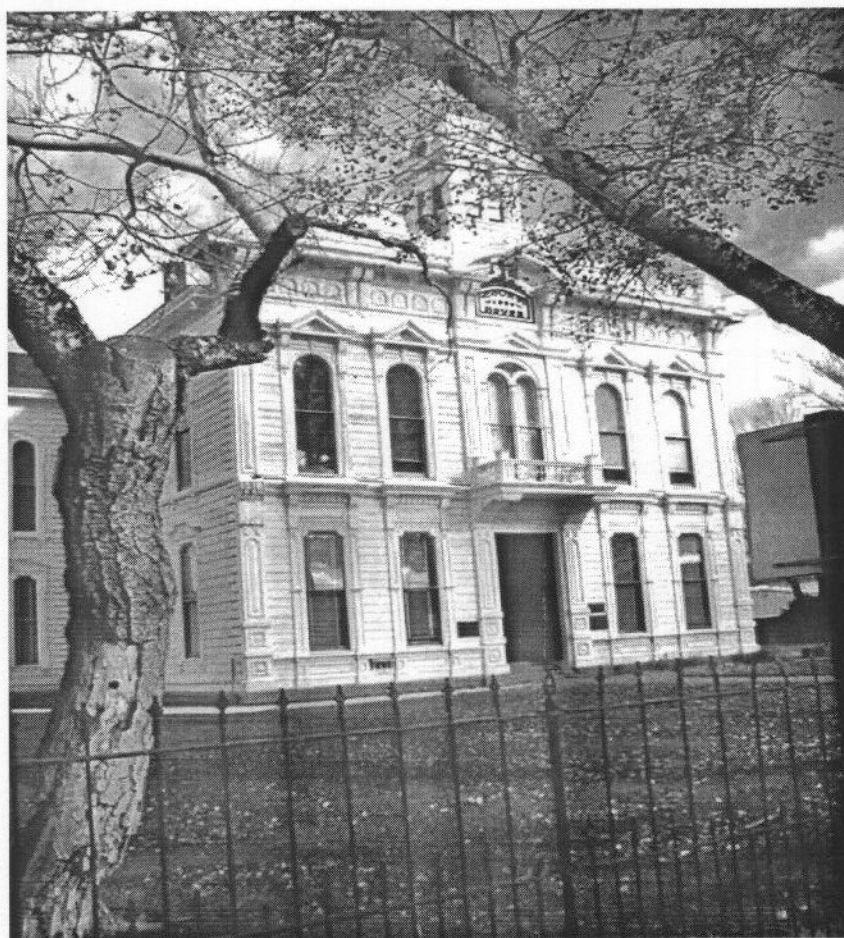


MONO COUNTY --- GRAND JURY ---



Final Report
2003~2004

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INTRODUCTION

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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF MONO
10


11 IN RE:

12 2003-2004 Grand Jury
13
14

GENERAL ORDER

15 I certify that the 2003-2004 Mono County Grand Jury Final Report complies with Title
16 Four of the California Penal Code and direct the County Clerk to accept and file the final report
17 as a public document.
18

19 Dated this 30th day of July, 2004.
20
21

22 
23 EDWARD FORSTENZER
24 Presiding Judge of the Superior Court
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26
27
28

GENERAL ORDER

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

Dear Judge Forstenzer:

Your grand jury for this year is extremely pleased for the opportunity to have served the Mono County Superior Court and the residents of Mono County. I must credit all the members for a splendid team performance, even while being reduced in size from prior juries. Jurors Meinhard and Cardan co-chaired with me throughout the year and did a remarkable job while I was absent. Juror Bullington was an absolute necessity due to her knowledge of the county processes and her administrative skills, hence her selection as secretary. Your 2003-04 selections of Edwards, Ritter, Bush, Knauss, Stevenson and Bullington fit perfectly with the holdovers of Meinhard, Cardan, Boucher, Alper and me. Stevenson resigned for family health issues, leaving us down one from the original selection of 11 jurors. We have a two-year perspective on case loads, and this year's numbers seem down from the prior term. Our 10 jurors handled cases quite well.

