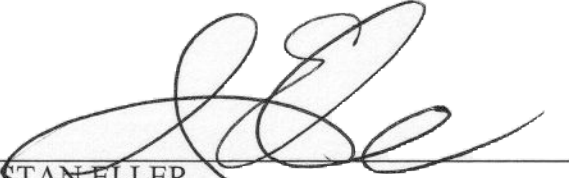
IN RE:

2005-2006 Grand Jury

GENERAL ORDER

I certify that the 2005-2006 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 11th day of July 2006.


STAN ELLER
Presiding Judge of the Superior Court

MONO COUNTY GRAND JURY
STATE OF CALIFORNIA

June 30, 2006

The Honorable Judge Edward Forstenzer
The Honorable Judge Stan Eller
Mono County Superior Court
P.O. Box 1037
Mammoth Lakes, CA 93546

Dear Judge Forstenzer and Judge Eller:

Enclosed is the Final Report of the 2005-2006 Mono County Grand Jury.

I would like to first thank Beverly Cheeseboro, our Secretary, for an outstanding job regarding the preparation of Minutes and the Final Report. Beverly has been a wonderful asset to our Grand Jury this past year.

Also I want to acknowledge the dedication and professionalism displayed by the Grand Jury members and to thank them for the tenacity and energy displayed during the year on behalf of our Mono County residents. We reviewed several complaints and devoted many hours to interviewing persons related to specific issues.

Members of the County Counsel's office, the District Attorney's office and the staff of the Mono County Superior Court assisted us, and it was greatly appreciated.

On June 1, 2006, the Grand Jury toured the Mono County Sheriff's Department and the Mono County Jail. We found the facility to be well maintained and in good condition.

The enclosed Final Report of the 2005-2006 Mono County Grand Jury is the final and fully edited report of the investigations undertaken by the various Committees. Except for review for legal advice on matters of possible libel and Grand Jury jurisdiction, we respectfully request that there be no further editing of the content of the Final Report.

Very truly yours,

Dan Wright, Foreman
2005-2006 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 12th 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 knew 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 17th 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 review 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 and does not exceed its authority. The duties, powers, 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 can not 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 county clerk’s office. It is also available online at: www.monosuperiorcourt.ca.gov

GRAND JURORS AND ADVISORS

GRAND JURORS

Sarah Adams
Lee Vining

Sherry Taylor
Mammoth Lakes

Rich Boardman
Walker

Ed Vasquez
Mammoth Lakes

Diane Bramlette
Benton

Brett Walters
Mammoth Lakes

Beverly Cheeseboro
Chalfant Valley

Dan Wright
Mammoth Lakes

Vern Clevenger
Mammoth Lakes

Jean Wuamett
Paradise Estates

Tim Hansen
Lee Vining

OFFICERS

Dan Wright
Foreman

Beverly Cheeseboro
Secretary

ADVISORS

Stan Eller and Edward Forstenzer
Judges of the Superior Court

George Booth
District Attorney

Bob Dennis
Court Executive Officer

Marshall Rudolph
County Counsel

Mark Magit and Stacey Simon and Allen Berrey
Deputy County Counsels

GRAND JURY COMMITTEES

ADMINISTRATION, HEALTH, WELFARE AND SOCIAL SERVICES

Diane Bramlette, Chair

Rich Boardman

Tim Hansen

Jean Wuamett

AUDIT AND FINANCE

Rich Boardman, Chair

Sarah Adams

Tim Hansen

Dan Wright

EDUCATION

Jean Wuamett, Chair

Sherry Taylor

Ed Vasquez

EXECUTIVE AND HANDBOOK

Beverly Cheeseboro, Chair

Rich Boardman

Ed Vasquez

PARKS, RECREATION AND PUBLIC WORKS/ BUILDING, PLANNING AND ENVIRONMENT

Vern Clevenger, Chair

Sarah Adams

Tim Hansen

Sherry Taylor

PUBLIC SAFETY

Brett Walters, Chair

Diane Bramlette

Vern Clevenger

TOWN OF MAMMOTH LAKES

Dan Wright, Chair

Vern Clevenger

Brett Walters

CITIZEN COMPLAINTS

A Grand Jury receives communications from citizens, civic groups and government employees regarding real or fancied grievances. Although the Penal Code does not assign the Grand Jury duties as ombudsman, the Grand Jury can and frequently does look into complaints as part of its watchdog duties. Some complaints will be found to be without merit, and others will concern matters over which the Grand Jury has no jurisdiction. All complaints, except those originating with the District Attorney or the Court, should be submitted in writing and signed. If the complaint falls within the purview of the Grand Jury, an investigation will be initiated by one of its standing Committees. If the complaint is outside the Grand Jury's purview, it may be forwarded to County Counsel, a Superior Court Judge, or the District Attorney. Results of all Committee investigations are presented to the entire Grand Jury for concurrence.

