

# MONO COUNTY GRAND JURY

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Final Report  
2004-2005

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# INTRODUCTION

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

IN RE

2004-2005 Grand Jury

GENERAL ORDER

I certify that the 2004-2005 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 14<sup>th</sup> day of July, 2004.



STAN ELLER  
Presiding Judge of the Superior Court



**THE MONO COUNTY GRAND JURY  
STATE OF CALIFORNIA**

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

Dear Judge Forstenzer and Judge Eller:

Enclosed is the Final Report of the 2004-05 Mono County Grand Jury.

I want to take this opportunity to acknowledge the dedication and professionalism displayed by my counterparts on the grand jury and to thank them for the tremendous time and energy they have devoted to this invaluable community service. We looked at a number of issues, prepared reports and made recommendations.

I would like to specifically thank Gretchen Montgomery, who as secretary of this year's grand jury, put in additional hours in preparation of minutes, agendas and the Final Report.

Members of the County Counsel's office, the District Attorney's office and the staff of the Mono County Superior Court also assisted in our efforts. During the year, grand jury responsibility transferred from Judge Edward Forstenzer to Judge Stan Eller. We received great support from each.

This year we toured the Mono County Sheriff's Department and Mono County jail. We found the facility to be well maintained and in good condition. We also looked at the County 911 system, which has been mentioned in past grand jury reports. It appears that the Sheriff's Department is making progress in dealing with problems identified in those reports.

The grand jury also looked at some of the elected positions in county government. After study, the grand jury concluded that, where possible, positions should be combined and appointed rather than elected. We realize that this will take action by the electorate, but believe it would be a step in the right direction to ensure a more efficient county government.

Sincerely,

Harold Ritter, Foreman  
2004-05 Mono County Grand Jury



## THE GRAND JURY SYSTEM

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

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

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

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

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entity. No individual grand juror, acting alone, has any power or authority. Meetings of the grand jury are not open to the public. By law, all matters discussed by the grand jury and votes taken are kept confidential until the end of term.

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





# GRAND JURORS & ADVISORS

## GRAND JURORS

**Sarah Adams**  
*Lee Vining*

**John MacBride**  
*Coleville*

**Bill Bramlette**  
*Benton*

**Gretchen Montgomery**  
*Bridgeport*

**Larry Bush**  
*Crowley Lake*

**Harold Ritter**  
*Mammoth Lakes*

**Linda Edwards**  
*Mammoth Lakes*

**Brett Walters**  
*Mammoth Lakes*

**Tim Hansen**  
*Lee Vining*

**Dan Wright**  
*Mammoth Lakes*

**Mark Knauss**  
*Sierra Paradise Estates*

## OFFICERS

**Harold Ritter**  
Foreperson

**Gretchen Montgomery**  
Secretary

## ADVISORS

**Stan Eller & Edward Forstenzer**  
Judges of the Superior Court

**George Booth**  
District Attorney

**Bob Dennis**  
Court Executive Officer

**Marshall Rudolph**  
County Counsel

**Mark Magit & Stacey Simon**  
Deputy County Counsels



## GRAND JURY COMMITTEES

### ADMINISTRATION, HEALTH, WELFARE & SOCIAL SERVICES

*Gretchen Montgomery, Chair*  
Sarah Adams ~ Tim Hansen

### AUDIT & FINANCE

*Larry Bush, Chair*  
Mark Knauss ~ John MacBride

### BUILDING, PLANNING & ENVIRONMENT

*Sarah Adams, Chair*  
Bill Bramlette ~ Brett Walters

### EDUCATION

*Mark Knauss, Chair*  
John MacBride ~ Brett Walters

### EXECUTIVE & HANDBOOK

Linda Edwards ~ Gretchen Montgomery

### MAMMOTH LAKES, TOWN OF

*Dan Wright, Chair*  
Linda Edwards ~ Larry Bush

### PARKS, RECREATION & PUBLIC WORKS

*Bill Bramlette, Chair*  
Larry Bush ~ Tim Hansen

### PUBLIC SAFETY (FORMERLY LAW ENFORCEMENT)

*Brett Walters, Chair*  
John MacBride ~ Dan Wright



## CITIZEN COMPLAINTS

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

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

This year the grand jury considered three carry-over complaints from the previous year's grand jury and five new complaints:

