



**MONO COUNTY GRAND JURY
2018-2019**

**FINAL REPORT
Submitted June 28, 2019**

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LAYOUT

Danielle Bauman

PRODUCTION

Juliana Olinka Jones & Danielle Bauman

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

IN RE:

2018-2019 Grand Jury

GENERAL ORDER

I certify that the 2018-2019 Mono County Grand Jury Final Report, pursuant to California Penal Code § 933 (a), 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 25th day of JUNE 2019.



MARK MAGIT
Presiding Judge of the Superior Court



COUNTY OF MONO – SUPERIOR COURT GRAND JURY

Juliana Olinka Jones
Foreperson 2018-2019 - Mono
County Grand Jury
Mammoth Lakes, CA 93546

June 11, 2019

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

Transmittal of the 2018 - 2019 Final Grand Jury Report.

Dear Judge Magit and Citizens of Mono County,

The 2018-2019 Mono County Grand Jury has completed its year of service. It is my honor to submit the completed Final Report of the 2018 - 2019 Mono County Grand Jury. This year's Grand Jury responded to two complaints, conducted three investigations, toured the Mono County Jail in Bridgeport and reviewed recommendations made by previous Grand Juries (2013-2018) for compliance to recommendations made by those previous Grand Juries and agreed to by the subjects of those investigations.

We believe it is important that all required government agency responses to this and each year's Mono County Grand Jury report be promptly written, read by the court, and posted onto the Grand Jury website for our citizens to read and review. We also believe it is important that each subsequent Grand Jury review those responses and report on whether the officials and boards have done what they represented in their responses that they would do. This process, if conducted routinely year to year, will help maintain public pressure on government entities to treat annual Grand Jury reports seriously.

It has been a pleasure to work with an outstanding group of Mono County citizens as part of the 2018- 2019 Mono County Grand Jury. I extend special thanks to Ken Brengle who served as the Assistant Foreperson and Rhonda Duggan who served as our Grand Jury Secretary. I also want to commend Richard Sanfilippo, Lewis Jones, Georgette Noble and Quart Kim for their service in chairing our investigative committees and for Rhonda Duggan and Georgette Noble for their work on the Editorial Committee.

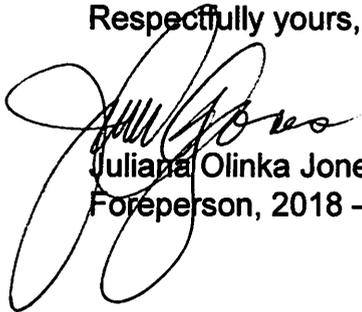
Grand Jury members properly recused themselves from two of the investigations conducted during our year of service. All members of the Grand Jury acted in the

best interest of our fellow Mono County citizens with the highest civic and ethical goals in mind.

The Grand Jury wishes to thank Judge Mark Magit for the opportunity to serve our county. Thanks also to Tim Kendall, Mono County District Attorney, and Stacey Simon, Mono County Counsel, for their extraordinary assistance during our tenure as well as Hector Gonzalez, the Executive Officer of the Court, during the first half of our tenure, and Danielle Bauman, Executive Assistant & Deputy Jury Commissioner, for all her support throughout this year of service. The Grand Jury was provided with valuable assistance and advice throughout our term. We are grateful for their help.

Moving forward, we encourage our fellow Mono County citizens to volunteer for future Grand Juries. It is a gratifying and educational experience. It is our hope and expectation that service of this type will help promote and ensure high standards and efficiency within our Mono County and Town of Mammoth Lakes governments.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Juliana Olinka Jones', written over a large, stylized, circular flourish.

Juliana Olinka Jones
Foreperson, 2018 – 2019 Mono County Grand Jury

GRAND JURY ADVISORS

Mark Magit

Presiding Judge, Superior Court, Mono County

Hector Gonzalez Jr.

Executive Officer, Superior Court, Mono County

Tim Kendall

District Attorney, Mono County

Stacey Simon

County Counsel, Mono County

Danielle Bauman

Executive Assistant, Superior Court, Mono County

**2018-2019 MONO COUNTY
GRAND JURORS**

Juliana Olinka Jones

Foreperson
Mammoth Lakes

Ken Brengle

Assistant Foreperson
Mammoth Lakes

Rhonda Duggan

Secretary
Crowley Lake

Rodney Dominguez

Mammoth Lakes

Dave Easterby

Mammoth Lakes

Lewis Jones

Mammoth Lakes

Quart Kim

Mammoth Lakes

Georgette Noble

Walker

Linda Pasley

Mammoth Lakes

Richard Sanfilippo

Mammoth Lakes

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 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 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 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: <http://www.mono.courts.ca.gov/>.

2018/2019 MONO COUNTY GRAND JURY HILTON CREEK COMMUNITY SERVICES DISTRICT FINAL REPORT

SUMMARY

The Hilton Creek Community Services District (HCCSD) Investigative Committee of the 2018/2019 Mono County Grand Jury received a complaint concerning the bidding and award process of third-party contracts by and for the Hilton Creek Community Services District (HCCSD) that resulted in the decision to conduct an investigation.

BACKGROUND

Hilton Creek Community Services District (HCCSD) is a Special District, located in the Crowley Lake area and within the jurisdiction of Mono County. The District was created on November 21, 1963. As a Special District the Board of Directors oversees or has the power to administer many community services and projects. The District Board is required to be Brown Act compliant, file the Form 700, and receive annual conflict of interest training.

The most significant service currently provided by the District is sewer collection and treatment for all commercial and residential properties within the District boundaries. Additionally, the HCCSD and Board administers contracts for snow removal and maintenance of roadways within district boundaries, but not maintained by Mono County or any other Agency. The business of the District is conducted by the five-member Board of Directors at regularly scheduled meetings.

Following a review of the complaint and an interview with the complainant the Committee determined that investigations of the following was warranted:

1. The practices used by the HCCSD for the specific contract award of which the initial complaint was received.
2. The policies and procedures related to third party contracts, bidding and awards specifically as it related to the communication to the general public and/or potential bidders.

3. The practices of the HCCSD for awarding contracts to ensure their adherence to their own internal policies and procedures related to third party contracts, bidding and awards to assure overall transparency and fairness in process and action.

METHODOLOGY

Members of the HCCSD Investigation Committee of the 2018 / 2019 Mono County Grand Jury were successful in securing and scheduling interviews with the original complainant and subsequently interviewed both a seated member of the current HCCSD Board and a person of senior leadership employed by the HCCSD.

