



**MONO COUNTY
GRAND JURY**

**Final Report
2000-2001**

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FINAL REPORT CREDITS

Cover design: Greg Newbry
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Production: C.D. Ritter

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

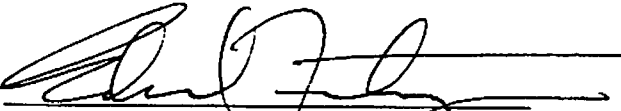
IN RE:

2000-2001 Grand Jury

GENERAL ORDER

I certify that the 2000-2001 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 17th day of August, 2001.



EDWARD FORSTENZER
Presiding Judge of the Superior Court

**THE GRAND JURY
County of Mono
State of California**

June 30, 2001

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

Dear Judge Forstenzer:

Enclosed is the Final Report of the 2000-01 Mono County Grand Jury.

The members of the current grand jury spent considerable time in reviewing, analyzing and investigating various citizen complaints as well as the overall operations of the various departments of Mono County. The time and energy necessary to conduct proper investigations and reviews can not be overstated. I thank all of the current members of the grand jury for their time, hard work, attention to detail, and dedication to the workings of the grand jury.

In order for the grand jury system to work, it is necessary that citizens be willing to volunteer their time for the betterment of all the citizens of Mono County. I would encourage all citizens of Mono County to consider volunteering for such service.

In reaching the findings and conclusions set forth in the attached Final Report, the grand jury has attempted to be fair, objective and constructive.

The grand jury's mandate could not have been fulfilled without the assistance and cooperation of numerous employees and officials of the various County and Town departments. The grand jury would like to thank these persons for their assistance and cooperation.

The various committee reports included in the Final Report are the result of the work of the committee members listed at the beginning of each report, and reflect the concurrence of the entire grand jury.

I would like to thank District Attorney George Booth, County Counsel Marshall Rudolph, Court Executive Officer Bob Dennis and Judge Edward Forstenzer for their assistance and guidance in the course of our investigations.

I would also like to thank C.D. Ritter for her administrative assistance with respect to the grand jury's operations. Without her, we would have been lost.

On behalf of the grand jury, I would like to say that it has been an educational and eye-opening experience, and an honor to serve the residents of Mono County in this capacity.

Respectfully,

Gregg P. Martino, Foreman
Mono County Grand Jury 2000-01

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 JURY MEMBERS & ADVISORS

JURORS

Tom Christiana
Mammoth Lakes

Charles Evans
Coleville

Gregg Martino
Mammoth Lakes

Tammy Davis
Mammoth Lakes

Olga Glidewell
Chalfant Valley

Orion Ormiston
Coleville

Richard Dawson
Hammil Valley

Lyn Haber
Swall Meadows

Pat Savage
Mammoth Lakes

Keith Dwyer
Mammoth Lakes

Walt Hoffmann
Benton

Tom Strehlow
Mammoth Lakes

Maynard Enos
Bridgeport

Mitch Janoff
Mammoth Lakes

Lynda Thompson
June Lake

RESIGNED JURORS

Bryan Mahony
June Lake

E.L. Maner
Mammoth Lakes

Gerardo Ramos
Mammoth Lakes

Melanie Wagner
Mammoth Lakes

OFFICERS

Foreman
Gregg Martino

Foreman Pro Tem
E.L. Maner

Sergeant-at-Arms
Mitch Janoff

Secretary
Lyn Haber

Assistant Secretary
Olga Glidewell

ADVISORS

Edward Forstenzer
*Presiding Judge of
the Superior Court*

George Booth
District Attorney

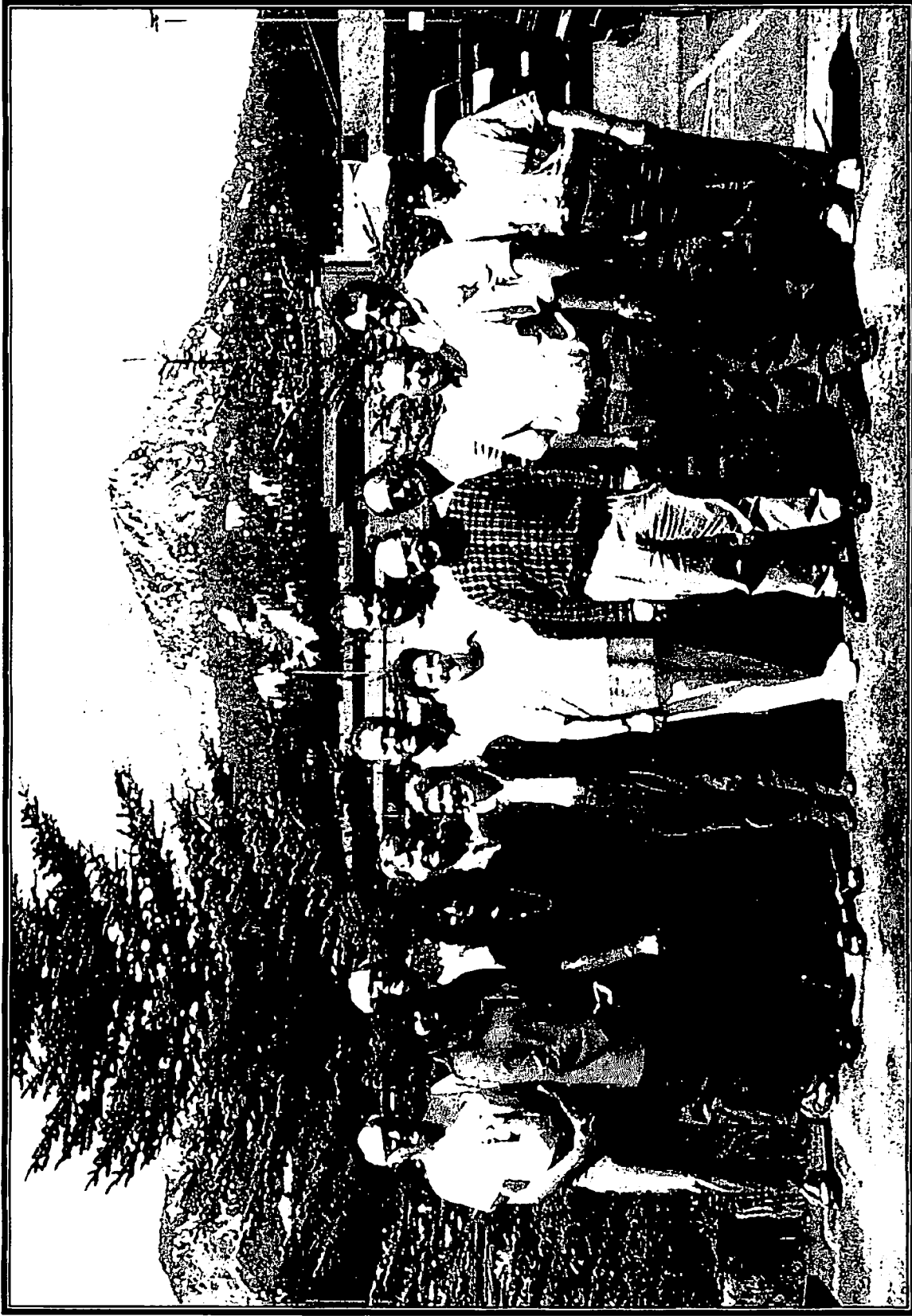
Bob Dennis
Court Executive Officer

Marshall Rudolph
County Counsel

Christiana Darlington
Deputy County Counsel

Stacey Simon
Deputy County Counsel

C.D. Ritter
Administrative Assistant



**The Mono County Grand Jury
2000-2001**

Left to right: Richard Dawson, Tammy Davis, Charles Evans, Olga Glidewell (assistant secretary), Lynda Thompson, Lyn Haber (secretary), Keith Dwyer, Pat Savage, Gregg Marino (foreman), Tom Strehlow, Walt Hoffmann, Maynard Enos, Tom Christiana and Orion Ormiston. *Not pictured:* Mitch Janoff.

