

MONO COUNTY

GRAND JURY FINAL REPORT

2002-2003

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FINAL REPORT CREDITS

Cover design: Mammoth Lakes High School Computer Class
Production: C.D. Ritter and Cindy Silverman

INTRODUCTION

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

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IN RE:

GENERAL ORDER

2002-2003 Grand Jury

I certify that the 2002-2003 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 29 day of July, 2003.


EDWARD FORSTENER
Presiding Judge of the Superior Court

THE MONO COUNTY GRAND JURY
State of California
P.O. Box 1037, Mammoth Lakes, CA 93546

Foreman
Dennis Erdman

July 9, 2003

The Honorable Edward Forstenzer
Presiding Judge of the
Mono County Superior Court

Dear Judge Forstenzer:

Enclosed is the Final Report of the 2002-03 Mono County Grand Jury.

I want to take this opportunity to express my appreciation to the members of the 2002-03 Grand Jury for their efforts during the past year. As you will see in the following report, a number of issues came before the Grand Jury, were reviewed and reports prepared with recommendations in many cases.

In particular, I would like to thank the secretaries of the Grand Jury, Ceal Gargan and Pam Maupin, who provided a valuable and important service in keeping track of the events and proceedings of the Grand Jury. Also thanks to the committee chairmen who handled the issues assigned to their committees and oversaw the preparation of the final reports.

A special acknowledgement is due to Grand Juror Carolyn Smith, whose Mammoth High School computer class designed the front cover of this report.

Members of the County Counsel's office and staff members of the Superior Court also ably assisted the Grand Jury. Cindy Silverman and Bob Dennis were helpful to the Grand Jury as well as C.D. Ritter, who prepared the final draft of this report.

Throughout the following report there are references to the 911 emergency call system. The Grand Jury believes it is very important for this system to function without failure. We trust the governmental agencies responsible to over see this system will take the steps necessary to assure the integrity of the system.

Sincerely,

Dennis A. Erdman, Foreman
Mono County Grand Jury 1002-03

THE FUNCTIONS OF A CIVIL GRAND JURY

The functions of a civil grand jury (as opposed to a criminal grand jury that issues criminal indictments) are not widely known. The primary function of a civil grand jury is as an investigatory body for the purpose of watching over the numerous county and city governments and various special legislative districts. The purpose of the investigations and reviews is to assure that there is honest, efficient and effective government in the best interests of the citizens of the county. Grand jury duties, powers, responsibilities, qualifications and the selection process are set forth in the California Penal Code Section 888 et seq.

The Mono County Grand jury reviews and evaluates procedures, methods and systems used by County and Town departments to determine (a) whether such systems, procedures and methods comply with the stated objectives of the departments, and (b) if the departments' operations can be made more efficient and effective. One of the ways that the grand jury conducts its investigations is by responding to complaints received from the citizens of Mono County regarding problems or issues with the various governmental agencies of the county, special districts, or the town of Mammoth Lakes. Thus, for the grand jury to be truly effective, it is necessary for the citizens of the county to become involved.

The members of the grand jury are average citizens from throughout Mono County. The members are selected based upon their willingness to volunteer their time for at least a one-year period beginning each July 1. The grand jury acts lawfully only as a body. No individual grand juror, acting alone, has any power or authority. Meetings of the grand jury are not open to the public, and the members are sworn to secrecy. Law requires all matters discussed before the grand jury and votes taken to be kept confidential until the Final Report.

The end result of inquiries into civil matters by the grand jury is released to the public by means of a Final Report issued at the end of the term of the grand jury. The committee reports contained in the Final Report are prepared by each of the individual committees, and once approved by the particular committee, are then reviewed, edited and ultimately approved by the entire grand jury. Then the Final Report is approved by the presiding judge of the Mono County Superior Court.

GRAND JURORS AND ADVISORS

ACTIVE JURORS

Steve Allnutt, Mammoth Lakes
Gordon Alper, Mammoth Lakes
Ron Black, June Lake
Denise Boucher, Mammoth Lakes
Philip Cardan, M.D. Mammoth Lakes
Kelly Cashman, Lee Vining
John Elliott, Coleville
Dennis Erdman, Mammoth Lakes
Cecilia Gargan, Benton
Pamela Maupin, Mammoth Lakes
Mary Meinhard, June Lake
Rick Mitchell, Chalfant
Tony Salazar, Bridgeport
Carolyn Smith, Mammoth Lakes
Doris Spencer, Coleville
Sally Stoltzfus, Mammoth Lakes

RESIGNED JURORS

Marcia Holley, Mammoth Lakes
Boyd Lemmon, Mammoth Lakes

OFFICERS

Foreman: Dennis Erdman
Foreman: Pro Tem Tony Salazar
Secretaries: Ceal Gargan & Pam Maupin