The interview process and the collection of all documentation was done in strict compliance of all pertaining rules and regulations of the Mono County Grand Jury and using best practice compliance via the oversight of California Grand Jury Association (CGJA). The Grand Jury members who served on this specific Investigation Committee were thoroughly vetted before the start of the investigation to assure there were no conflicts of interest and to ensure their participation would be above reproach.

The HCCSD Investigation Committee reviewed the overall written policies and procedures of the HCCSD. These documents included bidding documents, Request for Proposal (RFP) and spreadsheets showing the figure comparisons when multiple competitive bids were received. In addition, we received and reviewed legal direction HCCSD received in 2014 from the Mono County Counsel Office regarding competitive bidding limits. Also reviewed were HCCSD internal emails and correspondence where bidding instructions, directions and/or questions were openly answered and shared with relevant Staff and/or Board Members of the HCCSD.

DISCUSSION

The main effort of this investigation was to discover any concerns related to:

- HCCSD practice for announcing opportunities for third party service contracts.
- Consistency and delivery of actual bidding documents to interested parties.
- Awarding of Contracts.

Further, this committee's efforts were both to look at adequacy of existing policy, and to ensure that the HCCSD and its Board and Staff are following their policy and procedure guidelines.

The HCCSD has relied on advice from the Office of Mono County Counsel and use of best practices. Specifically, some of the actual dollar ceilings used for HCCSD decision-making on what contracts can be direct awarded and/or need a competitive bid process come from Mono County thresholds and the County's legal department. It is important to note that the actual ceiling for competitive bidding is \$25,000 and applies specifically to construction projects vs. in this example a snow removal contract where no threshold is specified. HCCSD has no current contracts anywhere near that figure; actually, most contracts fall well below \$10,000.00. Our Interviewees were able to demonstrate to the Grand Jury that in many cases they do use competitive bidding policy and procedure regardless of contract value both for reasons of transparency but also to increase the number of potential applicants for the required services.

The committee also found that the HCCSD faces challenges in securing vendors for the required contracts both by way of available, interested and/or qualified vendors and vendors who have the specified heavy equipment available in the defined service area boundary. Lastly, HCCSD also seeks vendors that meet requirements of scrutiny to avoid potential conflicts of interest or charges of nepotism.

FINDINGS

F1. The investigation found that the HCCSD has relied appropriately on advice and use of best practice from the Office of Mono County Counsel with regard to the bidding process. Additionally, HCCSD appears to be operating within an appropriate level of due diligence and oversight overall.

F.2. The HCCSD has usually followed their own guidelines related to the dollar threshold or ceiling for third party contracts. However, they have been inconsistent in what available contracts have been offered for competitive bids and/or made as direct awards.

F3. The investigation discovered incomplete and/or out of date Policy and Procedure Documents.

F4. The investigation discovered inconsistent delivery of information and bidding documents to interested third-party vendors.

F5. The investigation discovered inconsistent posting of available contracts through various media sources i.e. the newspaper ads.

RECOMMENDATIONS

The following are the recommendations from the HCCSD Investigative Committee to improve the overall administration of Third-Party Contracts:

R1. None

R2. It is imperative that HCCSD administer their third-party contracts offerings in the same manner each and every time. Timeline: Beginning with next round of contract expirations and/or next competitive bid cycle.

R3. The Committee recommends the HCCSD review and restructure policies and procedures to ensure adequate information is communicated to allow a level of competition and fairness and to avoid any appearance of impropriety. Timeline: By January 1, 2020.

R4. Create and provide consistent bidding documentation and the delivery process of said documents to interested third-party service providers. Timeline: Beginning with next round of contract expirations and/or next competitive bid cycle.

R5. HCCSD needs to improve its communication process and notifications for all future bidding by developing a template for the broadest possible communication to the public for any future available contracts. Timeline: Beginning with next round of contract expirations and/or next competitive bid cycle.

2018-2019 MONO COUNTY GRAND JURY MONO COUNTY OFFICE OF EDUCATION FINAL REPORT

SUMMARY

Each year, the Mono County Grand Jury (Grand Jury) as a whole, discusses areas of investigation to be reviewed. One area of interest agreed upon by the Grand Jury was a review of the Mono County Office of Education (MCOE). As a result, the Grand Jury began an investigation with a review of policies, procedures, and responsibilities of the elected MCOE Board of Trustees (MCOE BOT) and MCOE management.

BACKGROUND

The MCOE Investigative Committee (Committee) of the 2018/2019 Grand Jury received a complaint concerning the MCOE Administration and actions regarding stipends from the charter school income, and the dismissal of staff. The Committee then learned the office of Mono County District Attorney (MCDA) had completed a full investigation of the same issues contained in the complaint. The MCDA determined that there was no criminality. In addition, the issues addressed by the complaint were not in the purview of the Committee but did lead to other questions and concerns regarding administrative practices. As a result, the Committee determined an overall investigation of the management of charter schools was warranted.

Per the guidelines from the California Grand Jury Association for grand jury investigative committees concerning school districts, including charter schools, the Grand Jury can investigate the administration, the financial matters, and compliance with adopted procedures, but not the curriculum, policy choices or personnel decisions. The Committee also reviewed the contractual relationship between MCOE and a charter school operator located outside of Mono County, focusing on how it benefits the students of Mono County.

METHODOLOGY

The Committee conducted interviews with members of MCOE BOT and MCOE staff. In addition to scheduled interviews and a review of the MCDA investigation report, the Committee reviewed budget documents, policy & procedures manuals, and existing Charter School contracts as set forth in the list below:

- Mono County District Attorney investigation report of MCOE complaint from 2017.
- Office of Education Board of Trustees Agendas and Minutes from 2011 to present.
- Mono County Office of Education, Financial Statements and Supplementary Information with Independent Auditors' Reports. Dated June 30, 2014, and June 30, 2018. (Charter Schools are exempt from this audit report).
- California School Board Association Professional Governance Standards for The Individual Trustee and The Board Guidelines Recommended Guidelines for successful governing.
- Submitted Governance Policy adopted by MCOE.
- Local Control Accountability Plan and Annual Update (LCAP)
- CCSESA Governance Policy & Statutory Functions of County Boards of Education & County Superintendents of Schools
- California State Board Schedule of Training Events available for ongoing continuing education for all Board of Trustee members and Superintendents.
- Mono County Board of Education "Policy and Procedures Manual" accepted as "Bylaws of the Board". (Drafted 2002)
- Fiscal Crisis & Management Assistance Team (FCMAT) Report for 2017-2018 (Verification of Charter School Exemption of Audits.)
- Urban Corps of San Diego County Charter School Contract dated June 2016 & Revised December 2018.
- California Education Code Sections 1000-1042.
- Mono County Revenue and Expenditure Report provided by MCOE Financial Department.

