



**BOARD OF SUPERVISORS
COUNTY OF MONO**

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October 20, 2015

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

Re: Response to the Mono County 2014-2015 Grand Jury Report

Dear Judge Eller:

Please consider this letter and Attachment A as the official response to the 2014–2015 Mono County Grand Jury Report and place this document on file as the Mono County Board of Supervisors' response to the Grand Jury Report. Attachment A has specific responses to the items identified in the 2014-2015 Report. As an elected department heads, the Sheriff and Assessor have responded separately to the findings and recommendations affecting their departments. The Board appreciates the Sheriff's and the Assessor's responses.

The Board and entire County staff appreciate the critical role the Grand Jury provides to the community and the County organization in ensuring the best use of scarce resources. Openness, transparency and accountability are crucial to our democracy. We thank the members of the Grand Jury for their public service and encourage the Court to ensure the broadest representation from across all communities of Mono County.

Sincerely,

Timothy E. Fesko, Chair
Mono County Board of Supervisors

Enclosure: Attachment A: 2014-2015 Mono County Grand Jury Responses

Larry Johnston ~ District One Fred Stump ~ District Two
Tim Alpers ~ District Three Tim Fesko ~ District Four Stacy Corless ~ District Five



Case #03 (Animal Control Services)

The Grand Jury requested that the Board of Supervisors respond to Findings #1 and #3 and Recommendations #1 and #2.

Findings:

1. County Service Level. AC staffing level in the County is about the same as existed in 1984 when the County was also responsible for the TOML. That level is appropriate for the jurisdiction outside of TOML. The County Health Officer provides all required rabies control services. The County budget supports an appropriate level of AC.

Board Response: the Board agrees with the finding.

3. Record Keeping. Records for complaints, licenses, and vaccinations are maintained as hand written records at both the County and TOML levels. Today, it is difficult to obtain data similar to that cited by County Animal Control Director in 1985.

Board Response: the Board agrees with the finding. See recommendation.

Recommendations:

1. County/TOML Service Level. Although the County is not required to provide AC services within the TOML, the Code does not preclude it. The TOML should consider providing an adequate budget for contracting with the County for AC services.

Board Response: It is not within the County's power to implement this recommendation unless or until the TOML approaches the County regarding contracting for AC services. If and when that occurs, then the Board will duly consider it. The County and TOML continue to look for areas to share and enhance public safety services and to increase collaboration.

2. AC Record Keeping. The County and TOML should implement common AC software for record keeping.

Board Response: It is not entirely clear what is being recommended – that the County and the TOML independently use the same software program, or that they somehow manage their records in a common software database? If the former, then it does not appear that implementation of this recommendation requires any action by the County because the TOML could simply start using the same AC software that the County currently uses. The County is willing to look at ways to enhance record keeping and is already in the process of implementing the Innoprise software program (also utilized by the Finance Department). The County sees no reason to change its own software. With respect to the latter, if the County contracted with the TOML to provide AC services at a future date, then the County would use the same software for such services within the TOML as it otherwise uses in the rest of the County.



Case #05 (County Assessor's Office)

The Grand Jury requested that the Board of Supervisors respond to findings and recommendations 1-4. Note: the Board of Supervisors' legal authority and ability to control the operations of departments headed by elected officials, such as the Assessor, is quite limited.

Findings:

1. The MCGJ believes there is a clear picture of dysfunction within the Assessor's Office. The office appears to be divided into two "camps" of employees, with various and conflicting points of view among all involved.

Board Response: the Board agrees with the finding, although the situation has improved since the Grand Jury conducted its investigation.

2. The MCGJ believes the current number of employees in the Assessor's office is too small to support the workload in a timely and accurate manner. In addition, the MCGJ believes that without expert and independent appraisers, the County, Town of Mammoth Lakes and all special districts will lose revenue in the assessment of large and difficult properties.

Board Response: the Board agrees in part and disagrees in part with the finding. The Board agrees that expert and independent appraisers are valuable and, as in past years, the Board has provided funding for contracts with such appraisers. The Board understands from the Assessor's response that he intends to continue utilizing such appraisers. Assuming that occurs, the Board disagrees that the number of employees in the Assessor's office is too small to support the workload. The Board is informed and believes that the current staff of Assessor's employees is keeping up with the office workload, as described in the Assessor's response.

3. In spite of repeated allegations that current and past Assessor's illegally accessed other employee's computers, the MCGJ was unable to find hard evidence supporting the complaint.

Board Response: the Board agrees with the finding.

4. Members of the MCAO were told that the report from the County investigation would be released to them but that has not been done.

