

# MONO COUNTY GRAND JURY

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Final Report  
2011-2012

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## LOGO

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

IN RE:

2011-2012 Grand Jury

GENERAL ORDER

I certify that the 2011-2012 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 21 day of August 2012.

  
STAN ELLER  
Presiding Judge of the Superior Court

GENERAL ORDER



# **COUNTY OF MONO – SUPERIOR COURT**

## **GRAND JURY**

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William T. Taylor  
Grand Jury Foreperson  
2011-2012

July 15, 2012

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

Transmittal of the 2011-2012 Final Grand Jury Report.

Dear Judge Eller,

It is my honor to submit the Final Report of the 2011-2012 Mono County Grand Jury. This report covers investigations of one Mono County department, one Town of Mammoth Lakes department, a Response and Accountability report, and a summary of findings from the mandatory Mono County Jail tour.

In October of 2011, a group of Mono County citizens was sworn in as the 2011-2012 Grand Jury by the Honorable Stan Eller, Presiding Judge of the Mono County Superior Court. This swearing in was later than the normal Grand Jury cycle as a result of the completion of the new Mono County Courthouse in Mammoth Lakes and the Court operations' relocation during the summer of 2011. The new courthouse provided superb facilities for the conduct of the Grand Jury proceedings.

Because of the shortened Grand Jury year, this Grand Jury investigated only a limited number of issues. It was the determination of the Grand Jury that thorough investigation of the selected cases was a higher priority than taking on additional cases and perhaps not having the time to properly complete the individual investigations. Partially as a result of changes in California conflict of interest laws that became effective in January of 2012, certain members recused themselves from individual investigations.

With the valuable support of Hector Gonzalez, Executive Officer of the Court, the jurors undertook a detailed training program developed by the California Grand Jurors Association. This training greatly enhanced the effectiveness of the Grand Jury as it carried out its role of reviewing operations of local government in Mono County.

Continuing the practice followed by the two prior Grand Juries, the 2011-2012 Grand Jury did not establish standing committees related to any area of local governance practice or geography. This provided flexibility in addressing issues and did not arbitrarily constrain or direct the functioning of the Grand Jury.

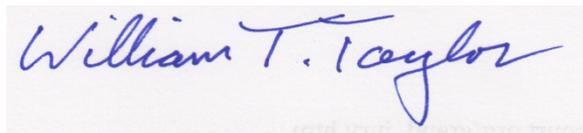
My experience as foreperson has been an honor and a privilege. I found it personally rewarding to be able to facilitate the work of the team as we conducted the business of the Grand Jury.

I would like to thank:

- Judge Stan Eller for providing each of us with the opportunity to serve;
- County Counsel Marshall Rudolph and District Attorney George Booth for their legal insight and advice;
- Court Executive Officer Hector Gonzalez and Executive Assistant Alyse Caton for their operational guidance and support;
- All of the local governmental officials and staff who educated us on the functions and inner workings of numerous governmental entities; and
- Last, but not least, my fellow Grand Jurors, who each devoted the better part of a year of their lives to this effort, for their dedication and thoroughness. Each found a way to meaningfully contribute to the effort. They made it a pleasure to serve.

I encourage interested, qualified citizens of the County to follow in the tradition of service and apply to be a Civil Grand Juror. It is an opportunity to meet and work with a variety of engaged individuals from the greater Mono County community, learn about the functioning of local government, and provide a valuable public service.

Sincerely,



William T. Taylor  
Foreperson, Mono County Grand Jury 2011-2012

## 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 Jury Advisors**

**Stan Eller**

Judge, Superior Court, Mono County

**Hector Gonzalez Jr.**

Executive Officer, Superior Court, Mono County

**George Booth**

District Attorney, Mono County

**Marshall Rudolph**

County Counsel, Mono County

**Alyse Caton**

Executive Assistant, Superior Court, Mono County

# Grand Jurors

## 2011-2012 Grand Jurors

Bill Taylor, Foreman  
Mammoth Lakes

Janine Hernandez  
Mammoth Lakes

Victoria Phelps  
Crowley Lake

Sharlean Magid  
Mammoth Lakes

Richard Bailey  
Mammoth Lakes

Gerard Oliveira  
Mammoth Lakes

Bea Beyer  
Crowley Lake

Ellen Narita  
Crowley Lake

Mike Boucher  
Mammoth Lakes

Julie Thompson  
Mammoth Lakes

Kathy Cage  
Mammoth Lakes

## Grand Jury Committees\*

### 11-01: Mono County Assessor's Office

Gerard Oliviera, Chair  
Vicky Phelps  
Richard Bailey  
Mike Boucher  
Ellen Narita

### 11-02: Mammoth Lakes Airport

Bea Beyer  
Julie Thompson  
Richard Bailey  
Janine Hernandez

### Response and Accountability

Mike Boucher, Chair  
Sharlean Magid

### Jail and Probation Inspection

Full jury

\*Foreperson is an ex officio member of all committees

**Mono County Grand Jury for the Year 2011-2012**  
**Investigation #11-01**  
**Mono County Assessor's Office**  
**Final Report by Grand Jury Investigative Committee**

**Introduction:**

The Grand Jury is charged with reviewing county government. Penal Code Section 925 requires that the Grand Jury investigate and report on at least one county agency. The 2010-2011 Grand Jury suggested that this year's Grand Jury investigate and report on the operations of the Mono County Assessor's Office (the "Assessor's Office"). The last formal Grand Jury investigation of the Assessor's Office was in 2007-2008. The 2011-2012 Grand Jury concurred and chose to investigate the Assessor's Office.

**Background:**

In order to best understand the current functioning of the Assessor's Office, it is helpful to look back at the status of the office in 2008. The 2007-2008 Grand Jury received a complaint, #07-03, from the Mono County Board of Supervisors (the "Board of Supervisors") requesting that it investigate the then Mono County Assessor (the "Previous Assessor"). The Board of Supervisors specifically asked that the Grand Jury investigate the Previous Assessor's job performance, amount of time spent at work, and the use of alcohol during work hours and while traveling to and from work.

The 2007-2008 Grand Jury reported as follows: "While appointed to the position, the County Assessor worked full time, performed diligently and efficiently. Once elected, the Assessor's approach to the office changed. Time in the office became limited to Tuesdays, Wednesdays, and Thursdays. Random office hours during those days lasted from thirty minutes up to two hours. During the time the Assessor was in the office, tensions were high and morale extremely low. The County Assessor was rarely in the office and left no one with authority to properly manage the staff. This made it necessary for the CAO to intercede on behalf of the Assistant County Assessor so the staff could be managed. Job attrition rates increased, and there were three vacant positions on the Assessor's staff at the time of this investigation."

Key problems identified by the 2007-2008 Grand Jury with the Assessor's Office under the Previous Assessor were a large backlog of reappraisals that were adversely affecting the county's revenue from tax collection, and the significant time lapse in reappraising Mammoth Mountain Ski Area ("MMSA") after its change of ownership.

The 2007-2008 Grand Jury found that the Previous Assessor had seriously abused the office of an elected official and recommended that "appropriate action should be taken by the citizens of Mono County for the removal of the Mono County Assessor from office."

On June 3, 2008 voters in Mono County recalled the Previous Assessor by a vote of 2,697 for and 181 against. In a separate vote during that election a new person (the "Current Assessor") was elected to the position of Mono County Assessor (the "County Assessor"). The term of office of the Current Assessor began on June 4, 2008. (At the time of preparation of this report, the Grand Jury has been informed that the Current Assessor has resigned effective June 28, 2012.)

## **Methods:**

The 2011-2012 Grand Jury conducted ten interviews during its investigation of the Assessor's Office, including interviews with all five members of the Board of Supervisors, the Chief Administrative Officer ("CAO") of the county, the Current Assessor, the Mono County Assistant Assessor (the "Assistant Assessor"), and two Mono County appraisers. In addition, members of the Grand Jury accompanied the two Mono County appraisers while they were in the field making on-site visits for appraisal purposes and toured the Mammoth Lakes branch of the Assessor's Office. The Grand Jury also reviewed documents from the Assessor's Office and audits made by the California Board of Equalization during its periodic visits to review the functioning of the Assessor's Office.

## **Findings:**

### Improvements in the Operations of the Assessor's Office:

The Grand Jury finds that the Assessor's Office is functioning much more effectively today than it was four years ago. While tensions still exist within the office, and personnel have been challenged to raise the standards of their professional performance, the output of the office – timely and accurate parcel assessments – has vastly improved. The backlog of parcel assessments, which existed under the Previous Assessor, is gone. The tax rolls for Mono County have been completed on time – by June 30<sup>th</sup> – for the past three years. Complex negotiations over the reassessment of MMSA were completed in December 2011. As a result of the nation's recent financial turmoil, generated by the crash of the housing bubble, the Assessor's Office has efficiently shifted its focus from assessing new construction of homes and sales of existing properties to one that carefully looks at reassessing Mono County properties that have declined in value.

The Grand Jury finds that the Assessor's Office has significantly improved many of its primary operating procedures. Under the Previous Assessor, Mono County's five appraisers did most of their appraisals from within their office, using a cost method for deriving the value of a property or parcel. The values for properties and parcels were generally derived from a book. There was little oversight of their work.