- #04-001:** Carry-over complaint regarding school funds/football field. Referred to Education Committee. Closing date: September 15, 2004.
- #04-002:** Carry-over complaint regarding charter school funds and impact fees. Referred to Audit & Finance Committee. Closing date: September 15, 2004.
- #04-003:** Carry-over complaint regarding Auditor/Controller's concerns about CAO practices. Closing date: December 8, 2004.
- #04-004:** Letter of complaint sent August 25, 2004, (translated into English) regarding policies and procedures of the Mental Health Department. Referred to Administration, Health, Welfare & Social Services Committee. Closing date: March 2, 2005.
- #04-005:** Letter of complaint sent August 25, 2004, from Mono County Friends of the Library regarding internal conflict. Concluded that this did not fall within the purview of the grand jury. Closing date: August 25, 2004.
- #04-006:** Letter of complaint (second) sent September 15, 2004, regarding policies and procedures of the Mental Health Department. Referred to Administration, Health, Welfare & Social Services Committee. Closing date: March 2, 2005.
- #04-007:** Letter of complaint sent September 15, 2004, regarding firing of a probationary employee. Referred to Administration, Health, Welfare & Social Services Committee. Closing date: October 6, 2004.
- #04-008:** Letter of complaint sent March 2, 2005, regarding unlawful actions by the Mono County Sheriff. Referred to Public Safety Committee. Closing date: June 1, 2005.



# GRAND JURY COMMITTEES



# ADMINISTRATION, HEALTH, WELFARE & SOCIAL SERVICES COMMITTEE

## BACKGROUND

The Administration, Health, Welfare and Social Services Committee received three letters of complaint during this term:

1. Complaint #04-002 was a holdover complaint from the previous grand jury. The complaint involved issues between the County Administration and the Auditor-Controller's office.

2. Complaints #04-004 and #04-006 were two letters received from the same complainant. The policies and procedures of the Mono County Mental Health Department were questioned.

3. Complaint #04-007 involved a probationary employee who thought she had been unjustly dismissed from the county.

## COMPLAINT #04-002

## STATEMENT

A complaint was received by the previous year's grand jury from the Auditor-Controller's office. The department head was concerned about County Administration practices and procedures that were being used to overstep her authority with employees in her department. At the time the committee interviewed the complainant she was going to explore other options and seek counsel from her peers. At the close of this grand jury's term, the complainant had not indicated whether she had pursued these options to resolve the matter.

Communication between the Human Resources Department and other county government offices was lacking. Amendments to the county Personnel Policies and Procedures Handbook were not being addressed. An employee in the Auditor-Controller's office was off work due to a Worker's Compensation claim. The committee did not look into this claim.

## FINDINGS

1. The committee interviewed the Auditor-Controller and listened to her concerns regarding unfilled positions, heavy workload of current employees, and the lack of communication between her department and the County Administration office.

2. The department head thought that her authority had been overstepped when a probationary employee was unexpectedly fired without any objectionable probationary reports from her desk.

3. The committee met with the County Administrative Officer (CAO). The current county Personnel Policies and Procedures Handbook has yet to be completed. Although the manual is being updated and a committee has been instructed to complete the task, the process is long and tedious. The changes made need to be approved by the employee's union. The September deadline was not met.

4. The County Administrative Officer related that the incident regarding the firing of the probationary employee was justifiable. The employee had been receiving below-standard reports from her supervisor at another part-time position. In addition, the CAO believed she was causing employee relation problems in the Auditor-Controller's office. The CAO was able to terminate her before her probationary term was up.

## RECOMMENDATIONS

1. Updates and changes to the county Personnel Policies and Procedures Handbook should be a priority for the County. The previous grand jury recommended the manual be completed no later than September 2004. As the current grand jury term came to a close, this manual had yet to be completed.

2. The County Administrative Officer should emphasize communication throughout all of the departments, especially with department heads.

## COMPLAINTS #04-004 & #04-006

### BACKGROUND

Complaints #04-004 and #04-006 were received by the grand jury for review. In response to the complaint filed by an immigrant Mexican mother of her "troubled" teenager, a member of the grand jury expressed interest in knowing more about the Mono County Mental Health Department's admission process as it relates to youth.

### STATEMENT

Anne Gimpel, director of Mono County Mental Health Department, was interviewed. Ms. Gimpel gave a copy of the Welfare and Institutions Code Section 5600-5623.5, a handbook for Mono County's Mental Health system. Several other county psychologists were also interviewed about the system.

### FINDINGS

In summary, the Mono County Mental Health Department abides by Section 5600 of the Bronzan-McCorquodale Act. This code is intended to organize and finance community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs.

Section 5600.1: The mission of California's mental health system shall be to enable persons who experience severe and disabling mental illnesses and children with serious emotional disturbances to access services and programs that assist them, in a manner tailored to each individual, to better control their illness, to achieve their personal goals, and to develop skills and support leading to their living the most constructive and satisfying lives possible in the least restrictive available settings.

Section 5600.5: The minimum array of services for children and youth meeting the target population criteria established in subdivision (a) of Section 5600.3 should include the following modes of service in every geographical area, to the extent resources are available:

- Pre-crisis and crisis services.
- Assessment

- Medication education and management
- Case management.
- 24-hour treatment services.