Any citizen who would like to file a legitimate complaint for consideration by the Grand Jury should submit a dated and signed letter to: Mono County Grand Jury, P.O. Box 1037, Mammoth Lakes, CA 93546.

This year the Grand Jury considered six complaints:

- #05-01: Letter of complaint dated September 29, 2005, regarding alleged misconduct of the Mammoth Lakes Police Department and Child Protective Services in relation to an alleged child abuse/molestation situation.
Referred to the Administration, Health, Welfare and Social Services Committee.
Closing date: June 22, 2006.

- #06-01: Letter of complaint dated January 11, 2006, regarding a potential gift of public funds issue associated with the retirement packages provided to certain employees.
Referred to the Audit and Finance Committee.
Closing date: June 22, 2006.

- #06-02: Letter of complaint dated February 20, 2006, regarding a Mammoth Times article dated February 16, 2006, in which a deputy of the Mono County Sheriff's Department alleged actions of financial mismanagement, misappropriation, and illegally gifted resources on the part of the Mono County Sheriff's Department; and requesting an investigation into the deputy's knowledge of illegal activity as alleged in the Mammoth Times article and his alleged failure to report it.
Referred to the Public Safety Committee.
Closing date: June 22, 2006.

- #06-04: Letter of complaint (undated), alleging Mammoth Unified School District funds were being used to provide preferential treatment in the hiring practices of substitute teachers.
Referred to the Education Committee.
Closing date: June 22, 2006.

- #06-05: Anonymous letter of complaint (undated), alleging excessive overtime charges, preferential treatment, and various medical supply and hospital supervision issues relative to the operations of paramedics in Bridgeport.
Referred to the Public Safety Committee.
Recommended Action: The Grand Jury recommended that the investigation of this matter be carried over to the 2006-2007 Grand Jury.
- #06-06(A): Letter of complaint dated April 20, 2006, regarding the assessment procedures utilized to determine whether or not there had been a change in ownership associated with the Mammoth Mountain/Intrawest partnership.
Referred to the Audit and Finance Committee.
Recommended Action: The Grand Jury recommended that the investigation of this matter be carried over to the 2006-2007 Grand Jury.
- #06-06(B): Letter of complaint dated April 20, 2006, regarding the status of potential changes in ownership related to the old Courthouse building in Bridgeport.
Referred to the Audit and Finance Committee:
Closing date: June 22, 2006.

ADMINISTRATION, HEALTH, WELFARE AND SOCIAL SERVICES COMMITTEE

COMPLAINT #05-01

STATEMENT

A complaint was received in December 2005 by a private individual alleging misconduct of the Mammoth Lakes Police Department and Child Protective Services (CPS) in relation to an alleged child abuse/molestation situation. The complainant had made an original complaint to the Grand Jury during the 2003-2004 year. The complainant stated that the original complaint was not addressed or investigated correctly by the appropriate state and law enforcement agencies; that the original grand jury had not accurately reported the complaint; and that the initial abuse situation is still occurring and no action by any agency is occurring.

FINDINGS

1. The Committee interviewed the complainant who voiced three primary concerns:
 - The alleged victim is continuing to be abused/molested and no action by any government agency is occurring.
 - The conduct of the Child Protective Services Director during an interview in relation to the case; he allegedly treated the complainant with disrespect and unprofessionally. Additionally, he demanded a tape recording of the alleged victim talking with a friend about abuse/molestation incidents.
 - The complainant alleged there was/is disparate treatment of Hispanics by the agencies involved.
2. The Committee talked with the CPS Director who indicated that he had interviewed the complainant concerning the original complaint. He also added that his department did investigate the complaint and could do very little as the alleged victim would not talk and there was little corroborating evidence to support the allegations. He assured the Committee that his department would investigate again if new and substantial information was obtained.
3. The Committee received a list of potential witnesses from the complainant and contacted all who had telephone numbers. Some of the witnesses never returned the phone calls, and others provided no information to the Committee.
4. The Committee interviewed members of the District Attorney's Office who offered information on their past investigations related to this case. The District Attorney's Office could not prosecute or take any action since the alleged victim would not cooperate or talk. The District Attorney's Office assured the Committee that they would aggressively investigate again if new information was obtained or the alleged victim would come forward and talk.