ADVISORS

Presiding Judge of the Superior Court: Edward Forstenzer
District Attorney: George Booth
Court Executive: Officer Bob Dennis
County Counsel: Marshall Rudolph
Deputy County Counsel: Stacey Simon
Administrative Assistants: C.D. Ritter & Cindy Silverman

GRAND JURY COMMITTEES

ADMINISTRATIVE

AUDIT & FINANCE

BUILDING, PLANNING & ENVIRONMENT

EDUCATION

HEALTH & HUMAN SERVICES

LAW ENFORCEMENT

PARKS, RECREATION & PUBLIC WORKS

THE GRAND JURY 2002/2003 CORRESPONDENCE AND COMPLAINTS FROM CITIZENS

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

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

This year the grand jury received two carry-over complaints from previous years, one was connected to an internal investigation in regard to the 911 systems and is still in progress; the other was referred to the District Attorney. Shown below are the complaints received. The results of these investigations can be found in the individual standing committee reports.

#02-01: Carry-over regarding disaster plan, now connected to #02-14 (I).

#02-02: A letter contending unethical procedures within the Eastern Sierra School District. Referred to Education Committee.

#02-03: A letter requesting information about available senior services in Mono County. Referred to Health and Human Services Committee.

#02-04: Request for the possibility of a family-visiting room at the jail. Referred to Law and Justice Committee.

#02-05: An unsigned letter requesting an investigation of possible drug users. Referred to District Attorney.

#02-06: A letter of complaint about an architectural matter. Referred to Law and Justice Committee, and then to the District Attorney.

#02-07: Was 00-12/ 01-10—An unsigned letter asking for an investigation into a possible conflict of interest at Mammoth Hospital. Referred to District Attorney.

#02-08: A request for Grand Jury help for an ongoing family dispute. Referred to District Attorney.

- #02-09, #02-10:** Received from same complainant in regard to the court system. Referred to Law and Justice Committee.
- #02-11:** Complaint in regard to the court system. Referred to Law and Justice Committee.
- #02-12:** Complaint in regard to the court system. Referred to Law and Justice Committee.
- #02-13:** Mammoth Lakes Contractor vs. Mammoth Lakes Planning Department. Referred to Town of Mammoth Lakes and Building and Planning committees. (referred to 03-04 GJ)
- #02-14:** Question in regard to street signage, addresses and road identification along with responsibility for the 911 systems. Referred to Parks, Recreation and Public Works Committee.
- #02-15:** Complaint about the conditions in the Mono County jail. Referred to Law and Justice Committee.
- #02-16:** Letter of inquiry about the grand jury system. Response sent.
- #02-17:** Letter about information delivered to local law enforcement. Out of grand jury jurisdiction. Response sent.
- #02-18:** Letter in regard to appeals process. Out of Grand Jury jurisdiction. Response sent.
- #02-19:** Request for inquiry into procedures in a Special District. Referred to Parks, Recreation and Public Works Committee. (referred to 03-04 GJ)
- #02-20:** Letter in regard to court system and claim of innocence. Out of Grand Jury jurisdiction. Response sent.
- #02-21:** Copy of letter sent to Board of Supervisors asking for an appearance before Grand Jury. Out of grand jury jurisdiction. Response sent.
- #02-22:** Letter asking for help with a code compliance problem. Out of the province of the grand jury. Response sent.

COMMITTEE REPORTS

ADMINISTRATION COMMITTEE

INTRODUCTION

The Administration Committee studies the organization, efficiency of operation and any other similar matters that affect county government, town government and/or special districts. It provides a grand jury observer at Board of Supervisors meetings and at special meetings and reports all significant transactions to the grand jury.

BACKGROUND

1. An interview was conducted with the Sheriff regarding the 911 emergency call system. An issue had surfaced regarding the possibility of selective responses by the Sheriff's department to 911 calls, particularly in the North County. Selective response suggests "flagging" of chronic callers for less-than-prompt responses (covered under separate report).
2. Some grand jurors questioned the accuracy of phone numbers to addresses in the 911 system.
3. An interview was conducted with the Public Works Director to obtain a general, overall view of policy and procedures in the department with some emphasis on the use of and/or need of technology.
4. An interview was conducted with the Director of Information and Technology for the same purpose as that of Public Works.
5. A request was received to approach the Board of Supervisors to inquire and request that the "Opportunity for the Public to Address the Board" be moved from the beginning of the session to the end in order to better accommodate the public.
6. Pursuant to the duties of the committee, a committee member was present at most Board of Supervisors meeting to observe and, when proper, report significant transactions to the grand jury.