DISCUSSION

Over a period of several months, the Chair of the MCOE Investigative Committee scheduled interviews with selected MCOE personnel and MCOE BOT members from the district. The Committee sought guidance through Mono County Counsel (MCC) concerning questions of legal counsel for Grand Jury interviewees, MCOE BOT responsibilities, if and when subpoenas should be issued, etc.

Throughout the interview process, it was apparent that the MCOE Board of Trustees did not understand their authority and duties in the management of the district. In addition, the MCOE BOT does not understand their statutory responsibilities concerning the MCOE's overall budget. The MCOE BOT views their role as advisory in nature, despite a clearly defined set of responsibilities, as per the California Legislative Information Code, Title 1, Division 1, Part 2, Chapter 1, County Boards of Education [1001-1097].

ARTICLE 2. Duties and Responsibilities [1040 - 1042] (Article 2 enacted by Stats, 1976, Ch. 1010)

"County boards of education **shall...**

(c) Approve the annual budget of the county superintendent of schools before its submission to the County board of supervisors.

(d) Approve the annual county school service fund budget of the county superintendent of schools before its submission to the Superintendent of Public Instruction.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=1041.&article=2.&highlight=true&keyword=County%20boards%20of%20education

Following the interviews, additional research concerning the State of California statutes and the Education Code, with respect to the duties and responsibilities for County boards of education, was needed. The Committee researched the California Education Code Article 2, Sections 1040 and 1042, and again sought a legal interpretation and clarification of those statutes from MCC.

MCC advises that “county superintendents of schools do not have independent fiscal authority. Rather, boards of education are created in each county to, among other things, exercise fiscal oversight over superintendents through review and approval of budgets and revenue and expense estimates prepared by the superintendent. In the exercise of that oversight function, boards of education may request additional information from the superintendent, request changes to the budget and/or estimate (or any items within them) and ultimately, determine whether to approve or deny the budget and/or estimates.”(See Cal. Ed. Code §1040; and see Opinion of the California Attorney General at 58 Cal.Ops.Atty.Gen 90).

Upon review of the documents within the Methodology, it was determined that neither the policies and procedures for MCOE staff nor the MCOE BOT have been addressed since 2012. There is no evidence the MCOE BOT has reviewed or approved the current procedural documents pertaining to the operation and administration of the MCOE.

MCOE is currently in a contract with the Urban Corps of San Diego Charter School to remotely administrate a charter school in the San Diego area. MCOE staff indicated that said contract results in additional funds for MCOE schools to be used to improve student performance for Mono County students, with minimal MCOE staff time needed for the administration of the charter school program. There are no charter schools located inside Mono County boundaries at this time.

FINDINGS

F1. The Committee finds MCOE BOT has abdicated their oversight and budget responsibilities to the MCOE Staff.

F2. The Committee finds MCOE staff also views the MCOE BOT only as an advisory body although as per Finding 1 and the California Education Code, the Board is not merely an advisory body, they are a policy board that must be fully engaged in the oversight and approval of the MCOE budget.

F3. The Committee finds a lack of continuing education for the MCOE BOT. Interviewees said they were not aware of available Continuing Education with relevant courses from CSBA (California School Board Association) and had not received any special training.

F4. The MCOE staff's written policy and procedures manual needs an update.

F5. The Committee finds the MCOE BOT has a general lack of oversight regarding the budget and contracts with charter schools. There is also a lack of transparency and accountability by MCOE staff concerning the income from the charter school and the related expenses to administer those contracts.

F6. The Committee finds that while MCOE Staff indicates funds received (profit) from that contract are invested into Mono County students, they could not produce existing documents that quantify the funds. Such documents were prepared for the first time only upon request by the Committee. They also could not demonstrate how the involvement in charter schools improves student achievement in Mono County.

F7. The budget for the charter agreement is currently represented as a single line item in the overall MCOE Budget with no detail of how expenditures are allocated. No profit/loss schedule exists to account for revenue versus actual expenses, staff time, or any related administrative costs.

RECOMMENDATIONS

The following are the recommendations from the MCOE Investigative Committee to improve the management of the MCOE.

R1A. MCOE BOT must implement the duties and responsibilities of the Board of Trustees as a whole and as individuals, shall embrace its oversight as detailed in the State of California statutes. The MCOE BOT must begin following the Bylaws for the Governing Board which defines its policy-making role. Timeline: Immediate.

R1B. It is recommended that the MCOE BOT review the current budget at the next scheduled meeting and review budget updates on a quarterly basis, beginning with the fiscal year 2019-20. Timeline: By Sept. 30, 2019.

R2. The Committee recommends that MCOE staff review the California Education Code and implement process and procedures to interact with the MCOE BOT as a policy board and that the MCOE BOT becomes fully engaged in the management oversight of the district MCOE budget. Timeline: By October 1, 2019.

R3. The Committee recommends that MCOE BOT adopt a policy for Continuing Education classes as defined by *California School Board Association Professional Governance Standards for The Individual Trustee and The Board Guidelines Recommended Guidelines For Successful Governing*, as a priority for each board member. In addition, set a required minimum standard for MCOE BOT in order to maintain the proper skills required to carry out their governing duties. Timeline: Scheduling of Continuing Education classes to be completed no later than December 1, 2019.

R4. The Committee recommends staff generate a complete and full update and revision of the MCOE Policy and Procedures Manual to 2019 standards for approval by the MCOE BOT. Timeline: By December 31, 2019,

R5. The Committee recommends expenses administered for oversight and administration for the Charter School be defined with separate profit/loss sheet available to the public. Timeline: Beginning with the current 2018-19 fiscal year.

R6. The Committee recommends the MCOE BOT and MCOE staff work together to develop a statement of purpose concerning charter schools and the benefits to Mono County. Timeline: By December 1, 2019.

R7. The Committee recommends the MCOE staff set forth a detailed budget for the charter school, using General Accounting Principles (GAP), to include revenue, forecasted expenses, staff time, and/or any related administrative costs. The budget to be approved by MCOE BOT. Timeline: By December 31, 2019.