GRAND JURY COMMITTEES

ADMINISTRATIVE, AUDIT & FINANCE

Lyn Haber, Chair

Tom Christiana • Olga Glidewell • Pat Savage • Tom Strehlow

BUILDING, PLANNING & ENVIRONMENT

Richard Dawson, Chair

Tom Christiana • Mitch Janoff • Orion Ormiston

EDUCATION

Olga Glidewell, Chair

Mitch Janoff • Lynda Thompson

EXECUTIVE & GRAND JURY HANDBOOK

Tom Strehlow, Chair

Gregg Martino

HEALTH & HUMAN SERVICES

Tammy Davis, Chair

Tom Christiana • Charles Evans • Lyn Haber

LAW & JUSTICE

Maynard Enos, Chair

Tammy Davis • Charles Evans • Walt Hoffmann • Orion Ormiston • Pat Savage

MAMMOTH LAKES, TOWN OF

Tom Strehlow, Chair

Tom Christiana • Tammy Davis • Gregg Martino • Pat Savage

MAMMOTH/YOSEMITE AIRPORT

E.L. Maner, Chair

Tammy Davis • Keith Dwyer • Walt Hoffmann • Gregg Martino

PARKS, RECREATION & PUBLIC WORKS

Richard Dawson, Chair

Lyn Haber • Lynda Thompson

SPECIAL DISTRICTS

Charles Evans, Chair

Lyn Haber • Walt Hoffmann • Orion Ormiston • Pat Savage

CITIZEN COMPLAINTS

An important function of the grand jury is to respond to citizen complaints. Any area resident who has knowledge of deficiencies or improprieties in local government -- Mono County, the Town of Mammoth Lakes, or Special Districts -- can file a formal complaint with the grand jury. 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.

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

This year, the grand jury concluded an ongoing investigation from last year's grand jury, and considered 31 new citizen complaints. Of the complaints received, several were determined to require no action; one was deemed beyond the grand jury's jurisdiction; and the others were investigated. Shown below are the complaints received:

#99-02A, #99-02B, #99-03, #99-04:

Ongoing investigation from 1999-2000 grand jury regarding concerns about the relationship between the Town of Mammoth Lakes and the development and operation of the Mammoth/Yosemite airport. Upon conclusion of the investigation, an Interim Report was published.

#00-01:

Complaint regarding alleged failure of County Child Protective Services to properly credit child-support payments. Referred to Administrative/Audit/Finance committee.

#00-02:

Complaint that a Town of Mammoth Lakes employee was not a United States citizen and had not been employed according to applicable laws. Referred to Town of Mammoth Lakes committee.

#00-03:

Verbal allegations to grand jury member that Town of Mammoth Lakes housing elements were improperly modified. No action would be taken unless written specifics regarding purported improper action were provided. None forthcoming, therefore no action taken.

#00-04:

Request by member of Marin County grand jury to look into Mono County's long-term health-care provisions. Referred to Health & Human Services committee.

#00-05:

Complaint of purported collusion between former Mammoth Lakes town manager and former Mammoth Lakes town employee regarding settlement of lawsuit. Referred to District Attorney's office for review and handling.

#00-06:

Second complaint from person filing Complaint #00-01 regarding claims already being dealt with in pending lawsuit in Alpine County. No action taken.

#00-07:

Third complaint from person filing Complaint #00-01 regarding alleged improprieties by County Child Protective Services employees. Referred to Administrative/Audit/Finance committee.

#00-08:

Complaint that Mammoth Lakes Police Department intentionally interfered with Oktoberfest. Investigated by Law and Justice committee and found to have no basis.

#00-09:

Complaint regarding allegations of improper handling of various incidents by the Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-10:

Complaint regarding operations of bottled water plant in Benton. Referred to County Counsel and determined it would be handled by Tri-Valley Groundwater District.

#00-11:

Complaint by former employee of Mono County Sheriff's Department regarding hostile/unpleasant work environment. Referred to Law and Justice committee.

#00-12:

Complaint regarding possible conflict of interest between employee and Southern Mono Healthcare District. Referred to Special Districts committee.

#00-13:

Complaint regarding improper attempt by individuals of Mono County Sheriff's Department to influence sentencing of six-time DUI offender. Referred to Law and Justice committee.

#00-14:

Complaint regarding additional alleged improprieties in the Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-15:

Complaint regarding alleged violation of Mono County General Plan by new hangar construction at Mammoth/Yosemite Airport. Referred to Mammoth/Yosemite Airport committee.

#00-16:

Complaint that there is no systematic evaluation of department heads. Referred to Administrative/Audit/Finance committee.

#00-17:

Complaint regarding purported violations by three different County Child Protective Services departments. Referred to Health & Human Services committee.

#00-18:

Complaint that Mammoth Mountain Ski Area violated various USFS permit requirements. Determined to be beyond the jurisdiction of grand jury. No action taken.

#00-19:
Fourth complaint from person filing Complaint #00-01 regarding similar issues. Referred to Administrative/Audit/Finance committee.

#00-20:
Complaint alleging purported violations of taping telephone conversations over four years ago by current employees of Mono County Sheriff's Department. Referred to District Attorney for review. No action taken.

#00-20A:
Complaint regarding purported improper and hostile working conditions in the Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-21:
Complaint regarding the delay in moving the Benton Transfer Station. Referred to Public Works Department. Matter resolved.

#00-22:
Fifth complaint by person filing Complaint #00-01. Referred to Administrative/Audit/Finance committee.

#00-23:
Complaint that the Mono County Sheriff's Department improperly placed an employee on extended paid administrative leave. Investigated by Law and Justice committee and determined to have no merit.

#00-24:
Complaint from concerned victim alleging improper handling of Peeping Tom complaint by Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-25:
Copy of internal memorandum from Mammoth Lakes Police Department detective to chief regarding incident of purported lack of cooperation by Mono County Sheriff's Department. Referred to Law and Justice committee.

#00-26:
Complaint alleging improper use of County fax machine on County time by employee of District Attorney's office. Referred to District Attorney for further review and handling.

#00-27:
Complaint alleging possible violation of confidentiality laws by member of Eastern Sierra Unified School District in August 2000. Received late in term; referred to next grand jury.

#00-28:
Complaint regarding car listed for sale parked in Mammoth Lakes Police Department parking lot. No action taken.

#00-29:
Complaint contending Mono County Sheriff's Department improperly handled matter and violated his civil rights. Received at end of term; referred to next grand jury.