FINDINGS

1. Selected phone numbers were "stuffed" into the 911 system, and in no case were any "flags" found for each number brought up on the screen. The Sheriff and dispatch supervisor advised that special information will surface in medical cases, weapons on site, or propensity for violence in order that the responding deputy will be properly prepared upon arrival. It is a state mandate that all 911 calls be handled based upon the nature of the call.

The 911 system is overseen for accuracy of phone numbers to addresses by Verizon, which is under a state contract and paid to update the directory for the 911 system.

Our numbers submitted reflected some errors such as: "Way vs. Lane," an address showing 775 vs. 779, and an incomplete street name. *Most were accurate, but any mistakes are unacceptable when public safety is at stake.*

3. The Public Works Department appears to function very well and within the policies and procedures laid out for it. The director felt that he had a good working relationship with the Board of Supervisors and the CAO. Technology is used as provided, and there is no problem with it. It was stated that the department could and would use new or other technology when available, however there appears to be no motivation to look for new or better systems. The status quo seems to be acceptable.
4. During the interview with the Director of Information and Technology it was stated that some problems existed. The department could use one additional technician, as one technician now dedicates 95% of his time to the Sheriff's Department. The wireless system, over four years in the making, is not working properly therefore there is a possibility of reverting back to wire. There are two areas which may be of concern: 1) A long-term strategic plan has not been formulated. Until accomplished, proper direction and goals cannot be adequately addressed and, in effect, crisis management would continue. 2) A backup system has not been obtained in the event of hardware failure. The county has been without one for at least two years. This was addressed in the Auditor's 2001-02 and 2002-03 management reports.
5. The request for a change in the "Opportunity for the Public to Address the Board" was presented on 12-3-02 and resulted in an additional opportunity for the public to address the board at the beginning of the afternoon session.
6. Regular attendance at meetings and scrutiny of the full board packet indicated that the board complied with the Brown Act, was professionally administered and engaged both staff and public input in the decision process. Subsequent reports to the grand jury provided insight into our current governmental accountability. The CAO identified a significant issue regarding an oversight in investment activity, and the board implemented corrective action.

RECOMMENDATIONS

1. None
2. Verizon must be held accountable for its contract. Possibly citizens could be advised to call a central number to verify their number and/or Fire, Sheriff and/or volunteers could be utilized for this essential emergency service. Someone must take the ultimate responsibility for the correctness of the system; at present, no one is in charge. See supplemental report on 911 system.

3. A more imaginative approach to new and/or changing technology may, in the long term, benefit the Public Works Department.
4. A long-term strategic plan should be established immediately by Information and Technology. A backup system in the event of hardware failure is imperative. This should be a priority.
5. None
6. Maintain, as a priority, regular observation at meetings and scrutiny of board packets. Provide follow-up with the Fiscal Review Board regarding the county's investment activity.

ADMINISTRATIVE COMMITTEE (Supplemental)

Issue: 911 Emergency Call System

The grand jury looked into the 911 emergency call system in Mono County after learning about several instances in which the system was reported to have not functioned in an efficient manner.

Background:

The State of California, acting through the Office of Emergency Services, has statewide responsibility for the 911 emergency call system. This office in turn relies on each county and the emergency services office in the county to oversee and manage the 911 emergency call system. In recent years there has been enhancement to the original system. These enhancements are intended to give the responding agencies more information about the location from which a 911 call is placed.

The purpose of the enhancements is to provide for follow-up on a possible emergency in the event that the caller is unable to speak, the line is disconnected or perhaps the caller needs to leave the line to render aid to a victim of a medical emergency. The enhanced 911 (e911) system was first introduced to Mono County in 1997.

A well-functioning emergency call system is a partnership between a number of parties: Sheriff (Mono One), Verizon, and first responders. In Mono County, the Sheriff's Department handles the emergency call center, which is part of the Central Dispatch Center in Bridgeport. The partnership includes Verizon, the communications company (telephone company) serving the majority of Mono County. On the responding end of the 911 system are the various law enforcement and emergency service workers from both fire departments and paramedic units within the county. It should be noted that 911 calls placed via cellular telephone are received by the Bishop Highway Patrol office and forwarded to the appropriate agency for response. This adds an additional complication to the 911 system. Furthermore, at this time, cellular calls are not traceable to the location of the caller.

Reported System Problems:

The grand jury became aware of several instances in which the e911 system did not function as intended. In one reported case in June Lake, a man was suffering chest pains and when the 911 call was placed to Mono One, the Dispatcher relayed the call to Medic II with an address from the database. The Medics recognized the name of the party and also recognized that the address given was incorrect because they had responded to a recent call at that residence. They went to the correct location and found the patient in “full arrest.” The patient was successfully revived, but if they had gone to an incorrect address first, the outcome may not have been the same.

