



MONO COUNTY GRAND JURY

2017-2018

INTERIM REPORT

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

IN RE:

2017-2018 Grand Jury

GENERAL ORDER

I certify that the 2017-2018 Mono County Grand Jury Interim 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 interim report as a public document.

Dated this 26th day of APRIL 2018.



MARK MAGIT
Presiding Judge of the Superior Court

THE 2017-2018 MONO COUNTY GRAND JURY INTERIM REPORT

April 2018

INTRODUCTION

The Mono County Grand Jury is charged with reviewing county government, investigating citizen complaints, and making appropriate recommendations to county officials and agencies as part of its year-end report. This Grand Jury felt it was important to advise the community of the status of its work to date and therefore determined an Interim Report would be appropriate. An Interim Report is considered a final report of its completed content.

All Mono County Grand Juries write and submit a final report of their investigations, findings, and recommendations at the end of their term, usually on or before June 30th of the year in which they serve. This final report is reviewed by the Superior Court of California, Mono County, released to named agencies and individuals for accuracy, and finally distributed to the press and the public.

It is appropriate that agencies and elected officials and department heads who are named in the Grand Jury's report and who are obligated to respond, do so in a timely manner so the public may read and review these responses and reach their own conclusions about each case. The goal of the Grand Jury is to be a "citizens' watchdog." If mandated response deadlines are ignored and timely responses not made available to the public, an important part of that "watchdog" function is lost.

Where applicable, certain members of the Grand Jury recused themselves due to conflicts based upon previous or current employment or relationships from all parts of the investigation, including interviews and deliberations.

It is the responsibility of the citizens of Mono County to review each Grand Jury's report and determine for themselves what action, if any, they should take.

SUMMARY

The 2016-2017 Mono County Grand Jury Final Report was issued on June 16, 2017 and consisted of three investigations, a jail inspection report, and response to four citizen complaints.

California Penal Code § 933 requires elected officials or agency heads to respond within 60 days of the issuance of a Grand Jury report that requires their response and requires governing bodies to respond within 90 days. Elected officials and government agencies are required to respond to recommendations made in Grand Jury reports, indicating their agreement or disagreement with those recommendations with their reasons and actions taken pursuant to those recommendations. These responses are to be addressed to the Presiding Judge of the Superior Court.

The Grand Jury is interested in assuring that each response is submitted within the statutory time frame and is otherwise compliant with California Penal Code § 933. Accordingly, the 2017-2018 Grand Jury has reviewed all the responses to the 2016-2017 Grand Jury's Final Report by elective officials, agency heads and government agencies. The 2017-2018 Grand Jury finds that all of the officials and agencies, who are required to respond, did file their responses.

COMPLAINTS RECEIVED BY PAST GRAND JURY(S) – CONTINUITY COMMITTEE

The following section addresses complaints submitted to Prior Grand Juries' with outstanding responses or other need for continued follow up.

METHODOLOGY FOR REVIEWING PRIOR GRAND JURY RECOMMENDATIONS

The 2017-2018 Grand Jury evaluated responses to the 2016-2017 Grand Jury's recommendations to ensure compliance with the law. In addition, the Continuity Committee reviewed the responses to the 2014-2015 Grand Jury Final Report. Mono County did not have a seated Grand Jury for the 2015-2016 period.

The 2017-2018 Grand Jury's Continuity Committee began new investigations based on a review of those previous Grand Jury reports.

The following criteria were considered when reviewing the prior Grand Jury Reports:

1. Were responses received by the Presiding Judge within the legal time limits from the date of each final report's release (90 days for a public agency and 60 days for an elected official)?
2. If a response indicated that a recommendation had been implemented, did it include a summary of what was done?
3. If a response indicated that a recommendation would be implemented, did it include a summary and schedule for what would be done?
4. If a response indicated that a recommendation required further analysis or study, did it include an explanation of the scope, parameters, and timeframe of the proposed analysis or study?
5. If a response indicated that a recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