New procedures instituted by the Current Assessor and the Assistant Assessor have resulted in increased professional training for the five appraisers, a higher level of professionalism in the office, and a more complete review of their assessment calculations and conclusions. New assessment policies and procedures have been implemented. Appraisers are encouraged to go out into the field to visit the sites they are appraising to get a first-hand look at the location of the parcel/property, to observe the quality of construction, and to take note of additional factors affecting assessment valuations that are impossible to glean without a site visit. The appraisers are now also joining the regularly scheduled real estate caravans to view new listings. These new procedures have resulted in more accurate assessments, which benefit both the county and citizens by generating a fair tax assessment in a timely manner.

Interviews with the five members of the Board of Supervisors revealed that they believe that the Assessor's Office has demonstrated increased professionalism and improved efficiency and productivity since the election of the Current Assessor. The Board of Supervisors was pleased

that the complex MMSA reassessment was completed by the end of 2011, so that additional tax revenues could be utilized by the county and its special assessment districts during this time of fiscal stress.

#### Staffing of the Assessor's Office:

The Grand Jury finds that the current staffing in the Assessor's Office does not align with the current department workload. Real estate values have plummeted in Mono County – as they have in the rest of the country – resulting in Proposition 8 reassessments of property value. There were approximately 400-500 Proposition 8 reassessment requests pending in Mono County in September 2009. While those initial Proposition 8 reassessments have been completed, as of December, 2011 there were still over 4,000 additional Proposition 8 reassessments that needed to be completed due to declining property values. The Grand Jury finds that the Assessor's Office has been proactive in analyzing current property values for persons who purchased property in Mono County during the housing bubble years and directing county appraisal staff to reassess properties that might have been over assessed.

There are currently nine positions in the Assessor's Office. There is the Current Assessor, an elected position, the Assistant Assessor, an at-will position, and five appraisers, a clerical assistant and an auditor/appraiser, all of whom work under Mono County public employee union contracts. The Assessor's Office does not currently have in-house mapping capabilities. There is also a current opening for an administrative assistant to work under the direction of the Assistant Assessor.

While there has been a shift in work load for Mono County's appraisers away from the traditional appraisals of new construction and existing apartment, condominium and home sales to Proposition 8 declining value assessments, there has also been a decline in their overall work load. The net result is that Mono County does not need five appraisers to handle the workload – four would do – but does require additional staff to handle mapping and assessment appeals processes.

#### Autonomy and the Efficient Functioning of the Assessor's Office:

The Grand Jury finds that the process the County Assessor must go through to modify existing staff positions or create new positions within the department is time consuming and cumbersome. One of the challenges in our local government is balancing the autonomy which an elected official should enjoy in directing the resources of his/her department with the fiscal oversight required by the Board of Supervisors for the overall county budget. One of the primary sources of revenue – property taxes - for Mono County is generated by the Assessor's Office. There needs to be a significant amount of consultation and cooperation between the departments overseen by elected officials, such as the Assessor's Office, and the other layers of county administration – CAO, Human Resources, Finance Department, and the Board of Supervisors – to ensure that necessary modifications to existing staffing are made in a timely manner without undo battles over turf, ego, and/or position.

When the Current Assessor came into office, several positions were eliminated while other positions were redefined. As a result of these many changes of duties, responsibilities, job descriptions and work expectations, there were significant tensions and hard feelings among the

staff of the Assessor's Office. While many of these issues have been resolved, others remain. The County Assessor, while needing the authority and ability to effectively direct and guide department staff, also needs to be sure to comply with the terms of existing public employee union contracts as well as county personnel policies when making any changes to existing staff positions, hours, or terms of employment.

#### Mapping:

The Grand Jury finds that there is a need for accurate assessor parcel maps in Mono County. The mapping staff member in the Assessor's Office recently retired. There is a current backlog of approximately 2,000 maps that need to be updated, corrected, or drawn in order to expedite accurate and timely assessments in the future. Many condominium projects and commercial projects in the county need to have accurate maps drawn which correspond to the correct parcel numbers.

There has been tension between the county's Information Technology ("IT") Department and the Assessor's Office over the format in which the maps should be drawn – GIS (Geographic Information System) or CAD (Computer Aided Drawing) – and whether those maps should be drawn by the county's IT Department, be drawn by staff within the Assessor's Office, or be sent to outside contractors to complete. Section 1256 of the California Revenue and Taxation Code clearly states, "At the request of the assessor, the board of supervisors shall authorize and direct the assessor to prepare, or to supervise the preparation of, maps and block-books as may be needed for the assessor's office to meet the requirements of the state board with respect thereto. All costs incurred in connection therewith shall be a charge against the county general fund, payable in the same manner as other county charges."

Over the past two years, efforts have been made to address the mapping issue. The Current Assessor estimates that it will take one to two years to complete the backlog of maps in the Assessor's Office. A local engineering firm was contracted in 2011 to draw ten parcel maps. The cost of those ten maps - \$25,000 – exceeded the normal amount expected for such work. According to the Current Assessor, the maps were not sufficiently accurate for the needs of the department. Meanwhile, the Current Assessor has recently sent some of the backlogged parcel maps for 2012 to a different outside firm that has produced satisfactory results at a much lower cost - \$3,125 for 12 maps. One concern with hiring a full-time mapper in the Assessor's Office is that the position may not involve full time work once the backlog of maps is completed.

#### Mammoth Lakes Office:

The Grand Jury finds that the Mammoth Lakes branch of the Assessor's Office is underutilized. The Assessor's Office opened a Mammoth Lakes branch office several years ago, because there was a perceived need for citizens in the south county to have ready access to help from the Assessor's Office personnel. However, the public is not using the Mammoth Lakes office. If the public needs site visits, appraisers generally go directly to their homes. Documents and maps are all maintained and available at the Bridgeport office. Closing the Mammoth Lakes office would reduce travel time, office space rental, staffing expenses and tax assessment fees charged to special districts. The Mammoth Lakes office has a current monthly rental cost of \$1,400 per month. There are cubicles in the current Mono County offices in Mammoth Lakes that could be used by appraisers when they are working in the southern areas of Mono County. With one office

- the Bridgeport Assessor's Office - in operation, it will be easier for the County Assessor or the Assistant Assessor to regularly be present to answer technical questions and effectively manage the productive output of the staff.

**Recommendations:**

1. The current staff in the Assessor's Office is not effectively aligned with the current workload of the department. The number of appraisers should be reduced to four.

Action: County Assessor

Timeframe: 6 months

2. The County Assessor should maintain full authority over the mapping function. This includes oversight of individual(s) or contractor(s) performing the mapping and specifications for software.

Action: County Assessor, CAO, Board of Supervisors

Timeframe: 3 months

3. The County Assessor should have the autonomy to make staffing decisions within the department consistent with public employee union rules, Mono County personnel policies, and the constraints of the department's approved budget. The County Assessor, as an elected official, should have full authority to define the roles and responsibilities of department staff.

Action: County Assessor, CAO, Human Resources Department, Board of Supervisors

Timeframe: 3 months

4. The Mammoth Lakes branch of the Assessor's Office is underutilized and should be closed.

Action: County Assessor

Timeframe: 6 months

**Mono County Grand Jury for the Year 2011-2012  
Investigation #11-02  
Mammoth-Yosemite Airport  
Final Report by Grand Jury Investigative Committee**

**Introduction:**

The 2011 - 2012 Grand Jury chose to investigate the Mammoth-Yosemite Airport (the "Airport"), with specific focus and emphasis on the transparency, process and accessibility of the Airport budget.

In the process of its investigation, the Grand Jury learned that, although the Airport budget had not been readily available in the past, it is now posted for public access on the Town of Mammoth Lakes (the "Town") website. In addition, Airport Commission meetings had previously been relatively unstructured and informal, but have now become more formalized and process oriented.

**Background and Methods:**

In order to pursue its investigation, the Grand Jury obtained from the Town Finance Director copies of the 2010-2011 and 2011-2012 Airport budgets, with supporting documentation. The Grand Jury interviewed all five of the current Airport Commissioners, and a Grand Jury member attended a meeting of the Airport Commission. The Grand Jury interviewed the Town Manager and the Town Finance Director to determine the Airport budgeting process, direction, and accessibility. The Grand Jury interviewed the Airport Manager and Transportation Director ("Airport Manager") and toured the Airport facilities. The Grand Jury also asked an independent certified public accountant ("CPA") to review the most recent Airport budget and provide an opinion as to the transparency of that budget.

In this investigative process, beyond mere scrutiny of the Airport budget, the Grand Jury extended its attention toward the need for improved efficiency of resource use within the Town's operations.

The Grand Jury wishes to thank all interviewees for their participation and cooperation with its investigation, and for their honesty and forthrightness which enabled the Grand Jury to reach its conclusions.

**Findings:**

- The Town Finance Director indicated that the 2011-2012 Airport budget had been adopted by the Town Council on November 2, 2011, and that the 2010-2011 and 2011-2012 Airport budgets were now available on the Town's website. The Grand Jury reviewed the 2011-2012 Airport budget and determined that the Grand Jury members were not qualified to analyze the budget, as it appeared confusing to a lay person. To address the lack of accounting expertise on the Grand Jury, the Grand Jury requested that an independent CPA review the 2011-2012 Airport budget. The CPA found sufficient transparency and advised that the budget appeared to conform to accepted standards.