2018-2019 MONO COUNTY GRAND JURY SOLID WASTE COMMITTEE Final Report

SUMMARY

The Mono County Grand Jury (Grand Jury) conducted an investigation into the plans and progress Mono County and the Town of Mammoth Lakes (TOML) are making in response to the upcoming mandated closure of the Benton Crossing Landfill at midnight on Jan. 1, 2023. It considered the impact on Mono County, TOML, and their residents, along with future solid waste and recycling mandates coming from the State of California. (A Glossary of Terms is included at the end of this report.)

BACKGROUND

Los Angeles Department of Water and Power (DWP) is closing the Benton Crossing Landfill as of January 1, 2023. After that date there will be no solid waste landfill available within Mono County that takes all forms of non-hazardous solid waste. Both Mono County and TOML officials have stated they oppose any new landfills in Mono County, reflecting a nationwide trend of fewer and larger landfills. This can create a difficult situation for rural areas. Mono County will be tasked with exporting all solid waste long distances to landfills that are willing to accept imported waste. As the future of solid waste in California changes, Mono County is tasked with planning how to meet new mandates from the State of California concerning recycling, organic waste, and other diversions from the solid waste stream.

METHODOLOGY

The Grand Jury conducted interviews with people familiar with solid waste issues and prospective solutions in Mono County and specific to TOML, including members of the private sector as well as employees of Mono County and TOML.

The Grand Jury reviewed the following documents:

- Franchise agreement; TOML and Mammoth Disposal, signed 2010, extended 2015 (per Mammoth Disposal option to extend for 5 years), expires Jan. 1, 2020
- U.S. Forest Service Wood Innovations Application FY2017
- Franchise agreement; Mono County and Mammoth Disposal
- Franchise Agreement, Mono County and D & S Waste
- Flow Agreement; TOML and Mono County, July 20, 2016
- Mono County Request for Information, Regional Solid Waste Services
- "MRF Arguments" 10-4-13 The Sheet
- <https://www.calrecycle.ca.gov/recycle/commercial/organics>

- MSWLF-Tipping-Fees-2018-FINAL.pdf
- Mono County Proposed Request for Proposal, presented to Mono County Board of Supervisors March 12, 2019
- TOML Solid Waste Update, presented to Town Council, March 6, 2019
- TOML Request for Statement of Qualifications. Issued 6-3-18
- <https://www.biocycle.net/2018/03/12/california-composting/>

Members of the Grand Jury also attended regular Solid Waste Task Force (Task Force) meetings, open to the public, beginning in November 2018, reviewed and/or attended several Mono County Board of Supervisors meetings, and Town of Mammoth Lakes Town Council (Council) meetings. In addition, the Grand Jury conducted two transfer station facility tours:

- The Mammoth Transfer Station located at 59 Commerce Drive, Mammoth Business Park, Mammoth Lakes, owned and operated by Mammoth Disposal.
- The South Tahoe Refuse Transfer Station located in South Lake Tahoe, owned and operated by South Tahoe Refuse and Recycling Services.

DISCUSSION

All of Mono County currently uses the Benton Crossing Landfill to dispose of municipal waste within Mono County. The Benton Crossing Landfill is owned by DWP. Mono County currently operates the landfill and charges fees to help defray costs. Mono County also receives parcel fees paid by homeowners in Mono County to defray costs. Two companies currently have franchise agreements with Mono County, D & S Waste and Mammoth Disposal, to service unincorporated areas of Mono County. Mammoth Disposal has an exclusive franchise for waste collection within the TOML. Sierra Conservation Project collects recyclables from residents, multi-family units, and businesses throughout Mono County from Lee Vining south to Inyo County. Recyclables are shipped out of Mono County to various facilities that will take them. Over time the number of outlets that accept exported recyclables and the market value of various recyclables is declining.

Through the investigation by the Grand Jury it became evident that there was a lack of awareness about the future of solid waste in Mono County. Even public officials admitted they were not fully educated regarding solid waste and the challenges facing Mono County and TOML associated with the imminent closure of the Benton Crossing Landfill.

Mono County

Mono County, in consultation with the Task Force, issued a Request for Information (RFI) soliciting interested parties for their view of the best way for Mono County to manage solid waste after the Benton Crossing Landfill closure. The two companies with

existing franchise agreements in Mono County were the only respondents to the RFI. Mono County Public Works Department's next step will be to issue a Request for Proposal (RFP), again in consultation with the Task Force and approval of the Mono County Board of Supervisors, for the operation and management of the six transfer stations in unincorporated Mono County. The winning bidder will process all waste coming into the transfer stations and be responsible to export the waste out of the county.

All developed properties in Mono County, including Mammoth Lakes, pay a parcel fee to help pay for maintaining landfills and transfer stations. Single family residents pay \$60 per year; commercial properties pay a fee based on their use and the waste generation associated with that use. With the knowledge of the required closing of the Benton Crossing Landfill, Mono County and TOML entered into a joint solid waste flow agreement effective through 2021 in order to set aside a portion of the parcel fees into the mandated Solid Waste Enterprise Fund. This will ensure Mono County will have funds to mitigate and maintain the Benton Crossing Landfill site before and after its closure. Mono County will be responsible for monitoring and maintaining the Benton Crossing Landfill for at least 30 years after its closure. (Past history of other closed landfills indicates this may last long beyond 30 years.) Per the joint solid waste flow agreement, Mono County returned 5% of the fees collected in Mammoth Lakes back to TOML in 2017 to help TOML with its future infrastructure expenses. The percentage rises each year through fiscal year 2021, when TOML will receive 25%.

As of now, Mono County has options on the table. Whoever ends up taking over operations of the existing transfer stations in Mono County will collect the gate fees paid by Mono County franchisee(s), residents, and businesses. The decision on the amount of those fees will be made in negotiations between Mono County and the operator of the transfer stations. The collected fees will have to pay for the operation of six (6) transfer stations spread throughout unincorporated Mono County in addition to the cost of long-haul trucking and tipping fees at the receiving landfill outside of the county.

Town of Mammoth Lakes

Currently, all developed properties in Mammoth Lakes are required to contract with Mammoth Disposal for waste removal. This could be self-drop-off at the Mammoth Transfer Station, curbside service, or, for larger properties, dumpster service. TOML contributes about 80% of the solid waste discarded in Mono County. The TOML will need a facility to process the solid waste currently going to Benton Crossing Landfill to be exported out of the county. Currently, the only site under consideration which could be ready in time to accomplish this is the Mammoth Disposal Transfer Station.