TABLE 1 – 2017-2018 Continuity Committee Report and Responses

	Date Issued	Replies Required	Comments
Carryover Issues			
Mono County Sheriff's Office – Holding Cell	September 2017	Mono County Sheriff	Response received; No further action required
Mono County Sheriff's Office – Jail Cook position	September 2017	Mono County Sheriff	Response received; No further action required
Town of Mammoth Lakes - TOT	September 2017	Town Manager/ Finance Director	Recommendation made by 2017-2018 Grand Jury
Mono County Registrar's Office	September 2017	Mono County Registrar's Office	Response received; No further action required
Mono County Assessor's Office	January 2018	Mono County Assessor Office	Response received; No further action required

- **Mono County Sheriff's Office regarding Holding Cell**

Analysis:

In the 2014-2015 report, that Grand Jury found that the holding cell at the new Mammoth courthouse was un-usable due to poor design. This was one of the main reasons that was used to promote the need for a new courthouse. At the time, the Sheriff agreed with the finding and responded they would pursue solutions with the Judicial Council in 2015-2016.

Methodology:

A letter was sent to the Sheriff's Office asking if there was a follow up to their response about following up the issue based on the previous GJ's recommendation.

Findings:

In November 2017, the Sheriff responded that no further conversations with the Judicial Council have occurred.

With further inquiry, the 2017-18 Grand Jury found that the cell was in fact being used as prescribed.

Note: The Courthouse building is owned and operated by the State of California. Neither the Mono County Sheriff nor the Mono County Grand Jury has jurisdiction over the courthouse facility or its operations.

Recommendation:

None

- **Mono County Sheriff's Office regarding Jail Cook Position**

Analysis:

In the 2014-2015 report, that Grand Jury found that creating a relief cook position would avoid unnecessary overtime and/or illness/injury absence expenditures. At the time, the Sheriff's office agreed with the finding and responded they would request the Board of Supervisors creation of an additional full or part time jail cook position.

Methodology:

A review letter was sent on September 27, 2017 to the Sheriff's Office asking whether the recommendation had been acted upon.

Findings:

The response from the Sheriff's Office indicated there was no additional payroll available for a part-time cook. After gathering additional information we determined additional investigation was not warranted.

Recommendation:

None

- **TOML Regarding the Collection of Transient Occupancy Tax**

Analysis:

In the 2016-2017 Grand Jury report, that Grand Jury had several findings and recommendations regarding the collection of Transient Occupancy Tax (TOT). This included an estimate that 10%-40% of the TOT was uncollected, which the TOML dismissed; and the failure to perform any audits of TOT remitters, which the TOML concluded were cost prohibitive and that were not possible to accomplish with the current staff.

Methodology:

The 2017-2018 Grand Jury initiated a new investigation and sent inquiry letters on September 27, 2017 and again on November 7, 2017 regarding uncollected TOT and audits of remitters to both the Town Manager and Finance Director.

Findings:

In its response, the TOML advised that an audit of a “top 20 remitter” or one of the highest twenty payers of TOT tax, would take five to eight days to complete, with a cost of \$2,048.00 - \$4,842.00 and that an audit of a small remitter, one of the remaining approximately 720 rentals would cost between \$823.00-\$1,946.00 and take two to four days. TOML indicated that such audits would be both cost and staff prohibitive and therefore would not be conducted.

We feel that the TOML’s declination to conduct an audit of any kind with respect to compliance by TOT remitters is not cost prohibitive. The Grand Jury finds that by conducting an audit, a standard business practice, the Town would be acting in the best interest of the community.

Recommendation:

Based on the costs associated with an audit, as indicated by the TOML response, the Grand Jury recommends that each year the TOML shall publicize and perform random annual audits of at least one business from each of the following tiers to ascertain and promote compliance.

- Group 1 (Top 20 Remitter) – Rentals by hotels, motels and rental companies
- Group 2 (Small Remitter) – Legal rentals with business licenses

- **Registrar of Voters Processes and Procedures**

Analysis:

In the 2016-2017 report, the Grand Jury noted numerous problems with accuracy, functioning, and efficiency during the June 2016 and November 2016 elections. The Mono County Board of Supervisors (BOS) provided a response to the Grand Jury findings in August 2017.