- The focus of the Airport Commission meeting which was attended by a Grand Jury member was the Airport layout plan (“ALP”) which had been prepared with input from a consulting firm.
- Three out of the five Airport Commissioners interviewed by the Grand Jury stated that the 2011-2012 Airport budget, prior to adoption, was not readily available when they requested to review it. The Commissioners were not involved in the working budget process nor were they aware of the adopted budget being posted on the Town’s website until recently.
- Since the Town Manager has now become actively involved in Airport Commission meetings, these meetings have become more formalized, including prepared agendas, representation by the Town’s public works department, explanation to Commissioners of responsibilities under the Ralph M. Brown Act, and explanation of other parliamentary procedures.
- During the Grand Jury’s interviews with the Town Manager and Town Finance Director, the Grand Jury was advised that the budget is usually a “roll over” from prior years with appropriate changes. The Airport Commission does not appear to be involved in this budgeting process. The Town Manager is working toward more transparency and involvement of the Airport Commissioners and inclusion of the Airport Commission’s suggestions and recommendations into the final budget.
- The Town’s Information Technology (“IT”) and accounting software resources are currently outdated and not able to make accurate budget comparisons. The Town Manager anticipates implementing improvements in the IT processes which will allow timely updating and budget reporting.
- In an effort to streamline Town commissions, the Town Manager advised that the Town Council is looking to combine various commissions, including the Airport Commission, into one commission.

The Airport Manager gave the Grand Jury a tour of the Airport, including security, terminal, apron, sprung structure, equipment hangar, and the Fixed Base Operator facilities. The Airport Manager discussed the staffing levels, Federal Aviation Administration grants, airport consultants and the ALP. The Airport Manager also recommended that the Airport Manager position be exclusive to the airport function and not be combined with the Town’s transportation department.

**Recommendations:**

1. The Town Council should re-evaluate the Airport Manager position to determine appropriate job description, salary, responsibilities and budget accountability to maximize effectiveness and efficiency.

Action: Town Manager and Town Council

Timeframe: 6 months

2. The Town Council, Town Manager and Airport Manager should continue to ensure transparency and ready accessibility of the Airport budget to the members of the Airport Commission and the public. This is essential to clarifying the budgeting process and avoiding misperceptions and misunderstandings.

Action: Town Manager, Airport Manager, Town Council

Timeframe: Annual

3. The Town Manager should evaluate how to better share manpower and equipment to reduce and coordinate Airport staffing and equipment costs within the Town's Public Works Department.

Action: Town Manager, Town Public Works Director

Timeframe: Coincide with the FY 2013-2014 budget development

4. The Town Manager should continue his commendable efforts to 1) formalize the Airport Commission meetings and 2) to work towards updating the Town's antiquated IT and accounting hardware and software.

Action: Town Manager

Timeframe: 1) Ongoing and 2) to coincide with the 2012-2014 budget development

**Airport Department**  
Capital Projects and Airport Debt Service

**Expenditures:**

Acct No.	Account Title	Adopted Budget 2008-09	Adopted Budget 2009-10	Department Request 2010-11	Adopted Budget 2010-11
51	Personnel Services	\$ 70,068	\$ -	\$ -	\$ -
52	Supplies	\$ -	\$ -	\$ -	\$ -
53	Other Services	\$ -	\$ -	\$ -	\$ -
54	Capital Outlay	\$ 6,289,090	\$ 50,000	\$ -	\$ -
	Debt Service	\$ 126,698	\$ 317,018	\$ 1,224,028	\$ 271,501
	<b>Total</b>	<b>\$ 6,485,856</b>	<b>\$ 367,018</b>	<b>\$ 1,224,028</b>	<b>\$ 271,501</b>

**Airport Department**  
Performance Measures

Performance Indicators	Actual 2007-08	Actual 2008-09	Goal 2009-10	Goal 2010-11
Annual Enplanements	0	5,021	15,410	16,200

Customer Survey Results	2010 Satisfaction
Provide year-round commercial airline service	71%

**Airport Department**  
Airport Grounds Maintenance

**Expenditures:**

Acct No.	Account Title	Actual Budget 2008-09	Adopted Budget 2009-10	Department Request 2010-11	Adopted Budget 2010-11
51	Personnel Services	\$ -	\$ -	\$ -	\$ -
52	Supplies	\$ 59,413	\$ 59,500	\$ -	\$ -
53	Other Services	\$ 67,840	\$ 66,000	\$ -	\$ -
54	Capital Outlay	\$ 4,000	\$ 2,000	\$ -	\$ -
<b>Total</b>		\$ 131,253	\$ 127,500	\$ -	\$ -

**Airport Department**  
Airport Special Services (Litigation)

**Expenditures:**

Acct No.	Account Title	Adopted Budget 2008-09	Adopted Budget 2009-10	Department Request 2010-11	Adopted Budget 2010-11
51	Personnel Services	\$ -	\$ -	\$ -	\$ -
52	Supplies	\$ 200	\$ -	\$ -	\$ -
53	Other Services	\$ 751,000	\$ 750,000	\$ 400,000	\$ 400,000
54	Capital Outlay	\$ -	\$ -	\$ -	\$ -
<b>Total</b>		\$ 751,200	\$ 750,000	\$ 400,000	\$ 400,000

**Airport Department**  
Administration and Operations

**Core Programs:**

Operate and maintain the airport facilities and vehicles safely and efficiently to support commercial and general aviation traffic.

Provide security, aircraft rescue and firefighting, and safety services to the standards of FAA 14 CFR 139 and TSA 49 CFR 1542

Manage the airport administrative requirements including budget, FBO contract, business operating agreements, hangar leases, purchasing, contract agreements, and capital plan.

Execute the Airport Business Plan to ensure the long-term financial success of the Airport and the economic sustainability of the Town.

**Budgeted Positions:**

Positions	Budget 2007-08	Budget 2008-09	Budget 2009-10	Proposed 2010-11
Director Airport and Transportation	1.0	1.0	1.0	1.0
Assistant Airport Manager	1.0	0.0	0.0	1.0
Airport Operations Coordinator	0.0	1.0	1.0	0.0
Maintenance and Operations Coordinator	0.0	1.0	1.0	1.0
Operations Worker (11/09 start)	0.0	0.0	0.7	1.0
Seasonal/Part Time (FTE)	0.1	1.1	0.1	0.6
<b>Total</b>	<b>2.1</b>	<b>4.1</b>	<b>3.8</b>	<b>4.6</b>

**Expenditures:**

Acct No. Account Title	Adopted Budget 2008-09	Adopted Budget 2009-10	Department Request 2010-11	Adopted Budget 2010-11
51 Personnel Services	\$ 321,459	\$ 283,715	\$ 311,587	\$ 304,463
52 Supplies	\$ 46,365	\$ 46,800	\$ 102,104	\$ 102,104
53 Other Services	\$ 68,210	\$ 97,000	\$ 132,323	\$ 132,323
54 Capital Outlay	\$ -	\$ 2,800	\$ -	\$ -
<b>Total</b>	<b>\$ 436,034</b>	<b>\$ 430,315</b>	<b>\$ 546,014</b>	<b>\$ 538,890</b>