Members of the grand jury toured the dispatch center in Bridgeport. Their radio call sign is “Mono One.” The dispatch center is located at the Jail Facility. The computer system, communications system and other technology supporting the operation are relatively new and in excellent condition. Members of the panel were given a demonstration of the e911 call system and the procedures for handling a call were described. Several telephone numbers were queried to see if the correct address was associated with the number. Of the five that were checked four were correct and one was incorrect.

In order for the e911 system to function as intended, the information contained in the county database needs to be correct. The Sheriff’s Department has reported that surcharges collected by the various telephone companies in California for the e911 system are distributed by the State to the counties for help in maintaining and upgrading the e911 system. In Mono County, Verizon was said to receive approximately \$360,000 per year for this activity. One purpose of this money is to keep and update the database of telephone numbers and corresponding physical addresses.

In addition to getting the physical address correct, the first responders need to find that address. In some cases, address numbers are not posted on buildings. Some streets have addresses from different address numbering systems that do not correspond with one another. These are relics from the past that need to be corrected. In some cases, street signs are missing due to auto accidents; snow blowing that covers the signs and some that were just never placed due to being private streets or other reasons.

Findings and Conclusions:

The 911 system is a critical link in the emergency response to problems in Mono County. Technology is available currently to enable the central dispatch in Bridgeport to provide additional information to first responders. In some cases, the information in the system is wrong, and in some cases it is missing. In either case, the lack of correct information could compromise the efficient operation of the system and possibly lead to loss of life or property.

Recommendations:

It is therefore recommended that the Mono County Board of Supervisors undertake a review of the e911 system and assign responsibility for correction and improvement of any deficiencies that are found. Furthermore, a method needs to be developed where updated information is constantly fed into the database so that it is accurate at all times. If Mono County through Verizon is getting a portion of the \$140 million collected statewide for e911

system improvements, Verizon should be compelled to show that it is spending that money where it was intended to be spent. Code Compliance should be asked to check the addresses posted on property to see that the address corresponds to the assigned county system. County Public Works or Code Enforcement Official should follow up to be sure proper addresses are displayed within county areas. The Town of Mammoth Lakes should also seek to develop uniform street address system.

The County Board of Supervisors has ultimate responsibility to assure these steps are taken in the name of public safety.

AUDIT & FINANCE COMMITTEE

INTRODUCTION

The Audit and Finance Committee selectively reviews the accounts, financial statements and audit reports of Mono County, any special legislative district, and/or the Town of Mammoth Lakes.

BACKGROUND

The committee reviewed the outside auditor's 2001-02 and 2002-03 audit reports and management reports for the county.

FINDINGS

The 2001-02 and 2002-03 audit reports reflected no major concerns, however the management reports for both periods noted the absence of a backup for the county computer hardware system thus reflecting at least a two-year period without one.

RECOMMENDATIONS

A major effort should be made to locate a compatible backup to the county system in order to prevent possible serious problems in the event of a hardware failure. The county C.A.O. is requested to report back to the Grand Jury on progress on this item by December 31, 2003. Failure to have an adequate backup system will sooner or later result in loss of valuable data which will be costly to the public.

BUILDING, PLANNING & ENVIRONMENT COMMITTEE

INTRODUCTION

The Building, Planning & Environment Committee received one letter of complaint during this term, concerning the manner in which the Building Department for the Town of Mammoth Lakes conducts its plan approval process.

ISSUES

1. Allegations were made concerning preferential treatment given to an unidentified contractor during the plan approval process for an unidentified house then under construction in the Juniper Ridge area. The complaint alleged that the plan approval process for this particular house took only two weeks, and was approved "in house," as compared to a three-month approval process experienced by other contractors. The complaint further alleged "rumors and allegations of money exchanging hands -- wining and dining," as between the individual contractor allegedly receiving preferential treatment and the Town of Mammoth Lakes Building Department.

2. The complaint was submitted anonymously because the author feared retaliation.

RECOMMENDATIONS

This complaint was discussed by the entire grand jury. Although the grand jury ordinarily does not take action on anonymous complaints, it was decided that this complaint warranted an investigation, or at least an interview, with the Building Official for the Town of Mammoth Lakes Building Department concerning the procedure for obtaining a building permit. The complaint was referred to this committee, as well as to the committee for the Town of Mammoth Lakes. Unfortunately, due to time constraints, the members of this committee and the committee for the Town of Mammoth Lakes were not able to schedule an interview with the appropriate person in the Building Department within the term of this grand jury.

It is recommended that this complaint be forwarded to the incoming grand jury for review and possible further action.

EDUCATION COMMITTEE

INTRODUCTION

The Education Committee conducted one inquiry this term. The inquiry was driven by a letter of concern from a citizen of Mono County. The letter contained eight questions geared toward the conduct and actions of the Eastern Sierra Unified School District (ESUSD). All eight questions were addressed separately and answered through interviews of relevant parties with knowledge of the issues being addressed. The question was categorized as Education Committee 02-02.