5. After all the interviews, the Committee determined that there is not enough evidence to support any further action. The Committee is convinced that all agencies involved acted appropriately in this matter.
6. The Committee determined that the CPS Director conducted a thorough investigation within the policies and directives of his department.
7. The Committee determined that there appeared to be no disparate treatment against Hispanics by the agencies involved. According to the District Attorney's Office, interpreters were used and individuals in all involved departments were sensitive to the needs and cultural differences in the Hispanic population.

RECOMMENDATIONS

The Committee recommended, and the Grand Jury concurred, that based on all the information, the complaint was handled appropriately by all agencies involved. The Committee could not determine if the 2003-2004 Grand Jury inaccurately investigated the complaint.

AUDIT AND FINANCE COMMITTEE

BACKGROUND

The Audit and Finance Committee acted on two complaints during its term:

1. Complaint #06-01 requested the Grand Jury to investigate a potential gift of public funds issue associated with the retirement packages provided to certain employees.
2. Complaint #06-06(A) requested the grand Jury to investigate the assessment procedures utilized to determine whether or not there had been a change in ownership associated with the Mammoth Mountain/Intrawest partnership. Complaint #06-06(B) requested the Grand Jury to review the status of potential changes in ownership related to the old Courthouse building in Bridgeport.

COMPLAINT #06-01

STATEMENT

Complaints were received by the Grand Jury suggesting that certain county employees had received inappropriate retirement packages. It was alleged that the amounts paid were over and above the normal County retirement packages. Additionally, there was concern that some of these retirement packages may have involved gifts of public funds.

FINDINGS

The Audit and Finance Committee first interviewed the County Administrative Officer (CAO) concerning the fiscal and legal impacts surrounding this issue. The CAO provided the Committee with copies of the retirement packages in question along with the appropriate MOU and County Policy related to salary and benefit packages. The CAO also provided the Committee with a breakdown of the costs for each retirement package together with background information related to this issue.

The Audit and Finance Committee then met with the Auditor/Controller to discuss the financial impacts associated with the retirement packages in question. The Auditor/Controller, in a letter to the State Department of Justice, indicated that their office was also concerned with the County's authority to provide the large dollar amounts associated with the retirement packages in question. The Auditor indicated that this issue was being reviewed by the State Department of Justice, and the Auditor/Controller's Office was waiting for a written response concerning this matter. The Grand Jury sent a follow up letter to the Department of Justice requesting them to expedite their response.

The Grand Jury received a response from the Attorney General's Office in late May 2006. The response indicated that the Attorney General's Office did not believe the retirement agreements in question constituted a violation of criminal law. The Attorney General's Office did state,

however, that salary spiking for retirement benefits is detrimental to taxpayers and other public employees.

RECOMMENDATIONS

Although found to be legal by the Attorney General's Office, the Committee was concerned with the salary spiking issue and the ethical considerations associated with the agreements in question, and the Grand Jury concurred. The Grand Jury recommends that the County take these concerns into consideration when providing future retirement packages.

COMPLAINT #06-06(A)

STATEMENT

The Audit and Finance Committee received a complaint suggesting that Mammoth Mountain Ski Area (MMSA) and Intrawest Corporation (Intrawest) had not been assessed correctly with respect to their corporate holdings. Of primary concern was a January 2003 letter from the State Board of Equalization. The Board of Equalization concluded that the Intrawest stock acquisition in November 1997 resulted in a change in ownership of the MMSA because Intrawest obtained control of MMSA within the meaning of the Revenue and Taxation Code. The complaint alleged this change of ownership had not been enlisted on the tax roll.

FINDINGS

The Audit and Finance Committee reviewed the aforementioned opinion by the State Board of Equalization and scheduled interviews with County staff to get a better understanding of the issues associated with the reassessment process. Among those individuals interviewed were the recently retired Assessor, the newly appointed Assessor, and the County Counsel. It became apparent during the interviews that the change in ownership issue was very complex as it also dealt with the control of voting stock within the corporation. The prior Assessor, who originally initiated the reassessment process, indicated that the County could realize somewhere in the neighborhood of \$20 million dollars in additional taxes if the estimated values were enlisted on the tax roll. The newly elected Assessor will be vested with the final decision in this matter. He has indicated that he has not had sufficient time to review all the documentation on this issue. He did not feel he had enough information, at the time of the interview, to make an informed decision on the matter. Although County Counsel had requested the above-referenced opinion from the State Board of Equalization, they now seemed to have a few unresolved reservations concerning this matter.