Board Response: the Board disagrees with the finding. The report does not state who allegedly told members of the MCAO that the report would be released to them but the Board is not aware of any County representative telling them that.

Recommendations:

1. The MCGJ believes that the Mono County Board of Supervisors should more closely monitor the morale of the MCAO employees. In addition, the MCGJ believes that the already initiated mediation procedure is a potentially useful one that should be carried out to completion.

Board Response: the recommendation has been implemented.



2. The MCGJ believes that given the current state and past history of problems within the MCAO, the Mono County Board of Supervisors should appoint an independent party to oversee office personnel. The MCGJ feels this is necessary to insure that the timeliness and accuracy of the critical work of the Assessor's office is not jeopardized. .

Board Response: the recommendation will not be implemented because it is not warranted at this time. The Board is not aware of any current problem with "the timeliness and accuracy" of work in the Assessor's office. With respect to other "problems within the MCAO" discussed in the report, a process of mediation, facilitation, and executive coaching is currently under way as noted above and in the Assessor's response. The Board wishes to give that process a chance to succeed before considering other options (with their associated costs) such as the "independent party" recommended by the MCGJ.

3. The MCGJ believes that additional appraiser staff, including experienced appraisers with knowledge of large and difficult county properties, should be hired to insure that the mission of the Assessor's Office is carried out in a timely and accurate manner.

Board Response: the recommendation has not yet been implemented but may be in this fiscal year. As noted in the Assessor's response, an Assistant Assessor position has been funded and may be filled during this fiscal year.

4. The MCGJ believes the County investigation report should be released to the staff. If this report cannot be released for intractable legal reasons, a legally defensible general summary, findings, and recommendations should be made available. If that is not possible, involved employees should receive a written explanation detailing the reasons for the non-release, and any further recourse they may have.

Board Response: the latter part of the recommendation has been implemented inasmuch as the employees, through their Union representative, were provided with a written explanation that the report would not be released is because it is attorney work product privileged. Like many other employers, the County does not generally release investigative reports into personnel complaints. There are sound policy and risk management reasons for not releasing such documents. Furthermore, under applicable laws such as the Public Records Act, if the County provided a copy of the report to one group of interested parties, such as "involved employees," that disclosure would waive the privilege as to anyone else and, in effect, would make the report a disclosable public record.

Statutory Examination of the Mono County Jail, Bridgeport

Note: although the grand jury report requests responses from the Chief Probation Officer and the Interim CAO, as well as the Sheriff, we are informed by County Counsel that the Board of Supervisors and the Sheriff are actually the only parties responsible for responding to such findings and recommendations per Penal Code section 933. Note: the Board of Supervisors' legal authority and ability to control the operations of departments headed by elected officials, such as the Sheriff, is quite limited.

Findings:

1. Creating a relief cook position for the jail would avoid the unnecessary expenditure of overtime to cover vacation time usage, as well as any potential illness/injury absences. Also at issue is the



prospect of one employee having to work seven days a week for whatever period of time, which is an unnecessary hardship on that person.

Board Response: the Board agrees with the finding.

2. The Bridgeport Probation office still has an open lobby space that does not help protect the staff from the potential of harm, given the potential created by a criminal clientele. The space also has uncontrolled access to the rest of the office space.

Board Response: the Board agrees that the Bridgeport Probation office has an open lobby space.

3. The Mammoth courthouse prisoner holding facility is unused because of poor design.

Board Response: the Board agrees generally with the finding but understands the facility is not entirely “unused.” In any event, the County had no role in designing the facility.

Recommendations:

1. While budget constraints are a fact of life for many aspects of Mono County government, the Grand Jury once again recommends the creation of a relief jail cook position, and the filling of same.

Board Response: The recommendation requires further analysis, which should be completed within six months and then considered during the County’s mid-year budget review.

2. Again, budget is always the issue, but Mono County should strongly consider finding the funding to construct at the Bridgeport Probation office a counter/partition to create a barrier to the actual workplaces, and to secure the top of it with appropriately tempered glass and other materials. Also, the Mammoth Probation office’s security measures should be reassessed to determine if they need to be upgraded as well.

Board Response: The basic concept of the recommendation is currently being implemented, in-house, by Public Works staff and should be completed by the end of this fiscal year.

3. The Sheriff’s Department should again approach the Judicial Council and any other participating agency to speak again about fixes that could be made to the prisoner holding facility in the Mammoth Courthouse to make it useable.

Board Response: The recommendation appears directed to the Sheriff, but we understand from the Sheriff’s response that she intends to implement it and we support her doing so.