## Airport

### Revenue Summary

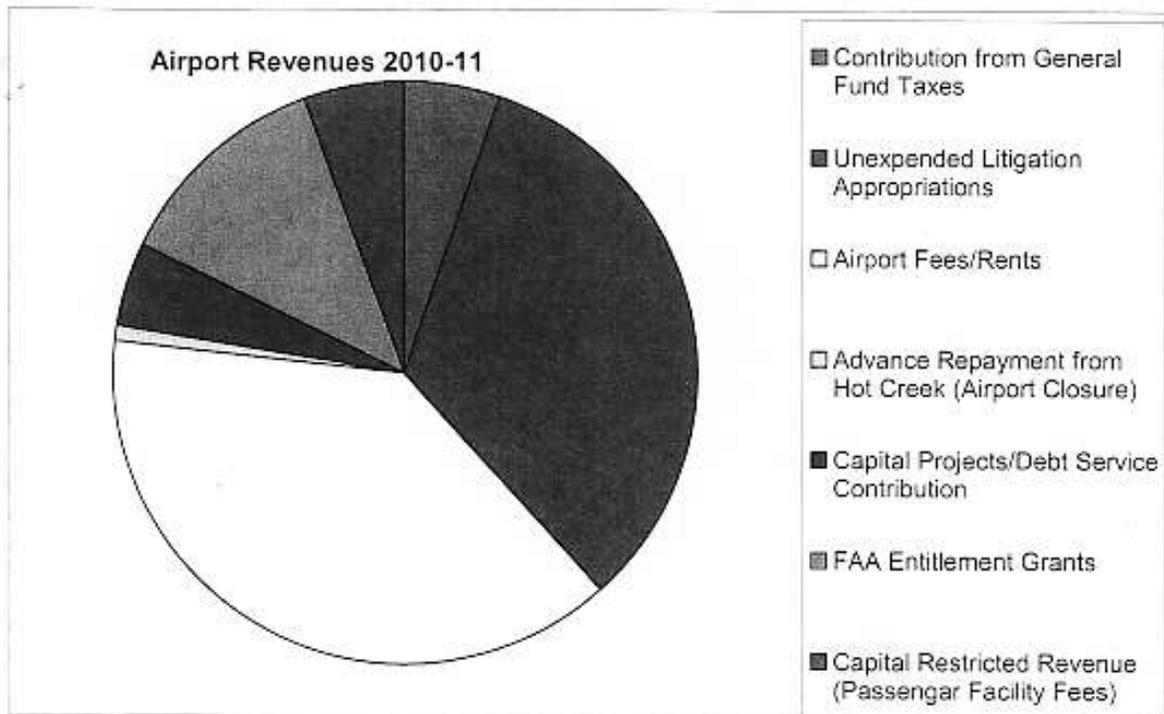
Revenues By Fund/Source	Actual FY 2008-09	Actual FY 2009-10	Budget FY 2010-11	May-11 Estimated FY 2010-11	Sep-11 Pre-audit FY 2010-11	Adopted Budget FY 2011-12
<b>Airport Enterprise Fund / Airport Operations (Fund 520)</b>						
Airport Fees/Rents	\$ 434,826	\$ 479,826	\$ 463,000	\$ 519,200	\$ 509,474	\$ 376,800
Airport FBO Generated Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 144,000
CALTRANS AIP Grants	\$ 148,750	\$ -	\$ -	\$ -	\$ -	\$ -
FAA Entitlement Grants	\$ 6,488,064	\$ (25,104)	\$ -	\$ 52,830	\$ -	\$ -
Fund Generated Interest on Investment	\$ 24,503	\$ -	\$ -	\$ 638	\$ 405	\$ 250
General Fund Contribution to Airport Operations	\$ 3,163,531	\$ 800,848	\$ 158,390	\$ 638,031	\$ 360,925	\$ 94,891
Transit Fund Contribution to Airport Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 143,000
Operational Grants	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -
Refunds, Rebates Reimbursements	\$ -	\$ -	\$ -	\$ 15,341	\$ 71,220	\$ -
<b>Airport Capital Projects &amp; Debt Service (Fund 529)</b>						
FAA Entitlement Grants (Restricted Revenue)	\$ -	\$ 802,200	\$ 150,000	\$ 520,000	\$ 336,148	\$ 1,000,000
Passenger Facility Fees (Restricted Revenue)	\$ -	\$ 71,516	\$ 86,000	\$ 30,000	\$ 109,254	\$ 93,000
Caltrans Loan MNO-4-98-L-4 (Debt Service)	\$ -	\$ -	\$ -	\$ -	\$ 30,821	\$ 46,442
Transfer from Debt Service Fund	\$ -	\$ -	\$ 58,501	\$ -	\$ 55,501	\$ -
Airport Sprung Structure (Transit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 275,000
Airport Sprung Structure Gap funding (Transit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 77,500
Airport Sprung Structure Gap funding (Tourism)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 77,500
Interfund Transfer	\$ 126,698	\$ 280,563	\$ -	\$ 4,483	\$ 4,483	\$ -
Refunds, Rebates Reimbursements	\$ -	\$ 28,660	\$ -	\$ -	\$ -	\$ -
Reimbursement EIS Expansion Air Service	\$ -	\$ 44,150	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$10,424,372</b>	<b>\$ 2,464,678</b>	<b>\$ 892,691</b>	<b>\$ 1,840,524</b>	<b>\$ 1,478,230</b>	<b>\$ 2,334,183</b>

### Expenditure Summary

Expenditure By Fund/Division	Actual FY 2008-09	Actual FY 2009-10	Budget FY 2010-11	May-11 Estimated FY 2010-11	Sep-11 Pre-audit FY 2010-11	Adopted Budget FY 2011-12
<b>Airport Enterprise Fund / Airport Operations (Fund 520)</b>						
Capital Projects	\$ 170,281	\$ -	\$ -	\$ 52,830	\$ -	\$ -
Airport Operations	\$ 368,851	\$ 486,837	\$ 633,890	\$ 712,570	\$ 765,552	\$ 758,741
Litigation	\$ 547,015	\$ 414,842	\$ 400,000	\$ 460,841	\$ 659,365	\$ -
Grounds Maintenance	\$ 1,439,771	\$ 155,750	\$ -	\$ -	\$ -	\$ -
Interfund Transfer	\$ 74,586	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Airport Capital Projects &amp; Debt Service (Fund 529)</b>						
Capital Projects	\$ -	\$ -	\$ -	\$ 556,359	\$ 157,821	\$ -
Sprung Structure (Transit)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 275,000
Sprung Structure Additional cost (Transit & Tourism)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 155,000
Environmental Document for New Terminal (FAA EG)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 225,000
Caltrans Loan MNO-4-85-L-1 (General Fund)	\$ 2,005	\$ 1,337	\$ 8,998	\$ 8,997	\$ 668	\$ -
Caltrans Loan MNO-4-98-L-4 (General Fund)	\$ 14,356	\$ 12,740	\$ 46,503	\$ 46,503	\$ 11,036	\$ 46,442
Old Terminal Debt (Start 2011 FAA EG / PFC)	\$ 65,820	\$ 73,032	\$ 218,000	\$ 175,000	\$ 67,675	\$ 825,000
Depreciation	\$ -	\$ -	\$ -	\$ -	\$ 1,291,490	\$ -
Interfund Transfer	\$ 1,989,180	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 4,989,675</b>	<b>\$1,144,138</b>	<b>\$1,305,391</b>	<b>\$2,612,940</b>	<b>\$2,953,726</b>	<b>\$2,285,183</b>

## Airport Revenue Summary

Airport Revenue Summary	Adopted Budget 2008-09	Adopted Budget 2009-10	Department Request 2010-11	Adopted Budget 2010-11
Contribution from General Fund Taxes	\$ 1,003,299	\$ 819,178	126,015	63,390
Unexpended Litigation Appropriations	\$ -	\$ -	\$ 400,000	\$ 400,000
Airport Fees/Rents	\$ 375,188	\$ 462,837	\$ 463,000	\$ 463,000
Advance Repayment from Hot Creek (Airport Closure)	\$ -	\$ 25,800	\$ 12,500	\$ 12,500
Capital Projects/Debt Service Contribution	\$ -	\$ 151,084	\$ 102,527	\$ 55,501
FAA Entitlement Grants	\$ 4,766,929	\$ 150,000	\$ 1,000,000	\$ 150,000
Capital Restricted Revenue (Passenger Facility Fees)	\$ -	\$ 65,934	\$ 66,000	\$ 66,000
Operational Grants	\$ 10,000	\$ -	\$ -	\$ -
Loan Proceeds	\$ 1,397,229	\$ -	\$ -	\$ -
Airport DIF Funding	\$ 95,000	\$ -	\$ -	\$ -
Airport allocation from Fund Balance	\$ 156,688	\$ -	\$ -	\$ -
<b>Grand Total</b>	<b>\$ 7,804,343</b>	<b>\$ 1,674,833</b>	<b>\$ 2,170,042</b>	<b>\$ 1,210,391</b>

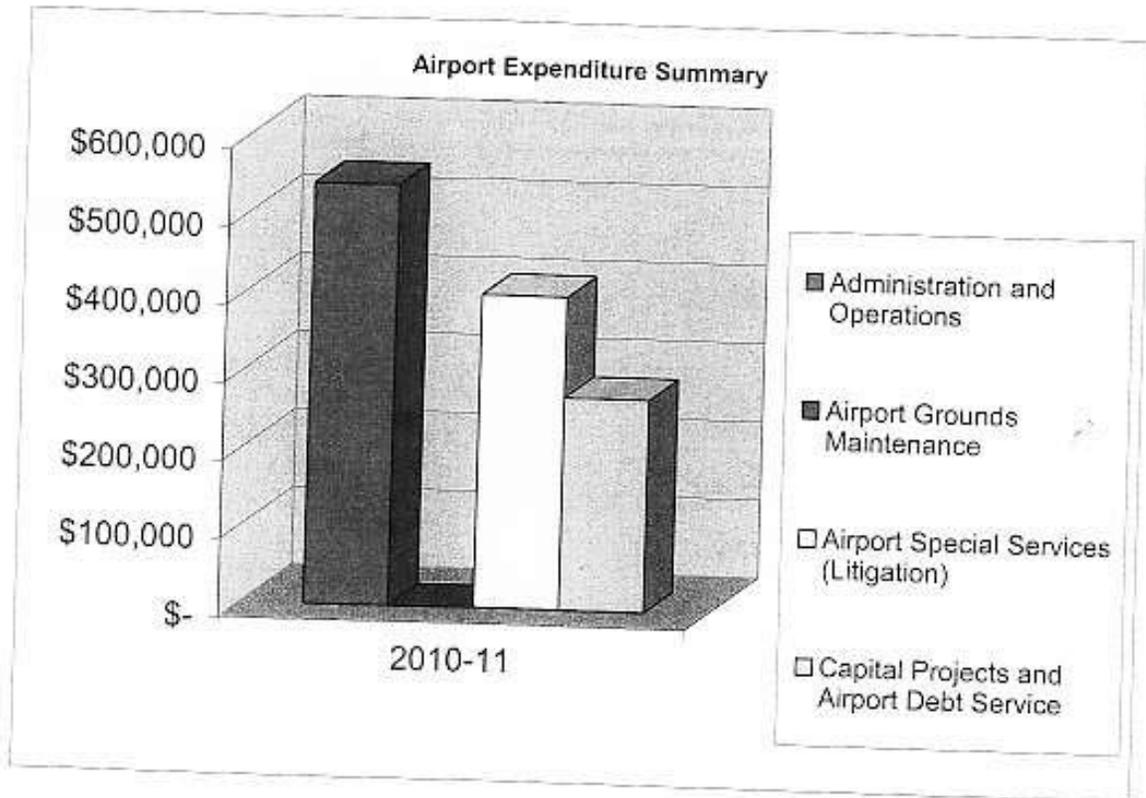


### Significant Changes

- \* The airport exceeded the 10,000 enplanement threshold for 2010. The FAA has verbally stated that the airport will receive the \$1,000,000 grant for the purpose of paying down the commercial terminal note. The note is held as an investment for the General Fund. As a result, less General Fund revenue is required to balance the Airport Debt budget.