BACKGROUND AND QUESTION #1

In response to the recent school violence around the country, the state of California provided restricted funding to the state's schools specifically to add new school safety programs and to improve and enhance existing safety programs. Under the recommendation of the ESUSD superintendent, the school board elected to use the funds to pay the salaries of an existing school playground monitor and portion of a counselor's salary.

Was the expenditure of the restricted school safety funds done within the spirit of the legislation that allocated those funds; to add, improve or enhance the school's safety programs?

DISCUSSION

In March 2001, a memorandum published by the California Department of Education indicated the funds could be used to hire personnel trained in conflict resolution.

In an interview a party with knowledge of this issue conveyed to the committee that the school safety grant lists counselors as an allowable expense. This person said counselors are now also used for student interventions. Since counselors do not have students on an everyday basis, they are a targeted position for budget cuts. Paying a portion of a school monitor or counselor's salary from the grant eases some of the budget cuts because it frees up money in the general fund that can then be used for practical everyday needs. Finally, our interviewee said the largest expense to date was on intrusion alarms for all the schools in the district.

Another interviewee believed the funds were spent within the spirit of the legislation, and indicated that more education and training of monitors was needed, as well as hiring more monitors.

BACKGROUND AND QUESTION #2

At the beginning of the 2001-02 school year, approximately \$54,000 was spent. This expenditure was listed in the consent agenda as a hand warrant. With respect to this hand warrant there was no discussion by the board members nor was any public comment allowed prior to a final vote. Essentially, there has been no public disclosure as to the purpose of the expenditure.

What was the \$54,000 hand warrant for? Was the expenditure proper and consistent with school district goals? Was the expenditure used to cover up improper personnel management practice and, if so, were there sanctions for the improper personnel management decisions?

DISCUSSION

The \$54,000 hand warrant was for a settlement between the ESUSD and a certified employee of the ESUSD.

An interviewee thought that under the circumstances the settlement was consistent with the school district's goals and furthermore, it was not to cover up improper personnel management practices.

There was little comment on this issue because it was discussed during closed session of the board meetings. In the interviews for this question it was learned that if there is a personnel issue, then it is to be discussed in closed session unless the person the issue pertains to waives this right.

BACKGROUND AND QUESTION #3

The ESUSD superintendent has the use of a school district credit card. The Education Committee was asked to look into the use of this credit card.

Is the school district credit card being properly used for appropriate purchases?

DISCUSSION

Initially this committee obtained copies of six months of credit card statements. The committee analyzed the statements and used them during the interviews. An interviewee conveyed to this committee that the card had been used appropriately, but indicated that less could be spent on dining.

In an additional interview, it was stated that the credit card was used appropriately. This person further stated that other office personnel look at the receipts.

In the committee's analysis of the six statements it was discovered that the highest month was \$1400, and the lowest month was \$85. The type of transactions appeared to be business travel expenses as well as dining in the local area. With respect to dining in the local area it was learned from the interviews that the ESUSD superintendent would take principals, board members and other school personnel to luncheon meetings.

BACKGROUND AND QUESTION #4

Minutes are taken at the ESUSD School Board meetings. This committee was asked to look into the accuracy of the school board meeting minutes. It was relayed to the committee that the minutes do not accurately reflect the discussion carried on at the board meetings.

Do the minutes of the ESUSD board meeting accurately reflect what transpires at the meetings or are they sanitized to portray a hidden agenda to discredit a specific board member, hide criticism of the district superintendent, or hide poor district management?

DISCUSSION

Interviews were conducted with relevant parties who had knowledge of this particular issue. The consensus of the interviewees was that the minutes do accurately reflect what transpires at the meetings. One person indicated the minutes are to reflect the board's motions and do not include everyone's comments. This person further stated that minutes were taken if a person had signed up to speak. In another interview the committee was told that the meetings are a transcript of the business of the board, and to type everything said in the minutes would be a waste of time. A common thread among the interviewees was that the minutes are approved at the next meeting. Prior to their approval, anyone could make a request to have the minutes amended.

One person interviewed suggested the minutes could be more detailed. This person thought

the superintendent controlled what was put in the minutes. This person further stated that a majority vote of the board was all that was needed to approve the minutes. Consequently if this person wanted something changed in the minutes it had to be passed with a majority vote of the schoolboard. From interviews it was learned that the following process takes place with regard to the school board meeting minutes: the minutes are taped, and the secretary takes notes during the meeting. After the meeting office personnel transcribe the minutes from the notes and the tapes. Another person in the office proofs the minutes. The superintendent then looks at the minutes prior to next meeting. Finally, at the next meeting the school board members vote whether to adopt the minutes.