Rehabilitation and support services designed to alleviate symptoms and foster development of age-appropriate cognitive, emotional, and behavioral skills necessary for maturation.

## RECOMMENDATIONS

The grand jury decided that the complaint had been handled appropriately by the Mono County Mental Health Department, and was not an issue for the grand jury to investigate.

Additionally, in Mono and Inyo counties, there are numerous psychotherapists, including psychologists, licensed clinical social workers, licensed marriage and family counselors, in private practice. The Eastern Sierra Family Resource Center and Wild Iris organization are nonprofit counseling agencies that will work with low-income clients.

## COMPLAINT #04-007

## STATEMENT

A complaint was received September 15, 2004, from a former employee of Mono County who thought she had been unjustly fired. The committee did not investigate this complaint because she had not passed her probationary term. A letter was sent to the complainant explaining the grand jury's position in the matter.



# AUDIT & FINANCE COMMITTEE

## INTRODUCTION

The Audit and Finance Committee selectively reviews the accounts, financial statements and audit reports of Mono County, any special district, the Town of Mammoth Lakes, and various school districts within Mono County. The committee also responds to citizen complaints and concerns.

## BACKGROUND

The committee was asked to review one complaint this term. Complaint #03-08 from the 2003-04 Grand Jury had been held over for consideration by the 2004-05 Grand Jury and referred to the Audit and Finance Committee. That complaint was renumbered as #04-002. It involved the levy and use of Development Impact Fees by the Mammoth Unified School District.

## DISCUSSION

The letter of complaint received from a citizen of Mono County essentially raised three areas of concern:

- 1) Were Development Impact Fees properly levied on developers seeking building permits for construction within the boundaries of the Mammoth Unified School District?
- 2) Were funds collected as Development Impact Fees expended for "permissible uses"?
- 3) Had the Mammoth Unified School District and its superintendent utilized serial meetings to develop consensus opinions instead of doing so at meetings where the subject had been placed on the agenda?

Pursuant to a letter request to the Mammoth Unified School District, the 2004-05 Grand Jury received voluminous records, including but not limited to: School Board meeting minutes, accounting records, petitions and formation documents regarding Mammoth Olympic Academy for Academic Excellence, and Development Fee Justification Studies. This committee not only studied these records, but also conducted interviews on various occasions with the Mono County Superintendent of Schools, the superintendent of the Mammoth Unified School District, and the business manager of the Mammoth Unified School District. Additionally, the committee reviewed research conducted at the committee's request by the Mono County Superintendent of Schools and his attorney

## RECOMMENDATIONS

This committee finds that the various Development Impact Fees levied on developers within the boundaries of the Mammoth Unified School District have been proper within the mandates of California Government Code, Section 66000 et al. Justification Studies by qualified consultants are on file for all such Development Impact Fees. It should be noted that "growth" as used in Government Code, Section 66000 et al. is not a comparison of current student head count with preceding years. Instead, it is a recognition that future growth in head count will occur by reason of construction of residential, industrial and commercial structures.

The committee further finds that there has been no substantial "impermissible use" of Development Impact Fees from the Special Account as "impermissible use" is defined in the Developer Fee Handbook for School Facilities (see California Education Code, Section 17620, subd. (a) (3)). Such funds may be used in construction and reconstruction of facilities and in equipping such facilities for use. The Mammoth Olympic Academy for Academic Excellence is a component of the Mammoth Unified School District and is thereby eligible to receive Development Impact Fees for permissible uses.

The committee received no information regarding use of serial meetings by the Mammoth Unified School District or its superintendent, and therefore this committee has no opinion or recommendation on that subject.

This committee does recommend that in future accounting or audit reports regarding expenditure of funds from the Development Impact Fee Special Account, that more descriptive terminology be used with each line item so that interested citizens might be more readily informed. The grand jury has concurred with these recommendations.

# BUILDING, PLANNING & ENVIRONMENT COMMITTEE

## STATEMENT

The Building, Planning and Environment Committee received no letters of complaint during this term.

## FINDINGS

No findings.

## RECOMMENDATIONS

No recommendations.





# EDUCATION COMMITTEE

## INTRODUCTION

The Education Committee requested and received information on the expenditure of bond proceeds by Mammoth Unified School District (MUSD). A letter from the bond counsel was received.

## BACKGROUND

The Education Committee received a carry-over complaint about the use of bond moneys by the MUSD. The committee also received a letter from the bond counsel that was requested by the prior grand jury.

## FINDINGS

After reviewing all documents the committee concluded that the moneys spent were within the legal realm of the bond.

## RECOMMENDATIONS

The committee recommended to the grand jury, which concurred, that even though no legal problems exist with the use of the bond moneys, the spirit of the original bond issue had been stretched. The original bond issue presented to the voters was not about a football stadium, but student facilities, classrooms, computers, etc.