## Airport Department Expenditure Summary

Airport Expenditure Summary	Adopted Budget 2008-09	Adopted Budget 2009-10	Department Request 2010-11	Adopted Budget 2010-11
Administration and Operations	\$ 436,034	\$ 430,315	\$ 548,014	\$ 538,890
Airport Grounds Maintenance	\$ 131,253	\$ 127,500	\$ -	\$ -
Airport Special Services (Litigation)	\$ 751,200	\$ 750,000	\$ 400,000	\$ 400,000
Capital Projects and Airport Debt Service	\$ 6,485,856	\$ 367,018	\$ 1,224,028	\$ 271,501
<b>Grand Total</b>	<b>\$7,804,343</b>	<b>\$1,674,833</b>	<b>\$2,170,042</b>	<b>\$1,210,391</b>



### Significant Changes

- \* Commercial air service is extended beyond 'winter only' to nearly year round service.
- \* Airport Ground Maintenance has been merged into the Administrative and Operations Department
- \* The appeal of the Hot Creek lawsuit is anticipated to be concluded during Fiscal Year 2010-11 and legal appropriations assumed \$400,000. Funding for the litigation costs have been budgeted as unexpended litigation appropriations from the prior year and prefunding from surplus revenues.
- \* FAA Entitlement Grant of \$1,000,000 has been programmed for repayment of Terminal Debt Service
- \* Last year's budget assumed the addition of a full time staff person at the initiation of commercial air service. That action was delayed and filled by part-time staff. Now that the airport will be servicing 'year round' commercial service that full-time position is budgeted to be filled.

# ***Mammoth Yosemite Airport Layout Plan Update Narrative Report Peer Review***

Prepared for the  
Town of Mammoth Lakes



Presented by  
**Mead  
& Hunt**

February 28, 2012

## **Introduction**

- Introduction
  - Mead & Hunt
  - Project staff
- Project tasks
  - Document review
  - Respond to questions

### Overview

- Narrative report and ALP meet industry and FAA standards
- Scope of narrative report unusually broad
- Editorial changes to draft needed to clarify some topics

### Forecasts

- Tying forecast to business plan common for resort airports
- Long-term forecast aggressive, but reasonable for facility planning purposes

## Forecasts

- Peer markets generally comparable
- Aircraft types appropriate, but some models unlikely

## Forecasts

	Aspen	Eagle	Yampa Valley	Montrose	Sun Valley	Glacier Park	Mammoth
2010 Enplanements	217,434	204,675	111,770	95,622	53,671	174,163	20,564
2010 Population	15,932	54,216	23,592	41,930	22,740	93,549	13,185
Enplanements per Population unit	13.6	3.8	4.7	2.3	2.4	1.9	1.6
2010 Skier Days	1,400,000	1,525,000	1,000,000	430,000	362,317	360,000	1,460,000
Enplanements per Skier Day	0.16	0.13	0.11	0.22	0.15	0.48	0.01
1Q 2011 Load Factor	64.6%	88.1%	71.0%	71.0%	56.1%	84.5%	61.5%
Percent of Traffic in 1st Quarter	47.1%	73.7%	77.2%	46.2%	35.1%	22.7%	57.5%
1Q 2011 Average Fare	\$242	\$259	\$177	\$208	\$175	\$215	\$115

### Passenger Terminal

- Building plan well thought-out
- A good flow pattern for outbound and inbound passengers
- Gross square footage appropriate for forecast passenger volumes
- Some suggestions to consider

### Nonstandard Conditions

- Most airports have some nonstandard conditions
- Mammoth's site constraints make physical adjustments difficult
- Airport meets critical Runway Safety Area standard

#### Modifications to Standards / Waivers

- Modifications to standards are typically for airfield design
- Waivers for airline operations
- Mammoth may need both
- Modifications to standards normally temporary
- Expect reevaluation every 5 years

#### Conclusions and Recommendations

- Narrative Report and ALP meet standards
- Complete editorial revisions and submit to FAA
- Prepare for negotiations with FAA

Thank you  
Questions?

Mead  
& Hunt

**Mono County Grand Jury for the Year 2011-2012**  
**Investigation #11-03**  
**Timely Receipt of Responses to 2010-2011 Grand Jury Report Recommendations**  
**Final Report by Response and Accountability Committee**

**Introduction:**

The Mono County Grand Jury is charged with reviewing county government, investigating citizen complaints, and making appropriate recommendations to county officials and agencies as part of its year-end report. Penal Code 933 stipulates that agencies named in a prior year's report have a 90-day period of time to respond to issues raised in the report. The 2011-2012 Mono County Grand Jury formed a Response and Accountability Committee to determine if the court has received these mandated responses. Responses which have been received will be placed on the Mono County Grand Jury website - [http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm) - for the public to read and review. The agencies and individuals who had not responded as per Penal Code 933 have been notified by certified letter and were given until June 8, 2012 to respond.

**Background:**

All Mono County Grand Juries write and submit a final report of their investigations, findings, and recommendations at the end of their term, usually on or before June 30<sup>th</sup> of the year in which they serve. This final report is reviewed by the Superior Court of California, Mono County, released to named agencies and individuals for accuracy, and finally distributed to the press and the public. Copies of these Final Reports can be found on the Mono County Grand Jury website - [http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm). Beginning with the responses to the 2010-2011 year, responses will be included on the Mono County Grand Jury website. It is appropriate that agencies and elected officials and department heads who are named in the Grand Jury's report and who are obligated to respond, do so in a timely manner so the public may read and review these responses and reach their own conclusions about each case. The goal of the Grand Jury is to be a "citizens' watchdog." If mandated response deadlines are ignored and timely responses not made available to the public, an important part of that "watchdog" function is lost.

**Methods:**

The 2011-2012 Grand Jury Response and Accountability Committee reviewed the responses that were received by the Superior Court of California, Mono County and requested that the Chief Executive Officer of the court post them on the Grand Jury website. There were responses that were not completed and/or received by the court within the mandated time period. These agencies, elected officials, and department heads were notified by certified letter that they had until June 8, 2012 to make their responses to the Superior Court of California, Mono County. All notified parties responded. A list of cases from the 2010-2011 Grand Jury Final Report and their reporting status can be found in the "findings" section of this report.

**Findings:**

There were eight complaints and/or investigations connected with the 2010-2011 Grand Jury Final report. These complaints/investigations/recommendations were:

Complaint 10-01 regarding the Mono County Sheriff's Department:

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.

Recommendations: Seven recommendations were addressed to the Sheriff of Mono County. The Sheriff responded to all seven recommendations in his letter of December 10, 2011 to the Honorable Judge Stan Eller of the Superior Court of California, Mono County. The Sheriff's response can be found on the Mono County Grand Jury website: [http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).

Complaint 10-02 regarding the Town of Mammoth Lakes:

Complaint: The 2009-2010 Grand Jury received a letter dated May 27, 2010 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).  
Recommendations: The Grand Jury had no recommendations.

The Town of Mammoth Lakes did respond to complaint 10-02 in a letter written February 15, 2012 by Mayor Jo Bacon to the Honorable Stan Eller. The Mayor's response can be found on the Mono County Grand Jury website: [http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).

Complaint 10-03 regarding the Eastern Sierra Unified School District ("ESUSD"):

Complaint: The 2010-2011 Grand Jury received a citizen complaint regarding the budgeting, excess spending and deficit spending of the ESUSD.

Recommendations: The 2010-2011 Grand Jury had three recommendations addressed to the Superintendent of the ESUSD and one recommendation addressed to the President of the Board of Trustees.

Don Clark, Superintendent of the ESUSD responded to all recommendations in his letter of June 5, 2012 to the Court. Mr. Clark's response can be found on the Mono County Grand Jury website: [http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).

Investigation 10-04 regarding the Mono County Public Works Department:

Investigation: The 2010-2011 Grand Jury chose to review the operations of the Mono County Public Works Department ("PWD") as part of its mandated review of a Mono County agency. The PWD encompasses a broad range of divisions including engineering, facility maintenance, solid waste services, fleet operations and road operations. These divisions include 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.

Recommendations: The 2010-2011 Grand Jury made seven recommendations addressed to the Director of PWD and/or the Board of Supervisors.

Vikki Bauer, Chair of the Board of Supervisors, responded to all recommendations in her letter of January 17, 2012 to the Court. Ms. Bauer's response can be found on the Mono County Grand Jury website:  
[http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).

Investigation 10-05 regarding the Mono County Department of Child Welfare Services:

Investigation: The 2010-2011 Grand Jury also chose to review 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 in cases of child abuse and neglect.

Recommendations: The 2010-2011 Grand Jury made two recommendations addressed to the Director of the Department of Social Services.

Vikki Bauer, Chair of the Board of Supervisors, responded to all recommendations in her letter of January 17, 2012 to the Court. Ms. Bauer's response can be found on the Mono County Grand Jury website:  
[http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).

Complaint 10-06 regarding the ESUSD:

Complaint: The 2010-2011 Grand Jury received a letter requesting investigation of the Superintendent's contract with of the ESUSD and related budgetary processes and decisions. Both topics referenced in the complaint have been investigated previously. A review of both investigations revealed that this complaint overlapped the other two investigations. The 2009-2010 Grand Jury's Final Report included a report on the ESUSD Superintendent's contract. The 2010-2011 Grand Jury found there was no need for an additional investigation. A letter of acknowledgment was sent to the complainant. This complaint was included as part of complaint 10-03 (above).