#00-30:

Complaint regarding the method of handling building permits in Mono County. Received too late; referred to next grand jury.

COMMITTEE REPORTS

ADMINISTRATIVE, AUDIT & FINANCE COMMITTEE

Lyn Haber, Chair

Tom Christiana • Olga Glidewell • Pat Savage • Tom Strehlow

COUNTY OF MONO AUDIT REPORT, SINGLE AUDIT REPORT & MANAGEMENT REPORT

BACKGROUND

An audit review is a mandatory function of the grand jury. This committee conducted reviews of the Mono County Audit Report, Management Report and Single Audit Report for the fiscal year ended June 30, 2000, prepared by Bartig, Basler and Ray, certified public accountants and management consultants.

FINDINGS

1. The auditor found that in all material respects, Mono County has complied with the requirements that are applicable to each of its major federal programs for the year ended June 30, 2000. No matters involving the internal control over compliance and its operation were considered to be material weaknesses.

2. The auditor reviewed the internal control structure, highlighted several problem areas, and included recommendations for corrections that would help to strengthen controls and procedures. The management responses given by the County Administrative Officer to the recommendations appeared to be positive, and apparently a majority of the recommendations will be implemented.

3. Staffing and training in the Auditor-Controller's office remain a problem. The department is unable to attract enough qualified and trained staff in the Bridgeport office.

4. The audit report took too long to complete and was received by the County too late to be used as a helpful tool in planning the coming year.

RECOMMENDATIONS

1. It is strongly recommended that the CAO maintain his personal supervision of all departments so newly implemented procedures are carried out and the departments do not fall back to previous accounting practices.

2. Again, as recommended by the previous grand jury, consideration should be given to splitting or moving the Auditor-Controller office from Bridgeport to Mammoth Lakes to gain access to a larger pool of qualified people in the Mammoth area.

3. A "Personnel Management Officer" should be funded and filled by the County to free the CAO's time and improve personnel relations.

4. The audit should be completed in a timely fashion.

TOWN OF MAMMOTH LAKES, CALIFORNIA COMPREHENSIVE ANNUAL FINANCIAL REPORT

BACKGROUND

In past years, the grand jury directed its attention to audit reports for Mono County only; however, at the recommendation of the 1999-2000 grand jury, the Administrative, Audit and Finance committee also reviewed an audit report for the Town of Mammoth Lakes.

FINDINGS

1. Probably the greatest single defect of the Town of Mammoth Lakes' Comprehensive Annual Financial Report is that Moss, Levy and Hartzheim, the CPA firm performing the audit, took too long to complete it. The Town's fiscal year ended June 30, 2000. While the Sept. 28, 2000, date on the independent auditor's report regarding internal control (p. 41) would seem to imply an earlier completion date, the Comprehensive Annual Financial Report, including the Independent Auditor's Report, was not returned to the Town until March 2001. The tardy production of the fiscal-year-end financial report tends to compromise its utility as a timely review of the Town's performance during the previous fiscal year and as a forecasting tool in the budget process for the fiscal year starting July 1, 2001.

2. While the Town of Mammoth Lakes' Comprehensive Annual Financial Report "is intended for the information of the audit committee, management federal awarding agencies and the State Controller's office," its complexity makes it difficult reading at best for the general public.

3. The Town has filled a number of vacant administrative positions (e.g., town manager, finance director, treasurer) that formerly, albeit temporarily, had been administered by the acting town manager, and thereby has effected more consistent internal controls and more timely reporting.

4. Although most issues of Town financial policy are comprehended in state codes and town ordinances, there is no single written collection of Town policies, financial or otherwise, for ready reference across all departments of Town government.

RECOMMENDATIONS

1. The Town should engage a CPA firm capable of producing its annual financial report in a more timely manner.

2. The Town should look for ways to make its annual financial report and, for that matter, all of its financial reports, including its annual budget, more readily intelligible to the general public.

3. The Town should collect all of its various policies into a single reference for the use of all departments of Town government and the general public.

COMMENDATIONS

The Administrative, Audit and Finance committee extends commendations to the town manager, the town clerk, and the town finance director for their capable assistance.

CITIZEN COMPLAINTS

BACKGROUND

The Administrative, Audit and Finance committee received several letters of complaint (#00-01, #00-07, #00-19, #00-22) from a single individual regarding her dealings with various Mono County agencies and departments.

1. COMPLAINT: Complainant was ordered to pay \$1,655.00 as her portion of attorney costs in Mono County Superior Court Case #11771, and paid the stated amount to the Mono County Superior Court. When she requested documentation showing that the Court had properly credited her payment, she was unable to obtain verification.

FINDING: The committee investigated this issue and found that the Mono County Superior Court paid the attorney a total of \$5,952.50 for his services in Case #11771, and that complainant's payment of \$1,655.00 was received by the Court and properly credited.

2. COMPLAINT: Complainant stated that court order stipulating payments was never issued.

FINDING: The committee contacted the Mono County Superior Court and was informed that the judge decreed an "Order After Hearing," which was prepared by the attorney and signed by the judge.

3. COMPLAINT: Complainant alleged that the Family Support Division of the Mono County District Attorney's office was committing fraud by collecting funds from her, but not from her ex-husband.

FINDING: The committee reviewed the documentation provided by the Family Support Division and agreed with the District Attorney's office in the matter of disbursements and allocations. The committee and the DA believe that both parties were treated in a fair and equitable manner.

4. COMPLAINT: Complainant requested confirmation that her ex-husband was being held accountable for his portion of Court-ordered fees.

FINDING: The payment of Court-ordered fines, fees and reimbursements of

expenses incurred by the Court is determined solely by a judicial officer based on the individual financial circumstances of each payee. The committee verified that complainant's ex-husband was paying his portion of the Court-ordered fees at the rate of \$50 per month. Payments commenced Oct. 1, 2000. Mono County Superior Court records indicated that as of Jan. 30, 2001, his account was current.

5. **COMPLAINT:** Noting that a staff member of the Mono County District Attorney's office is the brother-in-law of the complainant's ex-husband, complainant stated that she thought the family relationship created a conflict of interest for the DA's office.

FINDING: After investigation, the District Attorney's office did not concur with complainant's perception of a conflict of interest and, therefore, did not assign complainant's application for child support under changed circumstances to another agency. The complainant's application was granted following a meeting Sept. 27, 2000.

6. **COMPLAINT:** Complainant claimed that Mono County Child Protective Services (and two employees in particular) were guilty of misconduct and sought disciplinary action against them.

FINDING: Having reviewed the particulars of the settlement between complainant and Mono County, the committee judged it would be more constructive to review the policies and procedures of Mono County Child Protective Services with a view toward preventing similar tragedies in the future. The committee conducted extensive interviews with the Director of Social Services for Mono County. The Director of Social Services gave the committee many specific examples of the department's efforts to improve its procedures and the training and supervision of its staff, assuring committee members that the department is indeed making every effort to improve its performance.

CONCLUSION

The Administrative, Audit and Finance committee received complete cooperation and full disclosure from each of the departments and agencies involved: Mono County Superior Court, Family Support Division of the Mono County District Attorney's office, and Mono County Department of Social Services. The committee is confident that complainant's concerns have been addressed and resolved in a fair manner. Additionally, each department and agency is making every possible effort to improve its performance.