We were disappointed with the perceived outcome or lack of progress regarding the recommendations of the 2002-03 Final Report. Accordingly, we initiated a committee titled "Compliance" to oversee the prior year's recommendations. Jurors Meinhard and Boucher co-chaired the new committee, and their results are noted in this report. Without their efforts, many items could have fallen by the wayside. County corrections from that report are still coming in one year later. It is my recommendation that this committee be retained to help ensure compliance.

Concerns about appropriate conduct of business in the public arena surfaced several times this year with several complex issues to be transferred to the next grand jury due to lateness of submission and the volume of material to be reviewed. No major issues developed on the others. Two cases were sent to the District Attorney with no criminal issues.

This year's jury conducted on-site inspections of the Mono County jail and the Mammoth Lakes Police Department facility. While touring the jail, which was very clean and well appointed, we once again viewed the County Dispatch Center and processes, with renewed respect for Sheriff Paranick's department and its fulfillment of state-mandated operations. Of serious concern and related to last year's report, we submitted several jurors' phone numbers into the 911 system and found one to be mislocated by a distance of over two miles. This continues to be unacceptable in terms of public safety. Fortunately, our sheriff's deputies and paramedics frequently recognize the victim/caller names and can relate to an actual location. County budget constraints and lack of commitment by Verizon cannot be allowed to continue. The joint powers meetings between Mono and Inyo County boards of supervisors may provide some solutions.

The inspection of the Mammoth Lakes Police Department was informative and pointed out the urgency of completing the new police facility as soon as possible. Even temporary holding and interrogations of suspects in the current facility is unsatisfactory. Suspects to be held should be interviewed at the county jail during the interim, even though inconvenient and costly.

The theme for the grand jury continues to be public safety and implementation of the prior jury's recommendations: upgrading the entire e911 system to acceptable levels. Loss of life should never occur because of an inefficient or poorly maintained system.

The County seems to be moving forward with street signage and house numbers. It is this jury's opinion that construction costs should be borne by the County. Volunteer groups and concerned residents could help with installation.

We, the members of your Grand Jury 2003-04, thank you for this opportunity to serve.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ron Black', with a stylized flourish at the end.

Ron Black, Foreman

Mono County Grand Jury 2003-04

THE PURPOSE OF A CIVIL GRAND JURY

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

As a civil grand jury, the Mono County grand jury is not charged with the responsibility for criminal indictments except in the case of elected or appointed county officials. Its primary purpose is to serve as a watchdog over county and city governments and special legislative districts. The grand jury initiates investigations and inquiries in order to ensure that government is not only honest, efficient and effective, but also conducted in the best interest of county residents. The duties, powers, responsibilities, qualifications and the selection process of a grand jury are set forth in California Penal Code Section 888 et seq.

One of the primary sources of grand jury investigations is citizen complaints regarding perceived problems or issues within government. In order for the grand jury to be truly effective, the citizens of the county must get involved. The grand jury can not investigate disputes between private citizens or matters under litigation. All citizen complaints are handled in strict confidence.

The Mono County grand jury is a volunteer group of 11 citizens from all walks of life throughout the county. Grand jurors serve a year-long term beginning July 1, and the term limit is two consecutive years. Lawfully, the grand jury can act only as an entity. No individual grand juror, acting alone, has any power or authority. Meetings of the grand jury are not open to the public, and jurors are sworn to secrecy during their term. By law, all matters discussed by the grand jury and votes taken are kept confidential until the end of term.

One of the major tasks of a grand jury is assembling and publishing its Final Report. When completed, the document is submitted to the presiding judge of the Superior Court. After release by the court, it is distributed first to county department heads for review, then to the communications media. The Final Report is a matter of public record, kept on file at the county clerk’s office. It is also available online at: www.monosuperiorcourt.ca.gov