Depending on what happens with the Mono County RFP, a large portion of the solid waste from Crowley Lake could also be processed at that site. Some of Mammoth Disposal's administrative facilities will have to be moved to another location, but they believe the existing two-acre site will be adequate to handle the TOML needs. As of this writing, engineers from Waste Connections (parent company of Mammoth Disposal) are putting together a proposal to place a Multi-use Recycling Facility (MRF) at the site. The TOML and Mammoth Disposal are negotiating the financial details of the updated transfer station and MRF. A clean MRF on the site would process recyclables. The site would also receive solid waste from the Mammoth Lakes area for transfer into long-haul trucks to be shipped out of Mono County, presumably to the Lockwood Landfill near Sparks, Nevada.

TOML received a "Wood Innovations" grant from the United States Forest Service (USFS) to study the feasibility of building a biomass reactor to process the green waste coming out of USFS clean-up projects. While the primary focus of the grant is to handle green waste from USFS lands, the TOML would also use the site for processing other types of waste and mitigate the amount of solid waste needing to be transported out of the county. This would also accelerate USFS fire management programs and lessen the need to burn debris removed from local forests. The TOML had hoped to work with the USFS to locate a site on USFS land, but the time and costs associated with this option were too great.

The TOML issued a Request for Qualifications for companies interested in designing the biomass reactor in June of 2017. They received three responses from interested parties, but the TOML is waiting to locate a site before they move forward with a plan. Other benefits for TOML and Mono County would be to use the site to handle other types of waste such as Construction and Demolition (C & D) waste, industrial waste, white goods, and other large items. Clean C & D waste could be processed at the site, which would reduce the amount ending up in the Pumice Valley landfill.

If TOML were to choose a reactor which could also handle sludge, Mammoth Community Water District would be able to take advantage of it for disposal of their sludge which is currently being sent to Benton Crossing Landfill. Until such an option exists, Mammoth Community Water District is planning to ship their sludge out of Mono County, most likely to Fallon, NV. Other programs such as composting, dehydration of organic waste, could be explored at the site if the project were to advance.

As of the writing of this report, the TOML, having considered other sites, is moving toward locating the potential biomass reactor at the County-owned Pumice Valley site. Mono County acquired the 50-acre property from DWP in 2015, but DWP retained the water rights. The site isn't ideal due to its distance from Mammoth Lakes and its lack of

water or power, however, TOML staff and Mono County staff believe the property can be utilized to house the biomass reactor outlined in the “Wood Innovations” grant and handle other programs of the TOML and Mono County for future recycling and waste processing projects, assuming power could be brought to the site.

Recycling

Most of the recycling in Mono County occurs at the user level. All transfer stations in Mono County accept and process recycling, but the only buyback center is the transfer station in Mammoth Lakes. Sierra Conservation Project has a contract with TOML to service recycling bins placed in public areas around town, mostly near bus stops. Sierra Conservation Project also picks up recycling for USFS and Mono County.

The State of California passed legislation (AB341 and SB1018) which requires businesses which generate more than four (4) yards of waste per week or multi-family complexes of five (5) units or more, to arrange for recycling at their site. TOML has instituted a program in cooperation with Sierra Conservation Project to place bins at multi-family complexes and are tracking which units have complied. The compliance rate is around 80%. Sierra Conservation Project has been aided by grants from CalRecycle to offset the cost of bear-proof bins. Sierra Conservation Project also serves most of the commercial businesses in town. Multi-family complexes may also manage their own recycling without contracting with Sierra Conservation Project.

Commercial accounts in California are required to separate organic waste and arrange for it to be handled in an appropriate manner (AB1826). There is an exemption for rural communities from the organic waste requirement written into the bill. However, the exemption could be taken away if disposal of organic waste throughout California isn't reduced by 50% by Jan. 1, 2020. As of 2017 (the latest data available) the percentage going to landfills has not met that goal and is, in fact, going up.

Currently, California's organic waste processing infrastructure does not have the capacity to handle the amount of organic waste which would need to be transformed to meet the state's goals. If Mono County and TOML were to be required to meet these organic waste standards it would add significant costs to solid waste handling for commercial entities, Mono County and TOML. As California sets increasingly higher diversion and recycling goals in the years to come solid waste diversion mandates will only become more stringent.

Currently, the State of California doesn't count the incineration of recyclables such as paper, cardboard, or organic waste as diversion for purposes of compliance with

statewide diversion mandates. TOML and Mono County staff are aware of this problem and are working with other rural counties to try to change the requirements to better reflect realities in rural areas such as Mono County. The carbon footprint of processing and trucking these types of wastes long distances to be dropped off at a recycling facility to then be processed once again, is potentially much greater than the more local process of feeding them to a biomass reactor which produces biochar. There are many variables in determining the carbon footprint of such a program, but it would be more effective than long distance trucking or burning of these materials. Depending on the quality of the fuel used to create the biochar it can have commercial value as a soil amendment in agriculture.

FINDINGS

Whatever the process looks like after the Benton Crossing Landfill closure, it will involve long hauling solid waste out of Mono County, presumably to Nevada. The impact this will have on costs to Mono County, TOML, and their citizens is unclear at this time.

F1. The Grand Jury finds that TOML and its exclusive franchisee Mammoth Disposal consider an upgraded transfer station, at the current Mammoth Disposal owned site in Mammoth, will be adequate to meet the needs of the TOML once Benton Crossing Landfill closes.

F2. Through our investigation the Grand Jury concurs with interviewees that the County-owned Pumice Valley site near Mono Lake is the most likely site for a biomass reactor and associated waste programs.

F3. The Grand Jury finds that State of California rural county exemptions for recycling and the amount of organic waste going to landfills are subject to change.

F4. Rural jurisdictions in California face unique challenges in dealing with solid waste mandates coming from the State. For instance, Mono County and TOML could increase their state diversion goal compliance numbers if transformation of recyclables such as paper, cardboard, or organic waste into beneficial product such as biochar could be accepted in State mandates.

F5. Comments made by certain members of the Mono County Board of Supervisors and Council members at public meetings demonstrate a lack of urgency and in some cases, a lack of knowledge surrounding the issue of Solid Waste. Decisions, or lack thereof, made in the next few months may affect solid waste policy for many years to come.

F6. There is little information regarding the issue of the closing of the Benton Crossing Landfill and what that will mean to the citizens and visitors of Mono County.

F7. There is little or no information about recycling programs within Mono County and the TOML, what is or is not recyclable, ways to control solid waste, etc.

F8. Task Force meetings are posted to the Mono County website. However, when members of the Grand Jury signed up to subscribe to email updates through the link, nothing was ever received. Grand Jury members were also unable to find minutes of previous meetings and supporting documents listed as being posted on the site.