Complaint 10-07 regarding Mono County Right of Way Codes:

Complaint: The 2010-2011 Grand Jury received a citizen complaint dated October 18, 2010, regarding Mono County's ambiguous Right of Way Codes, inconsistent enforcement of Mono County Codes by county staff and the use of unwritten guidelines.

Recommendations: The 2010-2011 Grand Jury made eleven recommendations directed, variously, to the Board of Supervisors, County Counsel, the Chief Administrative Officer of Mono County, and the Director of the PWD.

Marshall Rudolph, County Counsel, responded to the recommendations in an email dated April 23, 2012. Vikki Bauer, Chair of the Board of Supervisors, also responded to the recommendations in her letter of January 17, 2012 to the Court. Both responses can be found on the Mono County Grand Jury website: [http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).

Complaint 10-08 regarding the Mono County Assessor:

Complaint: The 2010-2011 Grand Jury received a complaint dated January 2, 2011 from a concerned citizen stating that the Mono County Assessor was granting reassessment declines in value without proper justification and further complaining about internal employee dissatisfaction.

Recommendations: The 2010-2011 Grand Jury recommended that this complaint be dismissed. It was the feeling of the 2010-2011 Grand Jury that the Mono County Assessor's Department be considered as the county agency to be investigated by the 2011-2012 Grand Jury.

**Recommendations:**

1. All Mono County governmental agencies and elected officials who are named in Grand Jury Final Reports and charged with responding to Grand Jury recommendations should address those recommendations with a written response within the mandated 90-day period.
2. All responses to Grand Jury Final Reports should be made available to the public via postings on the Mono County Grand Jury website:  
[http://www.monocourt.org/grand\\_jury.htm](http://www.monocourt.org/grand_jury.htm).
3. All Mono County governmental agencies and elected officials who are named in Grand Jury Final Reports and who do not respond within the 90 day period should be admonished by the Court and held accountable for meeting the requirements of Penal Code 933.
4. Future Mono County Grand Juries should form their own Response and Accountability committees to monitor responses to recommendations from the previous Grand Jury and post responses on the Mono County Grand Jury website for the public to review.

## **Mono County Grand Jury for the Year 2011-2012 Mono County Jail and Probation Department Tours**

Penal Code Section 919 (b) requires that the Grand Jury inquire into the condition and management of the public prisons within the county. To comply with that requirement, the 2011-2012 Grand Jury toured the Bridgeport Jail (the "Jail") and interviewed the Mono County Sheriff (the "Sheriff"). In addition, the Grand Jury toured the Probation Department facility in Bridgeport (the "Probation Department") and Juvenile Hall to gain a more complete picture of the local justice system.

### **Assembly Bill 109**

In response to a Supreme Court decision finding that California's overcrowded prisons constituted cruel and unusual punishment, the state passed Assembly Bill 109 ("AB 109") in April of 2011. Through a program known euphemistically as "prison realignment," AB 109 reduces the state prison population by transferring to counties the responsibility for housing, supervising, rehabilitating and managing low-level offenders. Under the bill, up to 30,000 state prison inmates could be transferred to county jails over three years.

Prior to enactment of AB109, non-serious felons sentenced for more than one year would be incarcerated in the state penitentiary system. Now, the county must plan for dealing with prisoners for the full term of their sentences. This could run to decades in some cases.

The Grand Jury was especially interested in learning about the potential impacts of AB 109 on the Jail and any plans for dealing with those impacts.

### **Jail Tour March 8, 2012**

#### **Intake/Sally Port**

The tour began with an introduction by the Undersheriff and the Supervising Sergeant of the Jail (the "Sergeant"). Following the introduction, the Grand Jury's tour of the facility began at the intake area or sally port where vehicles with inmates arrive. On the day of the tour, inmates were just outside the sally port area washing sheriff department vehicles. According to the Sergeant, inmates who want to work can help with washing vehicles.

Approx. 30% of inmates are Spanish speaking. About 25% of the staff knows enough Spanish to talk to these inmates. The Sergeant did not feel that language was an issue at the Jail.

There is a gun locker where all guns must be placed prior to entering the booking area.

#### **Booking Area**

The booking area is where all inmates are processed for admittance and given an orientation and a handbook of Jail rules – as required by law. The walls have various signs that are required by law and relate to the rules and procedures of the Jail. There is a booking cage where inmates are asked to sit while the officer processes the individual. The Jail uses the Department of Justice ("DOJ") livescan machine for fingerprints. The Jail also recently did a major upgrade to its ability to

collect DNA. Once fingerprints are scanned to the DOJ, the system will let the jailer know almost immediately if DNA must be collected from the inmate. DNA samples are put into a kit (which is contained in a regular size envelope) and sent to the DOJ in Sacramento for testing.

The booking area also has a DOJ breathalyzer that is linked via a T1 line to the DOJ in Fresno. This machine is used only for suspected DUIs since it costs approximately \$50 each time it is used.

If an inmate is being difficult and uncooperative, the Jail has a security chair to use where the arrestee is cuffed and immobilized (the Grand Jury did not see this chair). Everything in the holding area is video and voice recorded. This is the only area of the Jail with voice recording. The entire facility has video recording. According to the Sergeant, there is no expectation of privacy in the Jail.

The booking area also contains the library of books and periodicals that the Jail is required to have. There are three separate rooms off of this area. One room is used to strip search inmates when they are being processed. All strip searches are videotaped. The officer will only visually check body orifices. If something looks suspicious or wrong, the Jail will take the inmate to the hospital for an x-ray.

Another room is used for medical appointments (dental or medical) with the physician's assistant ("PA") who comes to the Jail four days a week from the Bridgeport Clinic. In order to see the PA, an inmate must submit a sick slip prior to the visit. The Jail charges each inmate \$3 per visit – in an effort to keep inmates from abusing or overusing the medical visits. If a doctor wants to see an inmate for a follow-up visit, the inmate is not charged. The PA will stay at the Jail for as long as necessary to see all inmates who have submitted a sick slip. According to the Sergeant, prescription costs are currently running about \$1,300 per month. Depending on the number of inmates, medical costs can run as much as \$100,000 per year. The Jail is required to pay all medical costs for inmates. The Sheriff's Department has no ability to control medical costs. In the prior fiscal year, the cost for medical services exceeded the budget allocation. For the current fiscal year, costs are down as a result of a lower inmate population. This will likely be affected by the provisions of AB 109.

The third room in the booking area is a "sobering" cell. The Jail also has two isolation cells that are used for discipline or protective custody.

### **Inmate Property**

The Jail takes away all clothes and personal property of inmates. An inventory of these items is prepared and then the items are stored until the inmate leaves the facility or the family picks up the items. By law, inmates' property must be secured and the inmates must have access to their property. At present, property is stored in a room in the Jail but an additional offsite storage location may need to be found if the amount of stored property can no longer fit into the one room.

### **Mental Health**

According to the Sergeant, mental health and counseling will become more of an issue when the Jail has more long-term inmates, as will happen pursuant to AB 109.

## **Laundry**

“Trustee” inmates do all the laundry. California law stipulates how many items of clothing each inmate is entitled to each week. The Jail is required to keep in stock 2-1/2 times the amount of required clothing. The Jail just replaced its washer and dryer at an approximate cost of \$26,000. The Jail would like to have more machines, but there is not enough room.

## **Books**

The Jail is required to buy and provide books and periodicals for the inmates. The cost is covered by the profits from the inmate store. The Grand Jury did not see this store or get any information on what is available to inmates through the store.

The Jail used to maintain a law library at a cost of \$10,000 per year. But, then a judge ordered that the Jail only had to retain a small number of law books (costing only \$1,000 per year). The Jail also has a service from Berkeley to provide up to date legal information to those inmates who request it.

## **Kitchen**

The kitchen is inspected once a year by the California Corrections Department and again by the Mono County health department. The Jail just spent \$18,000 for a new fryer, stove and charbroiler. According to the Sergeant, the kitchen is rated one of the cleanest kitchens in the state. And, indeed, the kitchen did look exceptionally clean. Inmates use a plastic “spork” for eating. Breakfast is served at 7 am, lunch (the heaviest meal) at noon, and dinner (usually soup and sandwich) at 6 pm. All menus must be approved by a state dietitian.

The Sergeant said that 2-1/2 years ago, when there was serious flooding in Mono County, the ceiling of the kitchen came down. About half of the inmates at the time were released early and the other half had to be temporarily relocated to El Dorado County while repairs were done.

The Jail has two paid cooks. They would like to hire a third cook, but that position has not been approved. (When one cook is on vacation or sick, the remaining cook has to be on duty every single day.) Years ago, the Jail had two instances of salmonella poisoning.

The kitchen has a huge walk in freezer and walk in fridge. The Jail keeps about a month’s worth of food on hand in case of road closures. The Sergeant also pointed out the Inergen fire system sensor that is in the corner of the kitchen storage area. This new system cost approximately \$18,000 and is a non-toxic replacement for Halon as a fire suppressant.

The Jail is not required to accommodate special diets, such as religious diets. However, pregnant inmates are required by law to have a modified diet, with additional dairy, for example.

The Grand Jury ate the same lunch that was served to inmates. The lunch consisted of a burrito, refried beans, corn, pudding and half an apple.