GRAND JURORS & ADVISORS

ACTIVE JURORS

Gordon Alper
Mammoth Lakes

Phil Cardan
Mammoth Lakes

Ronald C. Black
June Lake

Linda Edwards
Mammoth Lakes

Denise Boucher
Mammoth Lakes

Mark A. Knauss
Paradise Estates

Kim Bullington
Bridgeport

Mary C. Meinhard
June Lake

Larry Bush
Aspen Springs

Harold Ritter
Mammoth Lakes

RESIGNED JUROR

Jan Stevenson
Coleville

OFFICERS

Foreperson
Ronald C. Black

Forepersons Pro Tempore
Mary C. Meinhard & Phil Cardan

Secretary
Kim Bullington

ADVISORS

Presiding Judge of the Superior Court Edward Forstenzer
District Attorney George Booth
Court Executive Officer Bob Dennis
County Counsel Marshall Rudolph
Deputy County Counsels Mark Magit & Stacey Simon

CITIZEN COMPLAINTS

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

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

This year the grand jury received four carry-over complaints from the previous year: 1) #03-01, involving the Human Resources Department, was withdrawn; 2) #03-03 involved a Special District, and was referred to the Parks, Recreation and Public Works Committee; 3) #03-02 and #03-05, concerning the Mental Health Department, were found to be beyond the purview of the grand jury; and 4) the final carry-over complaint was referred to the Building, Planning and Environment Committee.

- #03-01:** Carry-over regarding Human Resources. Referred to Administration Committee, complaint withdrawn.
- #03-02:** Carry-over regarding Mental Health. Referred to Health and Human Services Committee, determined to be out of grand jury jurisdiction, response sent.
- #03-03:** Carry-over regarding a Special District and conflict of interest. Referred to Fair Political Practices Commission, response sent.
- #03-04:** A letter of complaint about Mammoth Lakes Police Department. Out of grand jury jurisdiction, response sent.
- #03-05:** Follow-up complaint related to #03-02 about the Mental Health Department. Referred to Health and Human Services Committee, determined to be out of grand jury jurisdiction, response sent.
- #03-06:** A letter of complaint about the Tax Collector's office. Referred to Audit and Finance Committee, issue resolved.
- #03-07:** A letter of complaint about the Public Works Department. Referred to Parks, Recreation and Public Works Committee, determined to be out of grand jury jurisdiction, response sent.

- #03-08:** A letter of complaint about the use of Developer Impact Fees by the Mammoth Unified School District. Referred to Audit and Finance Committee, to be carried over to the 2004-05 Grand Jury.
- #03-09:** A letter of complaint about similarity of county phone numbers to a personal phone number. Out of grand jury jurisdiction, response sent.
- #03-10:** A letter of complaint about the use of bond moneys by the Mammoth Unified School District. Sent to Audit and Finance Committee, to be carried over to the 2004-05 Grand Jury.
- #03-11:** A letter of complaint against Child Protective Services and the Mammoth Lakes Police Department. Forwarded to District Attorney.
- #03-12:** Follow-up letter from complainant against Child Protective Services and the Mammoth Lakes Police Department. Forwarded to District Attorney.
- #03-13:** A letter of complaint requesting investigation of the County Administrative Office.
- #03-14:** A letter of complaint regarding jurisdiction.

NEW COMMITTEE

COMPLIANCE COMMITTEE

INTRODUCTION

The Compliance Committee was newly formed this term to ensure prompt and adequate follow-up to compelling safety issues identified by the 2002-03 Grand Jury that strongly indicated the county's e911 system was in need of evaluation and review. The specific issues identified are contained in the final reports of the Administration Committee, the Audit and Finance Committee, the Parks, Recreation and Public Works Committee, and were published as part of the 2002-03 Grand Jury Final Report.

BACKGROUND

In response to the 2002-03 Grand Jury Final Report, the 2003-04 Grand Jury received: a letter from Sheriff Daniel A. Paranick, dated Sept. 15, 2003, with an enclosed letter, from Verizon, dated Sept. 10, 2003; a letter from the Mono County Board of Supervisors, dated Nov. 18, 2003; and a letter from Laurretta L. Cochran, Auditor-Controller, dated May 7, 2004. At the end of April 2004, the grand jury sent a letter to the Board of Supervisors requesting an update to the responses provided in the board's Nov. 18 letter. This letter also requested the board to provide specific information as to the status of implementation of corrective measures taken to address identified deficiencies of the county's e911 system. Dave Wilbrecht, CAO, responded to the grand jury's letter via a memo dated May 19, 2004, which was received on June 7, 2004.