RECOMMENDATIONS

R1. We recommend that the TOML view the Mammoth Disposal transfer station as Phase One of their plan with Phase Two being a larger site which can accommodate the processing of industrial waste, green waste, and other programs which can be used to reduce landfill usage and reduce costs. Timeline: By January 1, 2023.

R2. The Grand Jury recommends that TOML and Mono County partner to make necessary improvements to the Pumice Valley site for it to be a viable location for a biomass reactor, associated waste programs, and recycling operations. Timeline: Completed no later than January 1, 2023.

R3. The Grand Jury recommends that TOML and Mono County develop a plan for complying with the amounts of recycling and organic waste going to landfills in the likely event that State of California rural exemptions are changed by July 1, 2020. Timeline: No later than July 1, 2020.

R4. The Grand Jury recommends that Mono County and TOML continue to work with other rural jurisdictions to expand the State's understanding of the challenges that rural areas face in achieving current mandated diversion and recycling goals. Timeline: Ongoing.

R5. The Grand Jury recommends that both the Mono County Board of Supervisors and the Council meet with appropriate Mono County and TOML staff on the issues pertaining to solid waste in order to educate themselves about the situation imposed by the closing of the Benton Crossing Landfill, in order to make informed decisions for their constituents. Timeline: By October 31, 2019.

R6. The Grand Jury recommends that both the Mono County Board of Supervisors and the Council and their staff develop a plan for mass communication to their constituents and visitors about the upcoming closure of the Benton Crossing Landfill and what steps they (Mono County Board of Supervisors and Council) are taking to manage that situation. Timeline: October 31, 2019.

R7. The Grand Jury recommends that the TOML and Mono County work together with local Departments of Public Works, the Task Force, lodging and like associations, Chambers of Commerce and Non-governmental Organizations throughout Mono County to develop programs to educate the public, especially visitors, about what we can all do to increase recycling and minimize solid waste.

Timeline: January 1, 2020.

R8. The Grand Jury recommends that Mono County staff support the Task Force website so that Mono County residents can be better informed about Task Force meetings and be able to engage in the process of creating solid waste policies. Timeline: October 1, 2019.

GLOSSARY OF TERMS

Biomass Reactor: In general, a boiler which transforms organic materials into a usable resource.

BIOCHAR: A form of charcoal which is an output from certain types of biomass reactors. It is formed when organic fuel is incinerated at high heat in a low oxygen environment. The biochar stores CO₂ which is slowly released as it decomposes over a period of years. Can be used as a soil amendment or a method of sequestering CO₂.

C & D: “Construction and Demolition” waste; comprised of wood, concrete, steel, masonry, gypsum, asphalt and other building material waste.

Council: Town of Mammoth Lakes Town Council.

Diversion: Refers to any alternative use of discarded materials which avoids that material not being disposed of in a landfill.

DWP: Los Angeles Dept. of Water and Power. Owner of the land at Benton Crossing Landfill.

MRF: “Multi-use Recycling Facility,” also called Material Recovery Facility. A facility where recyclable materials can be processed. A “Dirty” MRF removes and processes recyclables from solid waste. A “Clean” MRF refers to a facility which processes recyclables which have already been removed from the waste stream.

Request for Qualifications: A document issued by a business or municipality requesting a potential vendor’s qualifications to complete a certain job or project, generally issued prior to an RFP. This is similar to an RFI.

RFI: “Request for Information” - A document issued by a business or municipality requesting information from potential vendors to determine their suitability to perform a certain job or project.

RFP: “Request for Proposals” - A document issued by a business or municipality requesting proposals on how they would complete a specific project, generally including costs to complete the project

Sierra Conservation Project: A local private recycling business that works in cooperation with the TOML, Mono County, Mammoth Disposal, and D&S Waste, Inc.

Solid Waste: Can have different definitions but is generally used here to mean all discarded materials.

Task Force: “Solid Waste Task Force” - is a diverse group of citizens with a stake in the operations of the Solid Waste Program in Mono County. The group is governed by a set of bylaws that were adopted in May 2015 by both the Mono County Board of Supervisors as well as the Council.

Tipping Fees: Fees charged by landfills for dumping at their site. Usually charged by the ton.

TOML: Town of Mammoth Lakes, usually referring to the local Town Government.

2018-2019 MONO COUNTY GRAND JURY MONO COUNTY JAIL INSPECTION Final Report

BACKGROUND

Penal Code Section 919 (b) requires that the Grand Jury annually inquire into the condition and management of the public prisons within the county.

METHODOLOGY

Members of the 2018-2019 Mono County Grand Jury (MCGJ) traveled to Bridgeport and participated in a tour of the jail facility. In addition, Sheriff Department Staff and Mono County Department of Public Works Staff were interviewed. Several documents were reviewed including the Policy and Procedures manual for the jail and the Board of State and Community Corrections (BSCC) Grant application as well as a review of the Mono County Board of Supervisors (MC BOS) Special Budget meetings of May 28 and May 29, 2019.

DISCUSSION

The Mono County Jail, located in Bridgeport, CA is within the jurisdiction of the MCGJ. The current jail facility was built in 1964 with further construction done in 1988. The jail is a Type II Facility which constitutes a maximum of 48 beds with a current population of 23 at the time of the tour. Recent California State legislation has resulted in more offenders with longer terms being sent to county jail facilities rather than to state prisons. This has resulted in counties housing more inmates for longer periods time and all the additional costs associated with that legislation. As stated in The Marshall Project of April 23, 2019, "...changes were also supposed to help people convicted of nonviolent crimes, by letting them serve their sentences close to home in county jails with lots of education and training programs...County spending on medicine for inmates [statewide] has jumped (to almost \$64 million in 2017 from \$38 million in 2010), and the cost of psychotropic medication has recently spiked." (1)

Note: Juvenile offenders may not be housed within sight of an adult, therefore, given the space restrictions at the current Mono County facility, they are sent to other counties within California where they can be appropriately accommodated.

The current number of staff, including supervising Officers and Public Safety Officers (PSO) staffing the jail facility and 911 call center located at the jail is currently at the

minimum; there are four open positions, one for a second jail Sergeant and three PSOs.