BUILDING, PLANNING & ENVIRONMENT COMMITTEE

Richard Dawson, Chair

Tom Christiana • Mitch Janoff • Orion Ormiston

BACKGROUND

The Building, Planning and Environment committee received one letter of complaint, regarding the method of handling building permits, during this term.

FINDINGS

The complaint was received too late in the term.

RECOMMENDATIONS

The complaint will be referred to next grand jury.

EDUCATION COMMITTEE

Olga Glidewell, Chair
Mitch Janoff • Lynda Thompson

BACKGROUND

The Education committee received no formal written complaints during this term. Two verbal complaints were submitted, and the committee decided to make further inquiries.

1. There were concerns voiced by parents early in the 2000-01 school year regarding the location of the continuation school of the Mammoth Unified School District.

2. A parent on the grand jury was unaware of the consequences of removing his child from Mammoth High School for an extended period of time. This action would have an adverse effect on the student's academic standing. The parent further stated he had never received the MUSD policy on criteria for excused and unexcused absences from school.

3. The committee reviewed financial records of the Eastern Sierra Unified School District.

FINDINGS

1. Further investigation revealed that concerns about the continuation school were not based in fact. Rumors that the school is located on the elementary school campus were simply that -- rumors. The continuation school is located on the middle school/high school campus. In addition, knowing that a better facility is needed, MUSD is including the continuation school in its new complex currently under construction on Meridian Boulevard, across from the present facility.

2. The MUSD superintendent's office was contacted and it provided 30 pages of the State of California Education Code. The first page of this document states the following: "Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, board policy and administration regulations" (Education Code 46010,48205,48216). A follow-up was made with MHS Principal Michael Oldham for additional explanation on the MHS specific policy.

Last year the State of California stepped in and changed the policy. Independent study is not allowed for unexcused absences, but at MHS, a teacher has the choice to allow or disallow makeup work: a) Teacher will give the student independent study; 2) If the time period away is going to be too long, or the student is already too far behind, student will be assigned to the Sierra High School, which does not offer honors classes; and c) Some honors class teachers believe that missing seven to 10 days of intense lecture and class participation can not be made up with alternative assignments.

At the beginning of the school year, all high school students are given a handbook and a letter with all school rules and policies. The students and parents are required to sign and return it to school. The participation of the parent and the student in signing the

informational letter and policy at the beginning of the school year should be sufficient in making the parent aware of options. It should be the responsibility of the parent to have direct contact with teachers on their individual policies prior to planning trips out of town.

3. Financial records for the Eastern Sierra Unified School District adequately reflect disbursement of funds in all categories. With some very minor exceptions, all cash handling procedures and financial reporting procedures were followed and complied with state requirements.

RECOMMENDATIONS

No recommendations.

EXECUTIVE/GRAND JURY HANDBOOK COMMITTEE

Tom Strehlow, Chair
Gregg Martino

BACKGROUND

Each year at the time of the impanelment of a new grand jury, incoming jurors receive a Grand Jury Handbook ("Handbook") setting forth the duties, obligations and procedures of operation of a grand jury. During the course of this year, it was discovered that certain changes could be made in the operations of the grand jury so as to make it more efficient, more professional and less likely to review and investigate matters that had already been examined by the previous grand jury.

FINDINGS

1. The procedure as to how to conduct investigations was not clearly set forth in the Handbook.
2. Because past deliberations and operations of grand juries are not passed on to a new grand jury, there is the possibility of overlap in investigations.
3. The economic disclosure obligations of a grand juror were not disclosed or set forth in the Handbook.

RECOMMENDATIONS

1. Section 2 of the Handbook should be revised to suggest that the new grand jury arrange for a visit by the District Attorney at its first meeting to explain the proper procedures for conducting investigations, and the ability to utilize the DA's office in connection with any complicated investigations.
2. The procedures of the grand jury should be changed so that each grand jury pass on to the incoming foreman the minutes of all grand jury meetings, copies of all complaints received by the outgoing grand jury, and copies of all letters sent out by the outgoing grand jury. Moreover, the chair of each grand jury committee should meet with the new chair of that same committee to provide an overview of the investigations, operations and open issues of the outgoing committee. By proceeding as outlined above, there will be more continuity from one grand jury to the next rather than have each grand jury stand alone. The Handbook should be revised accordingly to ensure that this process is implemented.
3. All interviews regarding any investigations must be conducted by at least two members of the grand jury in attendance. It is, however, difficult for jurors to always meet to conduct such investigations and interviews, and, thus, conference calls are necessary. As a result, the grand jury should be provided with a calling card to be used by jurors, and a procedure should be spelled out in the Handbook as to how jurors should keep track of such calls for billing purposes.

4. Each grand juror should be advised at the outset that in order to sit as a member of the grand jury it is necessary for each juror to disclose and file with the County Clerk certain financial and economic information. A copy of the form of disclosure should be included as part of the Handbook.

5. The grand jury conducts investigations for the ultimate purpose of preparing a report to be made public. It is important that the content of any report not be libelous or slanderous, and it is also important that the interviews and investigations be conducted in a fair, truthful and impartial manner so as to avoid potential liability of a grand jury or any juror for libel or slander. As a result, the District Attorney should explain to each new grand jury the potential liability for libel and slander and the fact that the County indemnifies the grand jury and its members from such claims provided certain guidelines are followed. These guidelines should be explained fully to new grand jurors.

CONCLUSION

The nature of the grand jury is such that it is operated by common citizens of the county who have no particular legal background. Yet, the grand jury conducts investigations that are sometimes controversial, complicated and substantial. As a result, there should be more effort given to educating each juror so that the grand jury can conduct its investigations properly, fairly, impartially and within the proper confines of the law. This grand jury believes some of the changes outlined above will assist in such effort, but more needs to be done to educate each juror in the methods and types of issues that the grand jury should investigate.

HEALTH & HUMAN SERVICES COMMITTEE

Tammy Davis, Chair
Tom Christiana • Charles Evans • Lyn Haber

BACKGROUND

The Health and Human Services committee received one letter of suggestion, one letter of complaint, and one verbal complaint during this term:

1. A letter of suggestion (#00-04) was received from a grand juror of another California county regarding elder care in California. The letter alleged a lack of planning for the future increase of the long-term care resident population in California, and recommended a concerted advocacy by California grand juries for a change in the state's Division of Aging policy. The letter cited an approach taken by the state of Oregon, and urged the jury to recommend in its report that California look at the Oregon model.

2. A letter of complaint (#00-17) was received from a Benton resident concerning purported violations of Mono County Child Protective Services and two County CPS agencies in the state of Nevada. The letter itself revealed an ongoing investigation by one of the Nevada counties.

3. A series of verbal complaints received by a juror alleged possible malfeasance in office by a Health and Human Services department head. Though the allegations were serious, no complainant wished to come forward or submit the complaints in writing.

FINDINGS

1. The letter and information (#00-04) regarding the long-term care policy of California was discussed, and it was decided the matter warranted no direct action by this jury. The letter mentioned the passage of AB 452, establishing a Long-term Care Council in the state of California. The "Oregon model" paper was forwarded to Marilyn Berg, Social Services department head.