FINDINGS

1. Potential failure of the e911 system is of concern. This concern became a reality when the optic fiber cable was cut in April 2004 causing the entire e911 system to go out of service due to a non-looped configuration with the connection to the south. On several occasions, the Sheriff has approached Verizon, requesting a connection to the north to create a loop, allowing the signal to be rerouted to other connections if broken, and thereby preventing failure of the e911 system. Verizon has refused, stating it would be cost prohibitive. As recently as the May 4, 2004, Board of Supervisors meeting, the Sheriff reported ongoing deficiencies concerning the status of the county's telephone system, and recommended the board move to a legislative approach to include the loop improvements in a revised tariff that allows Verizon to operate in the county. The Board of Supervisors discussed this recommendation at the May 7, 2004, Council of Governments meeting, where a vote was taken to address the problem with a regional approach. The Council of Governments is comprised of representatives from Inyo and Mono counties, Mammoth Lakes and Bishop. Staff has been assigned to follow up with this approach.

2. Safety issues concerning lack of signage on private roads and building numbers on private homes were identified, preventing or impairing emergency response personnel to locate residents and/or visitors in a timely manner. Staff has reviewed the county's codes and ordinances and has determined there is confusion regarding older buildings. The County Code is clear in its requirements for new construction, but less clear concerning its authority regarding existing and older construction. Recommendations to clarify the County Code will be presented to the board this summer. This has not been addressed yet due to lack of available resources, most likely as a result of relatively low professional salaries. The salary level will be increased as needed to

attract qualified candidates until the positions are filled. Implementation of the program to improve signage will also be problematic due to ongoing budget constraints that have been further aggravated by the state of California's budget deficit.

Public Works staff has developed a program to provide signage on private roads using county equipment, tools and materials. This is a voluntary, ongoing problem, relying primarily on local Regional Planning Advisory Committees to disseminate information to property owners. The property owner is responsible for installing signs and building numbers. A public education program will be needed to encourage people to improve signage, address and other emergency information.

3. Accuracy of the e911 database is of concern. Local fire departments, the Building Division and other agencies have been working in conjunction with Public Works staff to identify address discrepancies, primarily through the issuance of new building permits. Duplicate addresses are being revised in older developments with on-site inspections being done through inspections for construction. Staff working on the county Geographic Information System has identified 400 duplicate addresses in condominiums in the county, which have been corrected. Discrepancies are being corrected as they are reported; however, older addresses continue to be problematic due to budget constraints.

4. The need for a special health needs data base was identified. A system is in place through the Health Department to collect confidential information concerning special needs. The information is maintained in the county's GIS system. There are confidentiality concerns that need to be resolved, and once this is accomplished, information will be disbursed through the Sheriff's department as needed to the EMS system based on a call from a particular location. There are strict rules that prevent the county from distributing medical information for EMS's in-house use.

RECOMMENDATIONS

1. Implementation of improvements to the county's e911 telephone be
aggressively pursued by the Board of Supervisors until Verizon makes
connections.

2. The county's codes and ordinances must be clarified so that the requirements for new and older construction are consistent. If necessary, new codes or ordinances must be adopted to ensure property owners are compliant in placing street signage and building numbers. The Board of Supervisors has ultimate responsibility to assure these steps are taken in the name of public safety.

3. Identification of duplicate addresses and address discrepancies in the e911 database must be an ongoing process. Due to the fact that older addresses within the county continue to be problematic, these addresses should be targeted until Public Works verifies their accuracy.

4. Issues relating to confidentiality concerns must be resolved to allow dissemination of special needs information through Sheriff's dispatch. Dispatch personnel should be instructed to continue asking pertinent questions to verify the accuracy of information displayed as to the identity and location of callers.

5. The Board of Supervisors needs to hold Verizon accountable for the moneys charged on individual phone bills for the e911 system.

STANDING COMMITTEES

ADMINISTRATION COMMITTEE

BACKGROUND

The Administration Committee received two letters of complaint during this term. Both letters addressed perceived issues within the Human Resources Department of Mono County. Unfortunately, the second letter was received in May, and details of the issues were only determined in June, so the committee has referred this complaint to the next grand jury.