During the jail visit, MCGJ members were apprised of existing plans for a new jail to be built on County-owned land in Bridgeport on the site of the former Bridgeport Hospital. The plans for the new facility, for which the County has a \$25 million grant from Board of State and Community Correction (BSCC), would replace the current jail facilities and, based on the plans for the new facility, provide potential benefits to the County and local population with an included health clinic. That clinic, to be housed, in the new jail would service both the public as well as prisoners; plans allow for the clinic and jail to be locked off depending on who is being seen by medical personnel.

When an inmate is assigned to Mono County Jail, the County is responsible for their health - medical, dental, optometric, and psychiatric, as necessary. Staff is required to transport inmates to appointments as there is currently no access to health care providers in Bridgeport. The Toiyabe Health Center is used as much as is appropriate. Eye exams are scheduled in Gardnerville, which requires long periods of time for jail staff traveling with inmates off-site. There are currently no providers of psychiatric health for anyone - inmates or the public, in Mono County.

Support for inmates at the jail facility includes multiple services to assist their reintegration into society and reduce recidivism, including but not limited to counseling, library access, GED program.

During the tour, the staff was asked about visits by the MC BOS to assess the status and conditions of the facility.

FINDINGS

F1. The overall condition of the jail is well maintained given its age. However, as indicated by Public Works staff, Department of Public Works (DPW) receives frequent call outs for maintenance requiring a lot of attention as the facility is beyond its useful life. Additionally, the current facility is not ADA compliant. The construction of the new Civic Center in Mammoth Lakes caused a shift in construction priorities, resulting in the jail construction being postponed. While there is a time limit for completion of the construction, (see the timeline in BSCC Grant application) Mono County Public Works indicates it is working with the BSCC to coordinate extensions, so the grant is not lost. However, the longer the delay the more the costs of construction will likely increase, and changes may need to be made in the overall plan to fit within the grant and matching funds budget. The BSCC Grant can be found at <https://www.bscc.ca.gov/wp-content/uploads/Mono-County-SB-844-Proposal-Final-REDACTED.pdf>

F2. Staffing of officers assigned to the jail is currently operating at the minimum. However, since there are open positions, staff overtime is required, for example, for moving inmates to and from medical appointments and/or trial. The officers working in the jail are situated in a central room with cameras where they can observe inmates and manage 911 calls. A female officer is required to be one of those officers on each shift when women prisoners are housed in the jail.

F3. There is a policy in place that allows all Sheriff department employees - who work in 12-hour shifts, to have an hour to work out during each shift upon approval of their supervisor. This has resulted in increased morale and better health of the members of the department.

F4. Staff's treatment of inmates appeared to be appropriate based on observation and interviews conducted with several inmates.

F5. Cameras cover most of the jail facility, but there are blind spots that may pose potential risks.

F6. Mono County Jail is currently the hub for the 911 dispatch center. In collaboration with Frontier Communications, the recently updated dispatch system can locate the origin of a call, which is extremely helpful in providing assistance in an emergency. Per a discussion with Mono County Sheriff staff, there are ongoing discussions within Mono and Inyo Counties for a possible regionalization of a 911 Emergency call center. Discussions include establishment of a possible Joint Powers Authority to manage the oversight of cooperative action among Mono County Sheriff's Office, Inyo County Sheriff's Office, Bishop Police Department, Mammoth Lakes Police Department, Local fire agencies (non-federal), Medical, DPW, etc.

F7. Per discussion with Mono County Sheriff Staff, MCGJ members were informed that the most recent visit to the jail by members of the MC BOS was quite some time ago – April of 2016.

RECOMMENDATIONS

R1. The MC BOS and DPW should make every effort to progress the final planning and construction phases of the New Jail building to avoid cost overruns, provide the best possible long-term facility and be able to incorporate the health clinic for locals.
Timeline: End of 2019.

R2. The MC BOS should fund all open jail staff positions. Timeline: The next Fiscal Budget.

R3. Sheriff Department Jail Staff should continue their current practices. Timeline: Ongoing.

R4. Sheriff Department Jail Staff should continue their current practices and procedures. Timeline: Ongoing.

R5. The Sheriff's department is recommended to provide additional camera coverage for any potential blind spots within the current jail facility. Timeline: Within the next six months.

R6. Continue discussions of a possible Joint Powers Authority to manage a new 911 system shared by Mono County and Inyo County and their appropriate emergency agencies (Police, Fire, Etc.) to provide improved and consistent services to the community. Timeline: Ongoing.

R7. The MC BOS is recommended to make an annual visit/tour of the Mono County Jail. Timeline: Annual.

1. <https://www.themarshallproject.org/2019/04/23/who-begs-to-go-to-prison-california-jail-inmates>

2018-2019 MONO COUNTY GRAND JURY CONTINUITY COMMITTEE FINAL REPORT

SUMMARY

The 2018-2019 Mono County Civil Grand Jury (MCCGJ) Continuity Committee (CC), reviewed the past four years of published Grand Jury reports from 2013-14 through 2017-18, *(2015-16 Grand Jury never convened and therefore no final report was ever issued.)* Upon review, CC determined there were multiple recommendations agreed to by appropriate entities on several prior MCGJ reports that needed to be verified for completion and compliance. In addition, Penal Code Section 919 (b) requires that the Grand Jury annually inquire into the condition and management of the public prisons within the county, and the CC assumed that responsibility. The review of Mono County Jail will follow as a separate report.

Link to all known Final Reports & Responses:

<https://www.mono.courts.ca.gov/generalinfo/jury-grandjury.htm>

BACKGROUND

Upon review of the four previous Grand Jury reports, the CC determined it was not necessary to launch any new investigations at this time. We, however, reserve the right to make a recommendation to future Grand Juries to follow up, should it be deemed necessary.

The CC reviews GJ Reports to see if a recommendation was made by a previous MCGJ. If so, did the agency in question agree to the recommendation and if they did agree, did they do what they said they were going to do?