Methodology:

The 2017-2018 Grand Jury initiated a new investigation and sent an inquiry letter to the County Registrar of Voters regarding the status and/or any action taken as a result of the responses by the BOS.

- **Registrar of Voters Processes and Procedures - Continued**

Findings:

The County Clerk responded on October 3, 2017 that modifications in processes and procedures, as recommended by the Board of Supervisors, have been implemented. The elections in 2018 will determine if the current efforts prove sufficient.

Recommendations:

None

- **Assessor's Office morale, education and communication**

Analysis:

The 2014-2015 Grand Jury had numerous findings and recommendations for the Assessor's Office. Many of the findings focused on the poor morale, lack of education and communications within the office.

Methodology:

The current Grand Jury created a confidential online survey addressing the issues of concern that were submitted to the nine employees of the Assessor's Office. The survey was a combination of multiple choice (select or rank by importance) and yes and no questions, several of which included room for comment.

Findings:

Seven members of the office responded. Answers indicated that both morale and job satisfaction have increased.

Recommendation:

None

NEW COMPLAINTS RECEIVED BY THE 2017-2018 GRAND JURY

The following section addresses complaints submitted to the 2017-2018 Grand Jury for investigation.

Of the issues and/or requests for investigation received to date by the 2017-2018 Grand Jury, four investigations have been completed and have been included in this Interim Report. More are on-going.

- **EMS COMPLAINT RECEIVED**

Analysis:

The Grand Jury received a complaint from a member of the community regarding the failure of the County to reimburse emergency responders in the Tri-Valley area for Emergency Medical Services (EMS) responses.

Methodology:

The Grand Jury interviewed a Board of Supervisor member to confirm the circumstances.

Findings:

Based on that conversation it was learned that there was a recent hire of a new County EMS administrator and administrative assistant. Communication with the new EMS administrator indicated that the payments would be expedited. On January 16, 2018, the Grand Jury verified that the payments had been made so no further action is required.

Recommendation:

None

- **PUBLIC RECORDS REQUEST COMPLAINT RECEIVED**

Analysis:

The Grand Jury received a citizen complaint from a resident alleging a violation of the California Public Records Act by the TOML where the individual felt that there was a failure to locate and release requested Airport records.

Methodology:

The Grand Jury reached out to the Complainant, Town Clerk, the Public Works Director and the Airport Manager separately to seek direct information in response to the complaint received. Copies of the paperwork supplied to the Complainant were supplied by the FAA and reviewed by the Grand Jury.

Findings:

While the Grand Jury investigated the complaint, we were unable to determine if there was a violation. The complainant had received the records that were requested. A letter was sent to the Complainant to that effect.

Recommendation:

None

- **SAN QUENTIN INMATE COMPLAINT**

Analysis:

A complaint was received from a San Quentin inmate regarding due process. The letter from the complainant was not specific to Mono County but was sent as part of what appeared to be a mass mailer to several grand juries throughout the State.

Findings:

This complaint is not within the purview of the Grand Jury

Recommendation:

None



Town of Mammoth Lakes

Office of the Town Manager

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Phone (760) 965-3601, Fax (760) 934-7493

www.townofmammothlakes.ca.gov

June 7, 2018

Honorable Mark Magit
Presiding Judge
Superior Court of California
Mono County
PO Box 1037
Mammoth Lakes, CA 93546

RE: Town of Mammoth Lakes Response to the Interim Report of the 2017-2018 Mono County Grand Jury

Honorable Judge Magit:

I am pleased to provide responses to the interim 2017-2018 Grand Jury report which included two matters related to the Town of Mammoth Lakes. This matter was discussed by the Mammoth Lakes Town Council on June 6, 2018, and the Town Council authorized these responses. Each response is provided below.

Matter 1. TOML Regarding the Collection of Transient Occupancy Tax

Findings:

In its response, the TOML advised that an audit of a "top 20 remitter" or one of the highest twenty payers of TOT tax, would take five to eight days to complete, with a cost of \$2,048.00 - \$4,842.00 and that an audit of a small remitter, one of the remaining approximately 720 rentals would cost between \$823.00-\$1,946.00 and take two to four days. TOML indicated that such audits would be both cost and staff prohibitive and therefore would not be conducted.