2. The committee discussed the letter of complaint (#00-17) against the Mono County Child Protective Services, and it was decided that in light of the ongoing investigation, the jury should take no action at this time.

3. The committee discussed the verbal allegations of malfeasance in office by a Health and Human Services department head, and decided that the issues ought to be brought to the attention of the County. Lacking anything but hearsay evidence given to one juror, no official jury action was undertaken. It was decided in a regular jury meeting to draft a letter to the CAO detailing the complaints and suggesting a County response.

4. The committee conducted interviews with Health and Human Services personnel in accordance with PC 928. The following four department heads were interviewed: a) Gil Graham, Employers Training Research Department; b) Tom Wallace, director of the Mono County Mental Health Department; c) Marilyn Berg, director of the Mono County Social Services Department; and d) Jack Bertman, MD, Mono County Health Officer.

5. The overall findings of the committee brought to light some areas of conflict, along with several examples of cooperation between the three main departments that make up Health and Human Services. The conflicts primarily related to funding. The three departments each receive county, state and federal funds for the various programs they administer. The Health Department seems to end up with funding shortfalls that are in part made up by various types of fund transfers of state or federal money out of the other two departments. The jury recognizes that County budget demands necessitate these types of transfers, and is concerned only that the end result of fiscal manipulation does not adversely impact any of the end-users, the citizens for whom the various programs are designed. On the other side, it was noted that the three departments cooperate well on various overlapping programs; e.g., the Children's System of Care.

RECOMMENDATIONS

1. It was learned early in the interview process that the County is committed to joining the three separate departments into a single Health and Human Services department. The jury supports this move by the County, but strongly recommends an administrative professional be sought from the outside to head the combined departments. It is believed that the resulting super-department would be best headed by a person with managerial, budget and audit expertise rather than a professional in any of the various HHS fields.

2. Regarding the Bridgeport Hospital, it is recommended that the County seek a smaller building for the clinic operations. The present facility is under-used by the clinic and the Health Department. Because the older architecture makes the building expensive to heat in winter, it may be more efficient to partition the facility for multi-use by other County agencies. Also, it would help to enclose some of the large open glass walls to reduce heat loss.

3. The salary disparity between similar state and county positions within the three departments is a cause of employee discontent. It is recommended that the County look into ways to bring about a more equitable pay schedule.

4. It is believed that the County could improve the efficiency of department operations by instituting regular outside audits of each department. The combined revenues and expenditures of the three departments is the largest in the county. It makes good fiscal sense to conduct regularly scheduled audits.

5. It is recommended that the County institute a regular evaluation system for all department heads. A regular evaluation can be a constructive tool for leadership, and should include input from all department employees in a way that would ensure their candid contributions.

6. The overall impression is that the Health and Human Services departments are administered by capable people who are professionals in their fields of expertise. There is room for improvement, however, in the cohesion between the separate entities. A look at combining similar programs and tasks within the departments could result in a greater savings to the County.

LAW & JUSTICE COMMITTEE

Maynard Enos, Chair

Tammy Davis • Charles Evans • Walt Hoffmann • Orion Ormiston • Pat Savage

BACKGROUND

The Law and Justice committee took three approaches to law enforcement in Mono County: 1) previous grand jury's recommendations; 2) citizen complaints received; and 3) problems and issues that surfaced as a result of the above considerations.

The word that characterizes the committee's concern with the Sheriff's Department is "communication," both internally and externally. With an improved and better-known complaint procedure, a substantial number of complaints that flowed in could have been handled by the Sheriff's Department rather than the grand jury. The body of the report discusses each complaint individually and makes recommendations. The committee talked to a number of current and former Sheriff's Department employees to better understand the concerns being voiced. The main issues that emerged were: concerns about pay and benefits, communication within the department, professional conduct of deputies and supervisors, inequities in department discipline, data entry and retrieval, and the wisdom of isolating the assistant sheriff position as a civil service position.

The 1999-2000 grand jury recommended a review of citizen complaint procedures in the Mono County Sheriff's Department and the Mammoth Lakes Police Department:

MONO COUNTY SHERIFF'S DEPARTMENT

1. FINDINGS:

- a. The Sheriff's Department has a complaint form that is short, concise and to the point; however, a copy is unavailable in Spanish.
- b. The internal affairs control sheet functions as a citizens complaint log.
- c. The written procedures for handling citizen complaints are in compliance with California Penal Code Section 832.5, which is required of all agencies that employ peace officers.
- d. Over the past five years, the vast majority of complaints originated internally (27), and an unusually low number citizens filed complaints (8).
- d. There is no written procedure for handling anonymous complaints.

2. RECOMMENDATIONS:

- a. Provide a citizen complaint form in Spanish.
- b. Keep a separate citizen complaint form log.
- c. Provide for greater public awareness of the citizen complaint procedure.

- d. Devise a written policy and procedure for accepting anonymous complaints.

MAMMOTH LAKES POLICE DEPARTMENT

1. **FINDINGS:** The written procedures for handling citizen complaints are in compliance with California Penal Code Section 832.5, which is required of all agencies that employ peace officers, but no Spanish version is available.

2. **RECOMMENDATION:** The Mammoth Lakes Police Department should provide a citizen complaint form in Spanish.

CITIZEN COMPLAINTS

1. **COMPLAINT #00-08:** Complainant alleged that the Mammoth Lakes Police Department intentionally interfered with Oktoberfest.

FINDING: The complaint was investigated and found to have no basis.

2. **COMPLAINT # 00-09:** Complainant cited five allegations of improper handling of various incidents by the Mono County Sheriff's Department:

a. **FIRST ALLEGATION:** A woman and her vehicle became stranded in winter on Hwy. 120. The Sheriff's Department started, but abandoned, the search. Early the next morning, her husband rescued her.

FINDINGS: There was disagreement within the Sheriff's Department on whether the response was adequate. Communication between the reporting party and dispatch was poor and could have had tragic consequences. Although the committee and the Sheriff's Department agreed that poor judgment was exercised in this incident, the alleged incompetence was not borne out by the investigation.

RECOMMENDATION: 1) A closed but easily circumvented gate on Hwy. 120 in winter may not be acceptable. Caltrans, Mono County, affected communities, ranchers and interest groups ought to determine a better plan to protect the public. 2) Dispatchers need to ensure that reporting parties understand the information relayed to them. 3) When procedure is changed, add it in writing to the "Search and Rescue Preplan."

b. **SECOND ALLEGATION:** A deputy-in-training, while driving home in a marked Sheriff's Department vehicle, noticed a vehicle speeding and swerving. His supervisor ordered him to go home and not stop the vehicle.

FINDINGS: The Sheriff's Department was unable to determine the date or circumstances of the complaint, and the supervisor on duty did not remember the incident. Probably what happened, according to the Sheriff's Department, was that policy prohibits a deputy in field training from making a stop.

RECOMMENDATION: If a trained law enforcement officer in uniform and in a marked patrol vehicle is unable to stop a suspected drunk driver, the Sheriff's Department needs to research a remedy to this dilemma.

c. **THIRD ALLEGATION:** A citizen of Crowley Lake saw a vehicle speeding in a residential area. A sergeant, when asked if he intended to stop the vehicle, said it was not his problem.