## **Yard**

There is a small yard vestibule that leads to the secure yard. (That vestibule is also used as a second “sobering” cell if needed.) The yard is all cement and has a roof. The sides are completely enclosed in mesh wire. The yard is actually pretty grim. The Jail removed the basketball hoop and the weights because the inmates would try to pick them apart. The Jail is required to offer each inmate three hours per week in the yard, though not all inmates use the full three hours. The Sergeant thinks the yard will become more dangerous once state prison inmates are moved to the Jail.

## **Cell Blocks**

Cell block A is a minimum to light medium security block that currently contains 10 male inmates. The inmates sleep in a large bunk room that contains several bunk beds. The inmates are not allowed to have many personal items – 3 photos, 3 books, writing material and one TV that is shared by all inmates in the block. Inmates get library call once a week. Some inmates work and are outside of the Jail during the day. Other inmates don’t want to work and, according to the Sergeant, spend over 50% of their time sleeping.

Cell block B is the heavier security block that contains inmates who have come from state prison or are on their way to state prison. The inmates are kept in separate cells and there is an open area with a table, TV and chairs. Each cell can be separately locked.

Cell block D has four beds for female inmates. Currently, there is only one female in the Jail and she is being held in one of the isolation cells. Finally, there is a small cell for the two inmates who serve as “trustees” and two isolation cells that are typically used for discipline and/or for protective custody (for ex., any inmate charged with or convicted of sex crimes is placed in an isolation cell).

An officer is required by law to enter each of the cell blocks at least once an hour to check on all inmates. Any inmate in detox (or sobering cell) must be checked every half hour, and inmates on suicide watch must be checked every 15 minutes. Visitors are allowed every day except on Tuesday, which is a heavy court day).

## **Program and Control Area**

This area contains the 911 dispatch center as well as video feeds from the entire facility. The camera system is apparently quite new and videos are retained for 18 days. The Sergeant said that the videos can be very helpful as evidence in the case of any big fights.

All Jail employees must learn to be both correctional officers and 911 operators. If the 911 operator is needed to assist with a female inmate, another officer must take over the 911 dispatch. The Jail is required to have a female employee at the Jail at all times. The 911 dispatch serves as the dispatch center for the entire county, including Mammoth Lakes. Dispatch must be staffed at all times. The dispatcher may never leave the post, even to assist another officer with a problem inmate. According to the Sergeant, the number of calls for service is off the charts – thousands of calls a year.

Everything in the control area is done electronically. The operator in the control area can toggle

between various law enforcement agencies, Jail door controls, electrical systems, water, etc. The Jail purchased this electronic system 15-17 years ago. The system is getting old and it is getting more difficult to acquire parts when the system needs to be repaired. The Sergeant said that the whole system will eventually need to be replaced.

This area also contains the Inergen fire control panel. The system has various heat sensors around the facility.

## **Services**

There are no religious services, although now and then someone will come to the Jail to do services. There also is no one who comes to the Jail to do haircuts and the inmates have to give each other haircuts.

The Jail is currently having meetings with mental health professionals and educators to figure out how to handle the long-term inmates who will be coming to the jail pursuant to AB 109. Currently, education is hard to provide because the Jail population is so transient.

## **Classification of Inmates**

The Sergeant explained that various things are taken into account when classifying inmates. Once certain parameters are entered into the computer, the computer issues a classification. However, the Sheriff's Department can override a classification. The recidivism rate is about 30%, which is very low. The Sergeant attributes this to the transient nature of the inmate population.

## **Three Things Most Needed by the Jail**

In response to questions from the Grand Jury, the Sergeant identified the following items as the things most needed for efficient functioning of the Jail.

1. A third cook.
2. Separate the dispatch area from the control room, although the Sergeant didn't think that would happen anytime soon. Staffing, especially at night, can be difficult as sometimes there are only two people staffing the Jail. One has to be on dispatch at all times. The dispatch computer system is old and would cost approximately \$225,000 - \$250,000 to replace. The telephone/radio system is also old and would cost approximately \$50,000 to replace.
3. Electronic consoles in the control room need to be updated.

## **Budget**

The Undersheriff said that the current budget is adequate. Right now, food and medical costs are low because the Jail only has 21 inmates. The Jail will likely return about \$100,000 to the county this year. However, medical costs are variable and could change very quickly. All medical costs are paid in cash to the hospitals.

The Undersheriff puts together a proposed budget every spring and then meets with county officials to determine if any cuts are necessary. Last year, the Sheriff's Department was asked to

cut 5% from its budget. According to the Undersheriff, the Board of Supervisors can (i) determine the Sheriff's Department budget, and (ii) determine the number of allotted positions in the Sheriff's Department. Otherwise, the Board cannot tell the Sheriff how to run his department. According to both the Undersheriff and the Sergeant, this applies to all departments headed by elected officials.

The Sheriff can move current employees around without Board involvement even if it involves a classification change. When there is cost to send an employee to an academy (at an approx. cost of \$15,000-\$20,000), the Sheriff's Department will include this cost as a line item in the budget. According to the Undersheriff, the problem with hiring a third cook is that there is no additional allotted position at this time.

Currently, it is costing the county approximately \$168 per day per inmate for the Jail.

### **New Jail**

A company did a survey last year and concluded that a new jail should go where the old medical clinic is. According to the Sergeant, it currently costs approx. \$280,000 per bed to build a new jail.

### **Work Crews**

The Jail has a number of work crews comprised generally of only sentenced inmates. Some inmates go out to work almost every day. Inmates are sent out in striped black and white uniforms. They help with things such as county landscaping, set up for community events and cemetery upkeep. The inmates do not get paid.

### **Meeting with the Sheriff on April 12, 2012**

Background: The Sheriff was elected in November 2006 and took office in January 2007. He started his career with the Mono County Sheriff's Department where he worked for 4 years as a deputy sheriff. He then went to the San Diego police department in 1979 and spent 3 years there. He returned to Mono County in 1982 and worked as a patrol deputy and detective for the Sheriff's Department and then the Town of Mammoth Lakes. He moved back to San Diego in 1997 and stayed there until 2006, working in real estate and piloting corporate jets.

Budget: The Sheriff's Department is staying within its allocated budget. The department is currently making some changes to downsize somewhat and has eliminated some positions.

Holding facility at Mono County Superior Court Mammoth Lakes: The Sheriff's Department operates the holding facility at the courthouse, but the Court owns and pays for it. The company that built the courthouse had never done that and weren't familiar with how to do the holding facilities.

The Sheriff said there had been an issue recently with the secured elevator. This elevator is also used by the staff. If it is in use by the Sheriff, the staff cannot access the elevator. There was a glitch in this process which the Sheriff thinks has been resolved.

In the last 3 years, the Court has started doing a lot of video arraignments, so the number of holding cells at the courthouse may be more than currently needed. Arraignments are still done in

person on Tuesdays in Bridgeport. It is more efficient because often there are more than a dozen inmates that need to be in Court on Tuesdays.

New facility: The Sheriff would like to see a new justice center over by the Bridgeport clinic. There are some draft drawings. Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007 ("AB 900"), provides funding for new jail facilities. In order to apply for that funding, the Sheriffs Department had to do a needs assessment, which cost \$70,000. AB 900 also required a 25% match from the county. Mono County, which was low on the priority list, did not receive the funding. The Sheriff subsequently applied for phase 2 of AB 900 funding – where county match was lowered to 10%. However, in deciding which counties would receive funding, the state looked mainly at the number of inmates that counties sent to state prison. The state is now coming out with phase 3 of AB 900. The Sheriff said that the county is supportive, and there is also discussion of building a facility in the south county. However, the location of property owned by the county to use for the new facility is important since that property can be used for part of the matching funds.

Female inmates; The Jail has a 4-person cell for females. The Jail can also add cots, if necessary. Sometimes a female will be segregated if she is deemed suicidal.

911 system upgrade: An upgrade to the 911 system will be a significant cost to the county. The Sheriff will be going to a conference in Reno where he will have a chance to review some of the new systems. The Sheriff's Department can get some Homeland Security funding, but will still need county help. The Sheriff's Department has been stockpiling parts and pieces for the old system, and can probably hang on for another 2 years, before being forced to buy a new system. Mono County does not have a replacement reserve fund. According to the Sheriff, the county does not like to do that. But, the county gets about \$500,000 a year in rural sheriff funding, some of which rolls over to other years. This funding is often used to purchase new vehicles, although the county now has a separate vehicle replacement fund.

Third cook: The Sheriff said that a third cook would be very helpful. Sometimes, one of the cooks has to work 30 or more days straight (for ex., when one of them is on vacation or out for other reasons). The county would like the Sheriff's Department to hire someone on a part time basis to come in when needed, but that is hard to do since most people want a set commitment on hours, and the Sheriff would also have to reduce hours for the existing cooks. When unforeseen scheduling conflicts arise, the Jail can purchase food from one of the local restaurants. For the most part, this issue is managable.

Jail: The state does an annual inspection and has always given the Jail very high marks. the Sheriff said his staff does a great job.

State inmates: The Sheriff said that he and the other sheriffs are still trying to figure out how AB 109 will be implemented. It used to be that inmates could serve up to one year only in county jail. Now, there is no cap on the number of years they can spend in county jail. New inmates will now stay in the county unless they are violent offenders, sex offenders or repeat offenders. The state is now placing all sorts of requirements on county jails, including ADA standards (which are hard to meet), mental health counseling, alcohol and drug treatment programs, domestic violence training, etc. the Sheriff said that the Mono county mental health department is now more receptive to working with the Sheriff's Department. There is a group of state sheriffs who are

working on this issue.