RECOMMENDATION

In consideration of the complex nature of this matter and the potential to generate significant tax revenue for Mono County, this Committee recommends, and the Grand Jury concurs, that the matter be carried over and that the 2006-2007 Grand Jury continue to investigate this issue.

COMPLAINT #06-06(B)

BACKGROUND

The second part of this complaint expressed a concern that the County may be in the process of transferring title to the old courthouse building in Bridgeport to the State Courts. The Grand Jury Foreman discussed this matter with County Counsel (one of the lead negotiators on this matter) and was informed that the County was negotiating with the State Courts to transfer “responsibility” for the Courthouse facilities pursuant to state legislation. Responsibility means the obligation of providing, operating, maintaining, altering, and renovating a building that contains court facilities. Although such a negotiated transfer of responsibility is mandated by state law, the County has the option of retaining title to the Bridgeport courthouse. County Counsel assured the Foreman that there had been no decision to transfer title of the Courthouse to the State Courts in conjunction with any required transfer of responsibility. County Counsel also indicated to the Foreman that any decision of this nature (transfer of title) would be made by the Mono County Board of Supervisors at a duly noticed public meeting.

RECOMMENDATION

The Committee determined, and the Grand Jury concurred, that negotiations between the County and the State Courts were ongoing; that there had been no decision concerning a transfer of title; and that further investigation is not warranted at this time.

EDUCATION COMMITTEE

INTRODUCTION

The Education Committee requested and received information on the expenditure of funds on substitute personnel by the Mammoth Unified School District. A letter from the District Superintendent's Office was received by the Committee.

BACKGROUND

A complaint letter was received by the Grand Jury alleging Mammoth Unified School District funds were being used to provide preferential treatment in the hiring practices of substitute teachers.

FINDINGS

After reviewing all documents, the Committee concluded that no Mammoth Unified School District funds were used to give preferential treatment in the hiring of substitute personnel.

RECOMMENDATIONS

The Committee recommended to the Grand Jury, which concurred, that no Mammoth Unified School District funds were used to provide preferential treatment in the hiring practices of substitute teachers.

EXECUTIVE AND HANDBOOK COMMITTEE

STATEMENT

The Executive and Handbook Committee received no letters of complaint during this term.

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.

**PARKS, RECREATION AND PUBLIC WORKS/
BUILDING, PLANNING AND ENVIRONMENT COMMITTEE**

STATEMENT

The Parks, Recreation and Public Works/Building, Planning and Environment Committee received no letters of complaint during this term.

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.

PUBLIC SAFETY COMMITTEE

BACKGROUND

This Committee received a complaint related to allegations which were made public in a Mammoth Times article dated February 16, 2006, in which a deputy of the Mono County Sheriff's Department alleged actions of financial mismanagement, misappropriation, and illegally gifted resources on the part of the Mono County Sheriff's Department.

COMPLAINT #06-02

STATEMENT

The Grand Jury received a complaint requesting an investigation into a deputy sheriff's knowledge of illegal activity as alleged in the Mammoth Times article and his alleged failure to report it. The Committee also received a letter from the deputy acknowledging the complaint and indicating that he would be most cooperative in any future investigations in this matter.

ACTION

The Committee consulted with the District Attorney for guidance on the matter. The District Attorney indicated that an investigation by the District Attorney's Office had already begun, since the complaint to the Grand Jury was also received by the District Attorney's Office.

RECOMMENDATION

The Committee recommended, and the Grand Jury concurred, that because an investigation was underway by the District Attorney's Office, no further action was necessary.

COMPLAINT #06-05

STATEMENT

An anonymous letter was received by the Grand Jury which alleged excessive overtime charges, preferential treatment, and various medical supply and hospital supervision issues relative to the operations of paramedics in Bridgeport.

ACTION

The Grand Jury Foreman consulted with County Counsel on the matter. County Counsel indicated it would be up to the Grand Jury whether or not it decided to pursue the issue, as the complaint was anonymous.

RECOMMENDATION

The Committee recommended, and the Grand Jury concurred, that the investigation of this matter be carried over to the 2006-2007 Grand Jury.

COUNTY JAIL TOUR

The Grand Jury made an inspection of the Mono County Jail. Sheriff Daniel Paranick led the tour. The Jail appeared to be in excellent running condition and staffed by exceptionally capable people. Additionally, a test of the 911 emergency calling system was performed satisfactorily.

TOWN OF MAMMOTH LAKES COMMITTEE

STATEMENT

The Town of Mammoth Lakes Committee received no letters of complaint during this term.

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.