BACKGROUND AND QUESTION #5

The next item on the citizen's complaint directed the committee toward looking into whether or not the ESUSD Superintendent systematically divided and isolated the school board members from each other.

Has the ESUSD superintendent demonstrated effective leadership and provided professional support to the board that allows them to work together collaboratively, to effectively oversee the district's operations?

DISCUSSION

The consensus of the interviewees was that the superintendent demonstrates effective leadership and allows the board to work together. One interviewee informed the committee of two training sessions the board members could attend annually. These functions were attended by most of the school board members as well as the superintendent. The committee was informed that the workshops helped build cohesiveness between the board members and the superintendent.

One interviewee thought the opposite of the other interviewees and believed the group did not work well as a team.

BACKGROUND AND QUESTION #6

The committee was asked to look into board members' requesting items on the school board's agenda for discussion.

Are all board members given equal opportunity to place requests on the school board agenda?

DISCUSSION

From the interviews the committee learned the following: when a school board member requests that an item be placed on the agenda, it goes to the superintendent, who then takes it to the school board president. The school board president ultimately decides if the item is to be placed on the agenda. The majority of the interviews indicated all board members had items placed on the agenda. Some issues were not placed on the agenda because legal counsel thought they were not appropriate items for an open public agenda.

BACKGROUND AND QUESTION #7

Recently, a computer technician was hired by the ESUSD.

Were district hiring policies followed in filling this position?

DISCUSSION

An interview was conducted with a person who had knowledge of the hiring polices for the district. The interviewee conveyed to the committee that the position was posted internally as a classified position. Subsequently, there was only one person who applied for the position so there was no need for a review committee. This person was qualified for the job. Further inquiry through another interview revealed that the school board had approved the position.

BACKGROUND AND QUESTION #8

In June 2002, a special board meeting was called to discuss a personnel issue with regard to the superintendent. This meeting was canceled because two board members could not attend due to the Cannon fire. The topic of this special meeting was moved to the regularly scheduled monthly meeting. The two members who could not attend the special meeting still could not attend the regularly scheduled board meeting. One of the members who could not attend asked that the meeting be postponed one more time until the two absent board members could attend. The request to postpone the meeting was refused, and the meeting took place.

Why did the board continue with the regularly scheduled meeting when an important topic was to be discussed and two board members could not attend?

DISCUSSION

The June meeting did in fact take place without the two board members present. The other three board members represented a quorum, which allowed the board to conduct business. The topic to be discussed was a personnel-related issue. Since it was personnel related, it was to be discussed in closed session. As previously mentioned, a personnel issue has to be discussed in closed session unless waived by the person the issue pertains to. In this case the board had a quorum so discussions were held and decisions were made. One other factor that contributed to this meeting taking place was that the school budget needed to be approved at this meeting.

RECOMMENDATIONS

The ESUSD superintendent is not an elected position. The ESUSD board members, who are elected officials, are responsible for hiring the superintendent as well as monitoring the superintendent's duties and actions. The superintendent and school board members must continue to maintain an open line of communication with each other as well as with their constituents.

Furthermore, while none of the issues addressed uncovered any wrongdoings, it is recommended that citizens be encouraged to raise issues for investigation such as the ones presented to this committee. Inquiries such as this allow people to be more informed and aware of what transpires at certain levels of government.

Question #1: It is recommended that the district continue to train as many counselors and monitors as needed to maintain the highest-possible security for the schools.

Question #2: None

Question #3: With the recent budget constraints facing the school district, it is recommended that the use of school district credit card be more closely scrutinized. If lunches during or after meetings are not necessary, then perhaps they should be eliminated.

Question #4: If the minutes are not accurate, it is recommended that corrections be discussed prior to adoption at the following meeting.

Question #5: Board members and the superintendent should continue to attend the two training sessions at the beginning of the year. These training sessions can not only provide useful information to board members, but might also help render professional support to the board and the superintendent that allows them to work together more effectively.

Question #6: If board members think certain items are not being placed on the agenda, they should discuss with the school board president why their items are not included on the agenda.

Question #7: The school district must continue to follow guidelines in hiring personnel as done in this situation.

Question #8: None.

HEALTH & HUMAN SERVICES COMMITTEE

INTRODUCTION

The Health and Human Services Committee received one letter of complaint during this term. The committee also received a report from Tom Wallace, director of Health and Human Services for Mono County. Dr. Richard Johnson, Mono County Public Health Officer, made a presentation regarding bioterrorism before the entire grand jury.

ISSUES

The letter of complaint (#02-03) had numerous questions regarding senior services offered the 60+-age population in Mono County. Some of the questions were found to be outside the scope of the grand jury. Committee members reviewed a summary of the 2000 Census data for Mono County as well as statistical data for the town of Mammoth Lakes for the year 2002. The committee interviewed a Mono County public health nurse, and a member of the Advisory Council of IMAAA and Social Services provider for Mono County.