DISCUSSION

To review the reports from the four previous Grand Juries, a matrix was developed by the 2018-19 CC as a starting point. In it, (see chart below), issues in red/bold merited follow up. If responses to recommendations were needed or evidence of compliance was not clear, the CC would send a letter to the appropriate agency. All responses were received within the requested time frame.

| 2018-19 Grand Jury Continuity Committee Matrix / Review of GJ Reports 2013-18 | | | | | | | | |
|---|---------------------------|--------------------------------------|----------------------------------|----------------------------------|-------------------------------|-------------------------------|-----------------------|-------------|
| 2013-14 Grand Jury Final Report | | | | | | | | |
| Title/Investigation No. | | Mono County Dept. of Social Services | TOML Materials Recovery Services | Mammoth Lakes Tourism | Mono County Assessor's Office | Mono Co Admin/ HR | Mono County Jail Tour | |
| Response Review | | 1314.01 | 1314.02 | 1314.03 | 1314.04 | 1314.05 | 1314.05 | |
| Further Action | Closed | Yes | Yes | No | Yes | Yes | With POC | |
| | Letter needed? | No | No | No | No | No | No | |
| | New Investigation Needed? | No | No | See 14-15 Report | No | No | Annual | |
| 2014-15 Grand Jury Final Report | | | | | | | | |
| Title/Investigation No. | | MC Sheriff Office Complaint | MC Employee | MC Animal Control Services | TOML TOT | Mono County Assessor's Office | Mono County Jail Tour | |
| Response Review | | 1415.01 | 1415.02 | 1415.03 | 1415.04 | 1415.05 | 1415.06 | |
| Further Action | Closed | Yes | No | Yes | Closed in 18/19 | Yes | Yes | |
| | Letter | No | Yes | No | No | No | No | |
| | New Investigation Needed? | No | No | No | See 2017-18 | Resolved in 2017/18 | Annual | |
| 2016-17 Grand Jury Final Report | | | | | | | | |
| Title/Investigation No. | | MC - Registrar | Town Council & Town Manager | TOML Finance | Mono County Jail Tour | | | |
| Response Review | | 1617.01 | 1617.02 | 1617.03 | 1617 | | | |
| Further Action | Closed | Yes | Yes | Yes | Yes | | | |
| | Letter Needed? | No | No | No | No | | | |
| | New Investigation Needed? | No | No | No | Annual | | | |
| 2017-18 Grand Jury Interim Report - Final | | | | | | | | |
| Title/Investigation No. | | Jail - Holding Cell | Jail - PT Cook | TOML - TOT | MC Registrar of Voters | MC Assessor's Office | MC EMS Responses | TOML Admin. |
| Response Review | | 1718.01 INT | 1718.02 INT | 1718.03 INT | 1718.04 INT | 1718.05 INT | 1718.06 INT | 1718.07 INT |
| Further Action | Closed | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Letter needed? | No | No | Yes responded | No | No | No | No |
| | New Investigation Needed? | No | No | No | No | No | No | No |
| 2017-18 Grand Jury Final Report | | | | | | | | |
| Title/Investigation No. | | Mammoth Lakes Tourism | Mono County Jail Tour | Mammoth Community Water District | TOML Amerigas Franchise | TOML Amerigas Billing | | |
| Response Review | | 1718.08 | 1718.09 | 1718.1 | 1718.11 | 1718.12 | | |
| Further Action | Closed | Yes | Yes | Yes | Yes | Yes | | |
| | Letter needed? | Yes - responded | N/A | N/A | Yes - responded | Yes - responded | | |
| | New Investigation Needed? | No | Annual | No | No | No | | |

METHODOLOGY

After a review of the previous MCGJ reports and recommendations, it was determined that one investigation was unresolved and flowed in subsequent reports. The following is a breakdown by the original investigation, with the subsequent new investigations and current status:

1. **Mammoth Lakes Tourism TOT - 1314.03** (2014-15 MCGJ Report as #1415.04, 2017-18 MCGJ Report as 1718.03INT.)
 - a. It was recommended by the 2013-14 MCGJ that the Town of Mammoth Lakes (TOML) Finance Department audit lodging provider for TOT remittal compliance. The item continued in years 2014-15 and then into 2017-18 as a new investigation with a recommendation that the TOML audit at least one smaller and one larger lodging provider for TOT compliance. The 2018-19 MCGJ Continuity Committee sent a letter to the TOML asking them to confirm compliance.

2. **Mammoth Lakes Tourism - 1718.08**
 - a. The 2017-18 MCGJ recommended Brown Act Training for MLT Board of Directors and MLT Staff. The 2018-19 CC sent a letter of inquiry regarding adherence to the MCGJ 2017-18 recommendations to the MLT Board.

3. **TOML Amerigas Franchise - 1718.11**
 - a. A letter of inquiry regarding adherence to the MCGJ 2017-18 recommendations was sent to the TOML Staff. Based on responses received, the TOML is pursuing several options.
 - b. TOML is renegotiating the contracts with Amerigas for all Town Facilities.
 - c. TOML is meeting regularly with Amerigas on a quarterly basis to work on, among issues, an emergency response plan and “as built” plan updates.
 - d. TOML is conducting an audit of AmeriGas and Cost of Maintaining System Backbone with the objectives to:
 - i. Determine the accuracy of the 2% franchise fee, including the methods used for the calculation.
 - ii. Confirm that the access charge of \$.32 per gallon charged by AmeriGas for access to the pipeline is the same for all suppliers who access the pipeline and that the fee shall not exceed the cost AmeriGas attributes to its own use.
 - iii. Verify that the Capital Recovery Analysis (CRA) to justify the continued charge of \$.32 cents per gallon. Including an understanding of the investment that AmeriGas has made in the

distribution system; the depreciation of those capital improvements and to determine the annual cost of operating the system.

4. TOML Amerigas Billing - 1718.12.

- a. A review of the 2017-18 MCGJ revealed there was an investigation on which recommendations were made that deserved to be addressed to the appropriate entities for results and compliance. A letter was sent to the TOML requesting an update.

FINDINGS

F1. The CC found regarding **Mammoth Lakes Tourism TOT #1314.03**, the TOML responded to the 2018-19 letter of verification in a timely manner and indicated they had begun the audit program as previously recommended. The TOML Finance Department discovered a discrepancy in the initial audit and are in the process of collecting funds. In addition, they decided to expand on the GJ recommendation and are now conducting audits on a minimum of two large and two smaller lodging providers per year.

F2. The CC found regarding **Mammoth Lakes Tourism - 1718.08**, MLT agreed with the finding and recommendation to provide training and education of the Brown Act to all MLT Board of Directors and to MLT Staff. MLT responded to the 2018-19 letter of verification in a timely manner and indicated they had completed training for all current MLT Board of Directors and MLT Staff and would continue to train all future employees and board members.

F3 & F4. The work of TOML regarding Amerigas is ongoing but appears to be complying with the recommendations made by the 2017-2018 MCGJ. As several issues within the confines of those investigation recommendations are proceeding, this MCGJ cannot confirm their adherence at this time but is confident they are moving forward satisfactorily.

RECOMMENDATIONS

The CC concluded all recommendations from previous MCGJ reports received responses and compliance was in progress. The CC did not open any new investigations on these matters during the 2018-19 term.