## EXECUTIVE & HANDBOOK COMMITTEE

### STATEMENT

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

### FINDINGS

No findings.

### RECOMMENDATIONS

No recommendations.



# TOWN OF MAMMOTH LAKES COMMITTEE

## STATEMENT

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

## FINDINGS

No findings.

## RECOMMENDATIONS

No recommendations.



# PARKS, RECREATION & PUBLIC WORKS COMMITTEE

## STATEMENT

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

## FINDINGS

No findings.

## RECOMMENDATIONS

No recommendations.





# PUBLIC SAFETY COMMITTEE

## COUNTY JAIL TOUR

The grand jury made a tour of the Mono County jail in Bridgeport February 2, 2005. Sheriff Dan Paranick led the tour. The jail appeared to be in excellent running order, with even the 911 calling system working without any apparent glitches. The jail facility in every aspect was spotless. There was a case of staph infection circulating at the time, but sufficient eradication measures were being taken.

## COMPLAINT # 04-008

### STATEMENT

Sheriff Dan Paranick had issued a directive to all Mono County Sheriff officers aimed at precluding a particular officer of the Mammoth Lakes Police Department from operating outside the borders of the town of Mammoth Lakes. The officer filed a formal complaint with the grand jury to investigate what he believed to be an unlawful action by Sheriff Paranick.

### FINDINGS

During the course of the grand jury's investigation, the complainant retained the services of an attorney to also have it reviewed. The attorney wrote a letter to Sheriff Paranick informing him of the alleged illegality of his actions. Without admitting or conceding any illegality, Sheriff Paranick ultimately withdrew his original directive, and it appears the matter became moot and was closed.

### RECOMMENDATION

Based on certain information gathered in the course of the grand jury's investigation into this matter, it is the recommendation of this grand jury that next year's grand jury closely examine the working relationship between the Mono County Sheriff's Department and the Mammoth Lakes Police Department.



# COUNTY GOVERNMENT REVIEW BY ENTIRE GRAND JURY

## STATEMENT

After receiving various verbal concerns regarding Mono County government, the grand jury requested Mono County Administrative Officer Dave Wilbrecht to attend a meeting where he was questioned about working relationships in the various county departments. CAO Wilbrecht related efforts by the Board of Supervisors and himself to create a more-cohesive county government structure.

One of the stumbling blocks is a clear line of authority and accountability. Various departments have functioned independently for so long that they are having a difficult time looking at the whole picture of county government. In particular, some elected department heads seem to think they are not accountable to the Board of Supervisors or CAO, only to the voters. This type of arrangement is not conducive to intergovernmental working relationships. Some (not all) elected department heads have been reluctant to submit to evaluations and provide needed information to the CAO and Board of Supervisors. This set of circumstances seems particularly problematic in financial areas. The arrangement makes it very difficult to create budgets and provide for fiscal accountability. The CAO believes that dealing with a single Director of Finance, who would oversee the revenue and expenditure functions, would be in the best interests of county residents and county government. This person would be able to take a big-picture view of the financial functions of the county and be accountable to either the CAO or Board of Supervisors.

The other stumbling block to achieving a more-cohesive management team is the natural resistance to change and concern about what may transpire when change is implemented.

As a follow-up to this interview, the grand jury decided to look into the functions of the Treasurer/Tax Collector's office, the Auditor-Controller's office, and the Assessor's office. The grand jury interviewed the heads of these departments in April 2005.

## FINDINGS

During and after the interviews, it became apparent to members of the grand jury that there were problems in some of the departments.

While it appears the Treasurer/Tax Collector's office is now running well, it is not because of the elected department head. It appears that the department head was not reporting to work on a regular basis. However, it also appears the assistant in the office has been running the office in an efficient manner in the elected official's absence.

The Auditor-Controller's office seems to get by on an internal level, but issues arise when dealing with other county departments and providing timely information to the CAO and other governmental agencies.

The Assessor's office has problems with management and personnel. These problems are in addition to the lag time it takes to reassess properties that change hands and to assess new properties. This lag seriously impacts other governmental agencies that depend on property taxes for their operations.

Since these are departments with elected officials, there is no efficient way to correct problems when they arise if the department head is not willing to correct them or is the source of the problem. The current system is certainly in need of improvement.

## **RECOMMENDATIONS**

With the above in mind, the grand jury recommends that:

1. The Mono County Board of Supervisors should look into and proceed with the process to change these departments to appointed positions (where legally possible).
2. The Mono County Board of Supervisors or the CAO should be the appointing authority.
3. The Treasurer/Tax Collector's office and the Auditor Controller's office should be consolidated into a new Department of Finance.
4. If legally possible, the Assessor's office should be incorporated into the Department of Finance.

It should be noted that similar recommendations have been made by grand juries in past years.