FINDINGS

1. The 2000 Census showed an increase in the senior population of Mono County. However, the vast majority of elderly still resides in Inyo County. Medical services and home and mental health care provided by Mono County were found to be adequate despite the population increase. No significant disparity in the provision of senior services between Mono and Inyo counties was found.

2. Tom Wallace's report, dated April 19, 2003, reviewed his goals and objectives for the Mono County Health and Human Services Agency. While there were no issues to the grand jury to investigate, Wallace did indicate that next year's state budget uncertainty was expected to adversely impact State allocation, service mandates and eligibility for HHS services.

3. In response to threats of bioterrorism, state and local public health jurisdictions have been upgraded. Richard Johnson, M.D., presented to the grand jury an extensive program for preparedness planning.

RECOMMENDATIONS

1. Complaint #02-03 was investigated and a letter forwarded to the complainant. No further action was necessary.
2. No recommendations.
3. The committee recommends that the Mono County Public Health Officer provide ongoing bioterrorism education with annual updates.

LAW ENFORCEMENT COMMITTEE

The Law Enforcement Committee was responsible for examining the following departments: sheriff/coroner, including county detention facilities, district attorney, probation, disaster preparedness, juvenile facilities, Mammoth Lakes Police Department and interagencies involved in the administration of justice.

The committee received a thorough briefing at the start of this term by County Counsel, the Mammoth Lakes town government and CAO John Wohlmuth of Mono County. The entire grand jury toured the offices of the Sheriff/Coroner and an extensive inspection of the general jail facility. The tour and inspection were not only an eye opener, but also served to impress many in regard to the quality of the equipment and general condition of this jail facility. The Sheriff's department is running a quality jail and is commended for that effectiveness.

A second tour of the jail and dispatch center was conducted towards the end of this term for the purpose of more closely viewing the emergency dispatch system and in particular the 911 process. Those results are listed below. A general sense of urgency regarding the overall effectiveness of the 911 process will be addressed by the entire grand jury.

The following issues were presented to the Law Enforcement Committee during this term:

- 02-04 **Issue:** Presentenced visitation procedures with inmates and their minor children. Complainant wanted contact visiting for self and minor issue of inmate.
Action: Law Enforcement Committee members met with Sheriff Dan Paranick. He defined Mono County Sheriff's Department policy regarding visitations at the jail and the sensitive security issues. Contact visits are strictly prohibited to prevent the transfer of drugs into a high-security jail facility. Recourse is available via court order whereupon the inmate may solicit the court to order the Sheriff to permit a special exception to the visitation procedures. This committee recommends this inquiry be closed with a letter so indicating to complainant.
- 02-05 **Issue:** Marijuana usage and possible sex abuse with minors on federal lands. Mental Health and Law Enforcement have an ongoing investigation. Sheriff confirms receipt of this issue and indicates county and federal agencies are pursuing.
Action: Referred to Administration Committee.
- 02-06 **Issue:** Unlicensed architect operating within Mammoth Lakes. Carry over from prior grand jury.
Action: Referred to District Attorney for resolution.
- 02-09 **Issue:** Remove Judge Ed Forstenzer. Complainant believes he was not provided a fair trial in that his court-appointed attorney did not include certain facts to the court. Committee member confirmed the information was provided.

Action: Committee members believe the grand jury has no jurisdiction. The court appeals process is the appropriate channel that the complainant has pursued. Letter sent to complainant.

02-10 **Issue:** Second complaint from complainant of Case # 02-09. Similar issues. Wants Judge Forstenzer removed.

Action: Covered in 02-09. Grand jury has no jurisdiction.

02-11 **Issue:** Complaints of misconduct by Court and Judge Stan Eller. Does not believe the former District Attorney should be sitting on the Bench.

Action: Court procedures appear appropriate. Complainant's motives seem focused on relief from court adjudication of her case. Letter sent to complainant.

02-12 **Issue:** Complaint against Probation Officer citing improper conduct. Second complaint by this individual, dissimilar issue. (02-11)

Action: Forwarded to the District Attorney.

02-15 **Issue:** Complaint of inmate living conditions in Mono County Jail, namely too cold, improper procedures handling a known alcoholic, and unsanitary cleaning implements.

Action: Committee members met with Sheriff regarding this issue. Committee was provided a copy of the writ denial by the court regarding complainant's issues. Case resolved within the court system. Complainant to be notified by mail.

Internal Inquiry

Committee members and the jury foreman visited the Mono County Jail and interviewed Sheriff Paranick regarding the 911 emergency call system. A rumor recently surfaced within the grand jury regarding the possibility of selective responses by the Sheriff's department to 911 calls in the north county area in particular. Selective responses suggest "flagging" of chronic callers for less-than-prompt responses.