We feel that the TOML's declination to conduct an audit of any kind with respect to compliance by TOT remitters is not cost prohibitive. The Grand Jury finds that by conducting an audit, a standard business practice, the Town would be acting in the best interest of the community.

The Town agrees in part with the findings as presented. Auditing all or a substantial portion of TOT remitters is still a costly and time consuming effort. The staff time and resources that would be required for this purpose are likely to generate a higher level of return to the Town if applied in the compliance efforts currently undertaken by the Town. However, as part of the Town's planned work program an audit procedure has been developed and the ability to conduct "an audit" is achievable.

Recommendation:

Based on the costs associated with an audit, as indicated by the TOML response, the Grand Jury recommends that each year the TOML shall publicize and perform random annual audits of at least one business from each of the following tiers to ascertain and promote compliance.

Group 1 (Top 20 Remitter) – Rentals by hotels, motels and rental companies

Group 2 (Small Remitter) – Legal rentals with business licenses

The Town agrees with the recommendation to conduct two audits as noted and anticipates the audits to be completed in FY 2018-19.

Matter 2. Public Records Request Complaint Received

Findings:

While the Grand Jury investigated the complaint, we were unable to determine if there was a violation. The complainant had received the records that were requested. A letter was sent to the Complainant to that effect.

Recommendation:

None

The Town agrees with the finding that the complainant received the records requested pursuant to the Public Records Act. The Town appreciates the review and investigation that was completed and the finding that the Public Records Request was properly responded to by the Town.

I want to thank the Grand Jury for the work they provide our community. Their efforts add to the overall improvement of local government and provide an important oversight function for our residents.

Thank you to the Court for the assistance and guidance that is provided to the Grand Jury.

Sincerely,



Daniel C. Holler
Town Manager

CC: Town Council
Town Clerk
Town Attorney



Vacant - District One Fred Stump - District Two Bob Gardner - District Three
John Peters - District Four Stacy Corless - District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5533 • FAX (760) 932-5531
Shannon Kendall, Clerk of the Board

June 12, 2018

Honorable Judge Mark Magit
Presiding Judge of the Superior Court
100 Thompsons Way
P.O. Box 1037
Mammoth Lakes, California 93546

Re: Response to the Mono County Grand Jury 2017-2018 Interim Report

Dear Judge Magit:

Please consider this letter as the official response to the Mono County Grand Jury Report 2017-2018 Interim Report and place this document on file as the Mono County Board of Supervisors' response.

As your honor is aware, the 2016-2017 Grand Jury complaints, findings and recommendations involving offices within the County's jurisdiction have been satisfied, and no further action is being recommended in the 2017-2018 Interim Report. The County is pleased to learn that all new complaints received by the 2017-2018 Grand Jury involving offices within the County's jurisdiction have been investigated with no resulting recommendations for additional action. The County has no reason to dispute any of the Grand Jury's findings as they relate to offices within our jurisdiction, and accepts all findings:

Mono County Sheriff's Office regarding Holding Cell

The County agrees with the findings

Mono County Sheriff's Office regarding Jail Cook Position

The County agrees with the findings

Registrar of Voters Processes and Procedures

The County agrees with the findings

Assessor's Office morale, education and communication

The County agrees with the findings

EMS Complaint Received

The County agrees with the findings

San Quentin Inmate Complaint

The County agrees with the findings

The Board of Supervisors and County staff recognize the critical role the Grand Jury provides to the community and the County by ensuring the legal and financial adequacy of government services. The Grand Jury provides a sense of openness, transparency and accountability that are crucial to our democracy, and the County appreciates the work performed and the guidance offered. The County thanks the members of the Grand Jury for their public service and encourages the Court to continue to ensure broad representation from all communities of Mono County.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Gardner". The signature is fluid and cursive, with the first name "Bob" and last name "Gardner" clearly distinguishable.

Bob Gardner, Chair
Mono County Board of Supervisors