FINDINGS: The Sheriff's Department was unable to determine the date of the complaint. The witness remembered the incident, but the sergeant did not.

RECOMMENDATION: None.

d. **FOURTH ALLEGATION:** When two deputies entered a campground at night during August 1995, shots were fired at or near one deputy, and threats were shouted. The deputies retreated to a safe area near the entrance until a supervisor arrived and assessed the situation. He sent the deputies home with the understanding that a team would go in again in the morning. By the time the team arrived, the gunman had left the campground.

FINDINGS: The committee found the complaint true, and had no problem with the decision not to reenter the campground at night. However, the supervisor exhibited poor judgment by not leaving personnel at the access road to the campground until the situation was resolved.

RECOMMENDATION: This incident happened in 1995, so learn from it and move on.

e. **FIFTH ALLEGATION:** A few years ago, a man was reported stranded near Mammoth Lakes. The Mammoth Lakes Fire Department responded to effect a rescue. The Sheriff was upset that the MLFD had responded to a search-and-rescue call, which is the Sheriff's Department's responsibility.

FINDINGS: Although search-and-rescue efforts are the responsibility of the Sheriff's Department, the MLFD can be a valuable asset in such operations.

RECOMMENDATION: Draft, approve and sign a memorandum of understanding between the Sheriff's Department and the MLFD regarding search-and-rescue operations.

3. **COMPLAINT #00-11:** Former employee alleged that a hostile, unpleasant work environment existed within the Sheriff's Department.

FINDINGS: 1) The District Attorney and grand jury interviewed the complainant and reviewed a substantial personal log of incidents. 2) The problems continued, so the complainant sought another County position. 3) Other staff members said they had witnessed elements of the complaint, and two had left for the same reasons as the complainant. 4) The Sheriff's Department issued a memorandum on this issue, disciplined people, and arranged for sexual harassment training. 5) The complainant was troubled also about a reprimand regarding comments complainant had made "off the record" at a multi-agency council meeting. 6) The Sheriff's Department Policies and Procedures manual has a number of sections dealing with professional conduct and responsibilities. Section 4.2.3 states, "Each employee will perform his/her duties attentively and courteously, avoiding rude, threatening, harsh, insulting, profane, sarcastic, insolent or demeaning language, and he/she will maintain a professional bearing regardless of provocation to do otherwise." Also, Section 4.2.4 states, "Each employee will treat superior officers, subordinates and peers with respect. Each employee will be courteous and civil at all times in his/her

relationship with one another and avoid any form of discourtesy.” And Section 4.4.1 states, “Each employee will conduct himself/herself in accordance with the law enforcement code of ethics, and observe and obey all laws and ordinances, and all rules and regulations of the Department and all general or special orders of the Department.”

RECOMMENDATIONS: 1) The Sheriff’s Department’s from top management down needs to more diligently attend to the guidelines within the Policy and Procedures manual regarding professional conduct and responsibility. 2) The Sheriff’s Department needs to clarify policy on acceptable off-the-record speech. The committee believes that being reprimanded for off-the-record comments intended to foster open debate is inappropriate.

4. **COMPLAINT #00-12:** Complainant alleged improper attempt by individuals of the Sheriff’s Department to influence the sentencing of a multiple DUI offender.

FINDINGS: A Sheriff’s Department supervisor did recommend to Judge Forstenzer that a hardworking inmate cook not be sent to state prison, but rather be given the same number of “custody days” in the County jail. The Sheriff was aware of and approved this recommendation. However, the letter was sent out on plain stationery, thus giving the committee the impression it was a personal recommendation.

RECOMMENDATION: Letters to judges regarding sentencing recommendations should be submitted on department letterhead and bear the Sheriff’s signature.

FURTHER FINDINGS: The committee discovered some disturbing unwritten policies regarding feeding Sheriff’s Department staff in Bridgeport. Permanently assigned Bridgeport personnel are fed free of charge by the jail kitchen, just like jail staff and out-of-the-area staff. The committee finds it inappropriate to provide free food to Sheriff’s Department staff assigned to Bridgeport. It also finds objectionable occasional preparation of “different meals” for staff.

RECOMMENDATIONS: Sheriff’s Department Bridgeport staff should pay for meals eaten at the jail, and no special meals should be fixed for Sheriff’s Department staff.

5. **COMPLAINT #00-14:** Complainant alleged improprieties in the Sheriff’s Department.

FINDINGS: See “Issues Investigated by Committee Initiative.”

6. **COMPLAINT #00-20:** Complainant alleged illegal taping of telephone conversations over four years ago by current Sheriff’s Department employees.

FINDING: The matter was referred to the District Attorney for review. No action was taken by the DA.

7. **COMPLAINT #00-23:** Complainant alleged that a Sheriff’s Department improperly placed an employee on extended leave.

FINDING: This matter was investigated and found to have no merit.

8. **COMPLAINT #00-24:** Victim of Peeping Tom incident alleged improper handling by the Sheriff’s Department.

FINDINGS: A Bridgeport resident was disturbed last winter when a large man tried to get help at her home. A sergeant and deputy responded to the scene and returned the man to a bar to be with his friends. The suspect was a foreign Marine in training who had gone for a walk and become lost. During the encounter the sergeant had told the resident the man was drunk, which he was not. The deputy did not identify the suspect.

RECOMMENDATION: In similar situations, the Sheriff's Department ought to obtain the identity of the offending party.

9. **COMPLAINT #00-25:** Copy of memorandum from Mammoth Lakes Police Department regarding incident of purported lack of cooperation between the Sheriff's Department and the MLPD.

FINDING: The matter was investigated and found to have no basis.

10. **COMPLAINT #00-26:** Complainant reported a "for sale" sign on a personal vehicle parked at the MLPD parking lot. This matter was not investigated.

11. **COMPLAINT #00-29:** Complaint concerned a search of property in Crowley Lake by Sheriff's Department deputy.

FINDING: The complaint was received in later May 2001. The committee is referring all collected evidence to the incoming grand jury for further investigation.

ISSUES INVESTIGATED BY COMMITTEE INITIATIVE

The types of complaints against the Mono County Sheriff's Department suggested other topics to investigate: 1) Why were people leaving the department? 2) How is data retrieval handled? 3) Why is the assistant sheriff's position a "protected position"?

1. ISSUE: Why are people leaving the Sheriff's Department?

FINDINGS

a. Historically, the Sheriff's Department has been one of the lowest-paying law enforcement agencies in the area. The Sheriff admits that recruitment and retention are a major problem. Former deputies interviewed all receive better pay, benefits and retirement benefits in their new departments. The committee believes the Sheriff has taken a courageous and correct step with the new salary and benefits proposal currently before the Board of Supervisors, and the committee supports this effort.

b. A number of interviewees alleged that certain employees were singled out and given harsher treatment than other, more-favored employees. Personnel files provided at the committee's request disclosed that some employees were properly subjected to greater scrutiny for unheeded reprimands. The files, however, also disclosed that other employees with documented poor conduct enjoyed favorable performance appraisals. Evidence in the files suggests that the poor conduct of these employees has continued for some time. The committee would like to see a system in place that aggressively addresses chronic conduct problems and helps employees remedy them in a fixed period of time.

c. Some former employees cited lack of aggressive traffic enforcement as an

example of a non-proactive stance in law enforcement. Statistics on arrests, however, showed a dramatic rise in misdemeanor citations (85 in 1996 to 359 last year). Statistics going back at least 10 years were not readily available, so the committee could not comment on the history of traffic enforcement.

d. Officers interviewed thought certain higher-up staff were getting paid most of the overtime. Two years worth of data corroborated this claim. Sheriff's Department management agreed, but countered that the need for supervisors, unexpected emergencies and guidelines in the Peace Officers Bill of Rights concerning supervisor overtime accounted for a lion's share of the expenditures. Although both sides have a valid point, without examining other sheriff's department remedies, the committee is unable to make any recommendations on this issue.