Jail costs: Currently, in terms of funding from the state, the Jail gets \$77 per day for 3 inmates, which is the number of inmates the state anticipates Mono County will have to accept pursuant to AB 109. The county will have to pick up the extra costs if more state prisoners are sent to the Jail. The Jail is currently at its lowest prisoner count in 5-1/2 years, even with 2 or 3 long term inmates who would have gone to state penitentiary prior to the enactment of AB 109. The number of inmates, however, does not change staffing levels at the Jail – so, in fact, it may not be costing substantially more per additional inmate. This would only be true only as long as total inmate numbers do not exceed the capacity of the existing facility. Nonetheless, the state formula for reimbursement is well below the average daily inmate cost.

The Sheriff thinks people may have to start changing their mindset about how we incarcerate people – and be less aggressive about immediately incarcerating people when a citation might suffice. This is already being done in some states. He says that the governor has “guaranteed” funding for county jails, but this really depends on voters approving the tax raises that will be on the ballot in November. Other sources of money for the Sheriff’s Department include grants – but the Sheriff likes to use those grants to enhance the Jail, not replace county funds.

Staffing: As far as staffing, the Sheriff said that there is a constant turnover and the salaries are relatively low. Things always appear to be on the “ragged edge.” He thinks the staffing level is good as long as the Sheriff’s Department can keep people. Every time a corrections officer is hired, that person has to go through training and which takes time and money. So far, the department has been doing a satisfactory job of hiring for the corrections officer/dispatcher position. Most turnover happens in the first couple of years after hiring.

## **Probation Department Tour March 8, 2012**

### **Introduction**

Under the direction of the Presiding Judge of the Superior Court (the “Court”), the Probation Department administers adult and juvenile probation programs. The Probation Department’s goals are to protect the community, rehabilitate probationers and prevent crimes and delinquency.

It is the duty and responsibility of the Probation Department, as officers of the Court, to provide programs of investigation and supervision for adult probationers. In addition, the Probation Department provides a program of intake, investigation and supervision of all juveniles referred by the city and county law enforcement agencies.

Mono County maintains probation offices in Mammoth Lakes and Bridgeport. Office hours are Monday through Friday from 8:00 a.m. through 5:00 p.m. The Mammoth office is located on the 3rd floor of the Sierra Center Mall, Old Mammoth Road, Mammoth Lakes. The Bridgeport office is located at 57 Bryant Street in Bridgeport.

The Mono County Juvenile Hall is located at 57 Bryant Street, Bridgeport. This is a 96-hour special purpose juvenile hall. Minors arrested in Mono County are temporarily detained at this facility. When juveniles are in custody, the facility is staffed 24 hours a day. No staff is on duty when juveniles are not in custody.

## Tour

The Grand Jury was given a tour of the Probation Department and Juvenile Hall by the Interim Chief Probation Director (the "Interim Chief").

The Probation Department has one interim chief, one assistant chief (now vacant), four probation officers and one probation aide. The department in Bridgeport is housed in a single building across from the Jail. There is an entry area with a receptionist desk and several offices for the chief and probation officers. Further down the hall is the Juvenile Hall.

Juvenile Hall: The Probation Department building houses a 96-hour hold juvenile detention facility. It is comprised of (i) two cells – one "wet" with a toilet and sink, the other "dry" without a toilet or sink, and (ii) a day area with a table, couch, kitchen and full bathroom. The probation aide has a desk in the day room and is responsible for supervising the juvenile area. The "dry" cell is now mainly used for storage. The facility is inspected by the state every two years. The most recent inspection was done this past year.

The juvenile case load is approximately 30 to 50 cases per year, with a majority being in Mammoth Lakes. The juvenile cases are handled by one probation officer.

The Probation Department no longer uses the juvenile facility frequently. Rather, the department mainly runs a transportation program, transporting juveniles to Inyo or Trinity counties where there are larger juvenile facilities. The department has two transportation vans, one in Mammoth Lakes and one in Bridgeport. The department generally has 1-3 juveniles at the Inyo county facility at any one time. The Inyo County juvenile hall has an office of education program and school records are transferred there. Juveniles who need to be held for a longer period of time generally go to Trinity County because they have a much more in-depth counseling program. The department may send one juvenile a year to Trinity County.

The focus in the juvenile system is to keep the juveniles with their family and to work with the family. The Probation Department works closely with mental health – using a "wrap around" program that allows agencies to "wrap" the family and do whatever is needed to keep juveniles in their homes. The Interim Chief did not foresee any future change to the county's needs for juvenile facilities. In the past, the department staffed a couple of on call workers, but that is no longer done. The Interim Chief also mentioned that a probation officer must always be at the facility with the probation aide. The youngest child that the Interim Chief has seen at the juvenile facility was 14 years old.

The Interim Chief explained that an officer brings the juvenile into the facility through the back door. There is a gun lock where all officers have to put their guns before entering the facility.

An electronic GPS and alcohol monitoring program has been implemented. There are three types of bracelets. One is a home monitoring bracelet that can be adjusted to allow a juvenile to go to school. This type of bracelet is small and can't really be seen. The second type of bracelet is a full GPS which is a bigger device and allows the juvenile to be tracked at all times. The third type of bracelet is an alcohol SCRAM bracelet. The juveniles wearing these bracelets can go to any school.

The juvenile continuum of supervision involves (i) local services, (ii) a group home, or (iii) for a high risk juvenile offender, the California Department of Juvenile Justice (state juvenile prison) (“DJJ”). The state wants to close all of its DJJ facilities. There used to be 12,000 to 13,000 kids in 13 different facilities. Several years ago, the state started moving juveniles out of DJJ facilities. Now, there are only 1,100 juvenile offenders in three DJJ facilities. Once all of these facilities are closed, the juveniles will be transferred back to county supervision. The Interim Chief said this is likely to cause a big problem for counties who don’t have other facilities or services available for these juveniles. This could cost the counties huge amounts of money. Any local juvenile who is currently sentenced to a DJJ facility will be returned to Mono County for parole.

Adults: The Probation Department’s workload is mostly focused on adults and has a case load of 300 to 500 cases. These cases are handled by three probation officers.

The Probation Department runs various groups and programs, such as drug and alcohol programs. The department will assign a person to one or more groups according to the perceived need for that person.

The Probation Department is transitioning to what the Interim Chief called an evidence-based supervision model for adults. The program is based on a risk assessment tool purchased by the county in consortium with 8 other counties. This is new program and it was evident that the Interim Chief was pretty excited about it. The program involves adjusting the adult supervision levels depending on whether a person is rated (by the assessment tool) as being at a low, medium or high risk to reoffend. The same system will be implemented for juveniles in June.

The Interim Chief said that the Probation Department has approximately 30-35 violent offenders and about 60 low risk offenders. Of the 300 to 500 cases in the dept., 25% are “warrants.”

The Interim Chief admitted to being a little nervous about using the risk assessment tool for juveniles, most of whom will likely be assessed as low offenders. Research suggests that it is best to leave those types of juveniles alone, but the tool will indicate that they should not be left unattended.

AB 109: Pursuant to AB 109, which began in July 2011, any parolee released from state prison who has not been convicted of a violent crime or a sex offense, will return to the county probation department for supervision. (The choice of county depends either on where the offense took place and was adjudicated and/or where the offender is from.) This type of supervision is referred to as post-release community supervision and takes a lot of time. The state projected four such parolees for Mono County, but the Probation Department currently has seven. This causes funding issues since the department is only paid for the four projected cases. AB 109 funds counties only through June 30, 2012. Future funding is tied to tax initiatives on the ballot. If the initiatives are not approved, the question is where the county will get future funding to implement AB 109.

The Interim Chief also explained that, under AB 109, a convicted person can (i) get probation, (ii) be sentenced to a full jail term at the county jail, or (iii) be sentenced to a mandatory split – doing half of the sentenced time in jail and half on mandatory supervision. The decision is up to the judge. The Interim Chief prefers the mandatory split because it gives the offender a chance to readjust to life outside of prison while under the supervision of, and with the assistance of, the

Probation Department. However, the Interim Chief said that, so far, the cases in Mono County that fall under AB 109 have resulted in full jail terms.

### **Findings**

The Grand Jury found that the Jail and Juvenile Hall are clean and well maintained. Both operations are constrained by budgetary limitations, and both are coping well with those limitations.

The Grand Jury found that AB 109 has not yet seriously impacted the functions of the Jail or Juvenile Hall. It has had a greater impact on the Probation Department. Despite the lack of immediate effect, it is clear that the potential for significant additional burdens from realignment is real. As the county has to manage prisoners who have chronic health conditions, are older, and reside in the facility for multiple years, meeting the needs of those prisoners will grow increasingly costly.

The Grand Jury found that the 911 dispatch system and the prison electronic control systems are reaching the ends of their useful lives. There is no replacement funding in place.

### **Recommendations**

The Grand Jury recommends that the Sheriff continue to work with his counterparts in other counties to identify creative methods for managing the changes that will result from AB 109 and develop coordinated responses as needed.

The Grand Jury recommends that the Board of Supervisors, in conjunction with the Sheriff, begin to plan for the replacement of the 911 dispatch system and the Jail control systems. This will assure timely replacement of these critical systems.