Results: Twelve selected phone numbers from members of the committee, as well as suggested chronic callers from the north county were "stuffed" into the 911 system. In no case were any "flags" found within the field for each number brought up on the screen. It was explained by the Sheriff and the dispatch supervisor that special information will surface in medical cases (i.e., iron lung or respiratory equipment on site as well as weapons or propensity for violence) in order that the responding deputy will be properly prepared upon arrival. It is a State mandate that all 911 calls be handled, based upon the nature of the call. When so indicated by the events described and predicated upon current emergencies, a car will be dispatched.

Verizon apparently oversees the 911 system for accuracy of phone numbers to addresses under a State contract. Verizon is paid out of a state fund \$30,000 a month to update the 911 directory in Mono County. Apparently, the State divides the fees collected off phone bills according to county populations and, of course, counties like

Los Angeles receive the largest percentage. Our numbers submitted reflected some errors; i.e., “way vs. lane,” an address showing 775 vs. 779, and in one juror’s case, an incomplete street name. *The majority was accurate, but any mistakes are unacceptable when public safety is at stake.* Verizon must be held accountable for its contract. If Verizon is not the solution or the problem, then possibly citizens could be advised to call a central number to verify their number, and/or volunteers could be utilized for this essential and necessary one-time emergency service. If the scenario is accurate, then the County should also seek additional funding from the State 911 sources for the 911 redundancy component.

The committee submits this information to the Administrative Committee for inclusion in the general investigation of the 911 system in Mono County.

PARKS, RECREATION & PUBLIC WORKS COMMITTEE

The Parks, Recreation and Public Works Committee examined the following: Parks and Recreation, Public Works and Road departments, airports, cemeteries, transportation, vehicle maintenance, etc.

ISSUES

The Parks, Recreation and Public Works Committee received two formal written complaints:

1. A Walker resident sent to the grand jury a copy of a letter to the Board of Supervisors. The complainant was informed that due to the fact that his letter had been directed to the Board of Supervisors, he should give them an opportunity to act.
2. In regard to the second correspondence, the matter is now in its beginning phase of investigation. The 2003-04 grand jury will report on this matter at the conclusion of its term.

The grand jury internally discussed the issues of house and property numbering, road signage and 911 updates. The discussion led to a committee meeting with Rich Boardman, director of Public Works. Mr. Boardman gave the committee the following information in answer to specific questions:

1. Breakdown of responsibilities: Reports to the CAO, is responsible for roads, solid waste, airports, building structure and maintenance, cemeteries, parks and buildings, county-owned campgrounds and fleet operations.
2. Under his direct supervision: two assistant engineers, a personnel supervisor, an operations manager, five road districts and personnel, and the landfills and personnel. The Management Association Agreement with Mono County governs procedures for termination of an employee. The District Supervisor conducts an employee performance evaluation annually.
3. Whose responsibility is it to post house, property numbers and road signage?
Mr. Boardman answered that ten years ago the county received a grant to assign house numbers tied to phone numbers for the 911 system. He stated that it is the homeowner's responsibility to see that the number is displayed. If someone requests a new building permit, the number must be displayed before the permit is issued. There is no provision made for the county to verify that the numbers are displayed.
The Department of Public Works is responsible for all county road signs. The road crews and private citizens report down or damaged signs. Private road signs are the responsibility of the people on the private road. Mr. Boardman has offered the help of the Department of Public Works for the construction of the signs if asked, however there would be a cost of \$100 to \$150 for materials.
4. There is a definite need for the 911 system to be updated. How is this done, and who is responsible?

The procedure explained for the input and update of information was: The Department of Public Works assigns an address at the time of permit issue, and then notifies the phone company. This information is then entered into the in-house system.

5. What is the procedure and priority for snow removal?

On the city roads each district has its own priority maps: 1) school bus routes, 2 subdivisions, and 3) other roads.

6. Other topics discussed were:

- a. Maintenance of dirt roads, with traffic usage setting priority.
- b. Gravel roads are maintained at least once a year if time permits.
- c. Permitting process for special use is under the jurisdiction of the Community Development Department, specifically the Compliance Division.
- d. Solid waste and maintenance of the landfills.

FINDINGS

The meeting with Mr. Boardman was informative. He was cooperative, and willingly provided all material requested in such a manner as to be easily understood.

RECOMMENDATIONS

1. The 911 problem needs someone in the county to accept the responsibility of seeing that the system is functional.
2. Possibly a system of coordination between all departments could be implemented.
3. The 911 information ought to be sent to appropriate EMS districts for in-house use.
4. Fire chiefs, at their meetings, need to discuss the need for a database containing information on special needs for their district.
5. The county shall implement a procedure for the proper display of road signs and house numbering.