RECOMMENDATIONS

a. Develop for employees an anonymous annual internal critique form with the assistance of the County Administrative Officer and Law Enforcement Officers Union.

b. With the participation of the above two entities, institute an aggressive program to correct deficiencies in employees scoring below standard for two consecutive years on their performance appraisals.

c. Assemble a team with the goal of lowering management overtime costs.

2. ISSUE: How is data retrieval handled?

FINDINGS: During its investigations, the committee requested statistics on the when, where and how often of certain incidents. Although the Sheriff's Department did its best to accommodate the committee, without accurate data, both historical and current, the committee found it difficult to review allocation of resources or to analyze trends. The Sheriff said a new computerized system due very soon should solve many of the problems with data retrieval.

RECOMMENDATIONS:

a. Get the new computerized data entry system (LEEDs) on line as soon as possible and see if older statistical data can be incorporated into the system.

b. See if search-and-rescue data can be incorporated into the new system.

3. ISSUE: Why is the assistant sheriff's position a "protected position"?

FINDINGS

a. A protected position is essentially a "civil service" position, while an "at will" position is subject to the will of the Sheriff. An at-will assistant sheriff can be appointed and dismissed at the Sheriff's discretion, but a protected-position assistant sheriff is subject to civil service-type rules governing appointment and dismissal. The committee found it curious that this is not in keeping with the trend in county government for more at-will department heads. Sheriff's Department management said that without the stability of the position, it is hard to get someone to move up the ranks when the position becomes vacant.

b. Some department employees thought it unfair that a person with inadequate qualifications could be appointed to the position.

c. The Sheriff questioned whether the Peace Officers Bills of Rights would allow an at-will position. A procedure instituted to allow an at-will assistant sheriff who has been dismissed to revert to his/her former position would seem adequate. Also, a bad appointment by the Sheriff would diminish chances of reelection. The committee believes that the advantage of having a sheriff who can appoint his own second outweighs the disadvantages. This becomes extremely important with changes in administration. The issue of legality has not been resolved.

RECOMMENDATION: When the current position is vacated, the Board of Supervisors should look at the pros and cons of changing the assistant sheriff position to "at will" if it is deemed legal.

TOWN OF MAMMOTH LAKES COMMITTEE

Tom Strehlow, Chair

Tom Christiana • Tammy Davis • E.L. Maner • Gregg Martino • Pat Savage

STATEMENT

The Town of Mammoth Lakes committee received and investigated a single anonymous complaint alleging that the Town of Mammoth Lakes' hiring of a non-United States citizen had violated federal immigration laws. In addition to its investigation of the complaint, the committee made a general inquiry into the Town of Mammoth Lakes' policies regarding personnel and outside contractors.

FINDINGS

1. The individual mentioned in the complaint (#00-02) was a legal alien and eligible to work in the United States, and the Town of Mammoth Lakes had complied with all of its documentation responsibilities.
2. The Town of Mammoth Lakes had properly advertised the position in advance and had interviewed more than one candidate before offering the position to the individual in question.
3. The Town of Mammoth Lakes was again advertising the position coincident to the expiration of the individual's work visa.
4. The committee's more general inquiry confirmed that policies regarding personnel and independent contractors were most often covered by statute or municipal code. However, there is no single source of reference for the Town's personnel policies and procedures, and no written policy regarding the negotiation of long-term agreements with third parties.

RECOMMENDATIONS

It is recommended that Town management should:

1. Create written policies regarding long-term agreements with third parties.
2. Compile an administrative policy manual as a reference source for Town management personnel.

COMMENDATION

The committee expresses its gratitude for the prompt and professional response it received from all of the Town's management personnel, and most particularly from Town Manager Stephen Julian and Town Clerk Anita Hatter.

MAMMOTH/YOSEMITE AIRPORT COMMITTEE

E.L. Maner, Chair

Tammy Davis • Keith Dwyer • Walt Hoffmann • Gregg Martino

BACKGROUND

Last year, the grand jury received four citizen complaints (#99-02A, #99-02B, #99-03, #99-04) expressing concern about the relationship between the Town of Mammoth Lakes and the development and operation of the Mammoth/Yosemite airport ("Airport"). At that time, a subcommittee of the Town of Mammoth Lakes committee was formed to deal specifically with the Airport.

In their investigation of the allegations, committee members contacted present and past elected officials of the Town of Mammoth Lakes, the Airport developer, corporate personnel associated with the Airport developer, Airport staff, private citizens and the complainants themselves. The committee's findings were based on interviews in person and by phone, as well as written documentation received.

When the committee presented its findings to the entire grand jury near the end of its tenure, it was determined that the investigation begun in August 1999 was incomplete. Thus all information accumulated in the lengthy, complex investigation was referred to the 2000-01 grand jury for further fact-finding and resolution.

FINDINGS

The committee concluded the two-year investigation into the Mammoth/Yosemite airport Jan. 31, 2001. An Interim Report detailing the results was filed in Superior Court Feb. 28, 2001, by the Honorable Edward Forstenzer, presiding judge. The report is presented in its entirety on subsequent pages.

RECOMMENDATIONS

The Interim Report includes all committee findings and recommendations regarding the Mammoth/Yosemite airport.

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

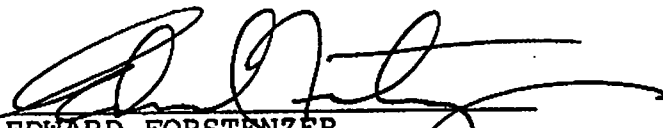
IN RE:

2000-2001 Grand Jury

GENERAL ORDER

Good cause appearing, the Court hereby orders the attached
Interim Report of the 2000-2001 Grand Jury filed.

Dated this 28 day of February, 2001.


EDWARD FORSTENER
Presiding Judge of the Superior Court

INTERIM REPORT
Mammoth/Yosemite Airport Committee
Released January 31, 2001

BACKGROUND

The 1999-2000 grand jury received a number of complaints from the public regarding the Mammoth/Yosemite airport ("Airport"), including the previously executed development agreement between the Town of Mammoth Lakes and the airport operator, as well as the process which led to the execution of such agreement. Due to time constraints, these issues were carried over to the 2000-01 grand jury. In the process of concluding the investigation of the above issues, certain general recommendations as to the review and evaluation of development agreements in general were formulated, based, in part, on the development agreement process in connection with the Airport. Moreover, the committee has formulated certain general recommendations regarding the Town's business operations. Because the Town is currently in the process of negotiating a development agreement with Intrawest Corporation, the grand jury believes it is appropriate and worthwhile to release this Interim Report so as to assist the Town in connection with its current and future negotiations.

FINDINGS

1. During the development agreement process for the Airport there seemed to be a lack of coordination and communication between the Mammoth Lakes Town Council, the town's attorney, the contract attorney representing the Town in the negotiations, and the town manager.

2. The development agreement: a) was very complicated; b) was lengthy; c) may not have been the best business "deal" for the Town; and d) may not have been fully understood by all the parties involved.

3. Information discussed in closed sessions of the Town Council was being "leaked" in some fashion to third parties and members of the Town staff who should not have been privy to such information.

4. There was little or no direction given by the applicable Town employee to subordinates or the Town Council during the process. Furthermore, there were no written administrative policies as to how the Town staff should proceed regarding investigation and verification of the background of parties or entities with whom the Town would have a long-term contractual relationship.

5. The Town Council appeared to hire outside consultants not for their objective advice setting forth the pros and cons of important issues, but simply to provide advice as to how to reach the outcome desired by the Town Council or staff.

6. In the Town Council's zeal to rid the Town of the financial drain of the Airport, some decisions were made without looking at the long-term effects of the development agreement.

RECOMMENDATIONS

1. The town manager should prepare as soon as possible an administrative manual setting forth written procedures that Town staff should follow with respect to the operations of the Town, including, but not limited to:

a) background checks on parties or entities with whom the Town will enter into long-term contractual arrangements, such as a development agreement, so that the Town Council will be fully apprised of the financial and operational ability of the party to fulfill the obligations under any such contractual agreements;

b) conflict-of-interest guidelines for staff in connection with its dealings with third parties;

c) procedures to follow for the deposit of funds by third parties for payments of costs incurred by the Town in connection with the pertinent application or transaction;

d) procedures to follow in the event that a "not to exceed" contract is reaching its maximum amount with more work still to be done; and

e) guidelines as to the release of information discussed in executive sessions of Town Council meetings.

2. The town manager should oversee the activities of the Town's department heads and provide direction to such parties so as to ensure that such department heads continue to provide objective recommendation to the Town Council.

3. The Town Council should hire outside consultants to provide objective advice setting forth the pros and cons of a particular issue, which then should be made public. The Town Council then should make the political decision as to how to proceed and, at this point, utilize the consultants to fashion a method to reach the result decided upon by the Town Council after evaluating the pros and cons.

4. The Town Council should be mindful of the fact that staff members, because of mandates to them by the Town Council, may not be able to render an objective opinion on a particular issue.

5. The public should be fully informed of the objective pros and cons of the Town's entering into long-term agreements with third parties regardless of the political fallout as a result of such information.

6. All parties involved in the negotiations of any particular agreement should fully disclose to all parties their relationship with any other party, even if not a technical "conflict of interest," so as to avoid even the hint of impropriety.

7. The town attorney should discuss the contents of any proposed long-term agreements with Town Council to ensure that each council member fully understands the important business and legal issues of such an agreement.

8. The Town Council should devise a method of review of the performance of the town manager to ensure that the town manager is actually performing the duties and obligations imposed upon him/her as a result of his/her position as town manager.

CONCLUSION

The above recommendations, hopefully, are meant to assist the Town Council and staff in future negotiations, and are neither meant nor intended to point fingers or chastise persons for past conduct or actions.

The grand jury wants to thank the many individuals who were concerned enough to come forward, make their concerns known and allow the grand jury process to work. The grand jury believes that the concerns of the complainants were adequately investigated, evaluated and addressed in a complete, fair and thoughtful manner, with everyone involved being given a chance to express their opinions.

PARKS, RECREATION & PUBLIC WORKS COMMITTEE

Richard Dawson, Chair
Lyn Haber • Lynda Thompson

BACKGROUND

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

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations

SPECIAL DISTRICTS COMMITTEE

Charles Evans, Chair

Lyn Haber • Walt Hoffmann • Orion Ormiston • Pat Savage

BACKGROUND

The Special Districts committee undertook one minor investigation of its own, and received one letter of citizen concern and one letter of complaint during this term:

1. A question regarding Antelope Valley Water District's "no member" status that arose when the committee reviewed the list of Mono County Special Districts.
2. A letter of concerns and suggestions for action regarding Special District boards and the need for new member training/guidance.
3. A letter of complaint (#00-12) regarding possible conflict of interest by an employee of the Southern Mono Healthcare District.

FINDINGS

1. An inquiry was made to the Mono County Director of Community Development about the Antelope Valley Water District "no member" status. He opined that the district, though inactive, ought not be dissolved due to its potential effectiveness as a local governing authority. In a conversation with a former district member, it was revealed that members had dropped off the district board due to objection to the Form 700, "Statement of Economic Interest" filing requirement, and the perception that the out-of-district residence of some members rendered them ineligible to serve on the board. A separate entity, the Antelope Mutual Water Company, exists and manages the affairs of the irrigation system in the valley.

a. The Antelope Valley Water District receives no tax money. An initial County fund transfer of \$30,000 was made when the district was formed. Other than minor expenditures for ditch maintenance, this money is held by the County, accruing annual interest.

b. Research into the California Water District laws revealed no residency requirements for district board members, only a requirement that they hold "title to land" in the district (*California Water Districts code, Sec. 34700 - Directors*).

c. The Community Development Director forwarded to the committee a copy of a Sphere of Influence Report on the AVWD that was generated in June 1992 by the Mono County Local Agency Formation Commission. This LAFCO report recommended that "the inactive water district remain in place as a protective measure." (p. 3)

d. The committee offered to appear at a meeting of the water company to answer questions relating to the district, but no invitation was received. The information regarding residency was passed to the former board member.

2. The citizen letter expressed concerns about the lack of oversight by the County for Special Districts and their needs. The concerns centered on the lack of communication between the districts and County.

a. There appears to be little direction or instruction available to new board members as to their duties, responsibilities and liabilities.

b. There seems to be no mechanism in Mono County government to ensure that a Special District is carrying out its mission.

c. In 1989, the Mono County CAO office organized a Local Agency Training Seminar for Special District directors. Information in the seminar materials suggested it was to be an annual workshop, however no seminar has been held since that time.

3. A letter of complaint (#00-12) alleged a conflict of interest by a Mammoth Hospital administrative employee. The letter further alleged a high turnover rate and a general dissatisfaction among employees and professional staff at Mammoth Hospital.

RECOMMENDATIONS

1. The committee is content to trust the wisdom of the Mono County Community Development Director to continue the "no-member" status of the Antelope Valley Water District. It is strongly recommended, however, that the Mono County LAFCO revisit the district with a new Sphere of Influence Report to determine if the findings of the previous SIR are still appropriate.

2. The County could improve its procedure of interfacing with Special Districts.

a. A poll of the Special Districts of Mono County as to specific areas of concern would be beneficial. It is recommended that the incoming Special Districts committee proceed with the questionnaire.

b. The committee recommends that the CAO seriously consider resuming in-county local government seminars a minimum of every other year for the benefit of all Special District boards and their directors.

3. The allegation of violations of conflict-of-interest rules by a Southern Mono Healthcare District employee requires further investigation. The incoming grand jury should continue the investigation.