FINDINGS

Human Resources is a relatively new department, approximately three years old. The department was developed in response to a previous Grand Jury Final Report. The entire staff of the department has recently retired, effective June 30, 2003, or been transferred. This will leave one employee, who has been in the department for only two months. The County Administrative Officer is advertising for a department manager at this time. The complaints allege that Human Resources is operating without clear and defined policies. Specifically, the complaints allege that individuals are being treated improperly.

The committee conducted a series of interviews with county personnel and the complainants to help understand the issues. It appears that the County Administrative Officer is aware of the shortcomings of the Human Resources area. Given the magnitude of this department as it affects the morale and well-being of the entire county employee base, it is not receiving adequate management attention. Additional delays to implement a complete personnel system will expose the County to Workers Compensation claims and lawsuits.

RECOMMENDATIONS

1. The update of the "County Personnel Policies and Procedures Handbook," currently in use since 1982, should be completed no later than September 2004.
2. All personnel records must be centrally maintained within a secure computer data base specifically designed for personnel records.
3. Personnel Action Forms, which form the nucleus of employee changes, must be discreetly maintained and promptly acted upon.
4. A review of the relationship between the Auditor-Controller and Human Resources should be conducted.
5. The incoming grand jury should continue this inquiry until adequate personnel procedures and policies are in place.

AUDIT AND FINANCE COMMITTEE

INTRODUCTION

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

BACKGROUND

The committee was asked to review three complaints this term. Complaint #03-06 concerned the billing procedure for taxes within the Treasurer/Tax Collector's office. The other two complaints, #03-08 and #03-10, dealt with the Mammoth Unified School District. Due to the time of receipt and the amount of information needed, the Mammoth Unified School District items will be carried over to next year's grand jury.

DISCUSSION

The committee met with the county Treasurer/Tax Collector and her assistant to discuss the billing process. During the interview the concerns raised in the complaint were thoroughly discussed, and a solution was developed by the Treasurer/Tax Collector and her assistant. There appears to have been a misunderstanding between the complainant and the Treasurer/Tax Collector's office. Throughout the interview the Treasurer/Tax Collector and assistant were helpful, knowledgeable and cooperative.

RECOMMENDATIONS

The concerns of this complainant appear to have been taken care of by the Treasurer/Tax Collector's office. While there seemed to be one minor error in some paperwork, the committee did not find any systematic problems with the office procedures or with the way the situation was being handled by the Treasurer/Tax Collector's office. The Treasurer/Tax Collector's office was deemed efficient and orderly.

BUILDING, PLANNING & ENVIRONMENT COMMITTEE

BACKGROUND

The Building, Planning and Environment Committee received a holdover complaint from the previous grand jury. The complainant was concerned that the Mammoth Lakes Building Department was not consistent in issuing building permits.

FINDINGS

An interview was conducted with the head of the Building Department for the Town of Mammoth Lakes. During the interview, the procedure for obtaining a building permit was discussed in detail.

RECOMMENDATIONS

It is the view of this committee that the complaint holds no merit and that there is no evidence of wrongdoing within the Building Department of Mammoth Lakes. Proper and ongoing improvements to the "plan check" system are in place.

EDUCATION COMMITTEE

STATEMENT

The Education Committee received no letters of complaint during this term.

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.

EXECUTIVE COMMITTEE

STATEMENT

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

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.

GRAND JURY HANDBOOK COMMITTEE

STATEMENT

The Grand Jury Handbook Committee received no letters of complaint during this term.

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.

HEALTH & HUMAN SERVICES COMMITTEE

BACKGROUND

The Health and Human Services Committee received two letters of complaint during this term.

FINDINGS

One letter of complaint (#03-02) was passed on by the previous grand jury. The letter contained multiple allegations regarding personal abuse and the Mono County Mental Health Department. A second letter from the same complainant (#03-05) contained similar allegations.

RECOMMENDATIONS

Complaints #03-02 and #03-05 were found to be outside the scope of the grand jury, and a letter was forwarded to the complainant. No further action was necessary.

LAW ENFORCEMENT COMMITTEE

BACKGROUND

The Law Enforcement Committee focused on several issues this year. The committee toured the Mammoth Lakes Police Department and spoke with Police Chief Mike Donnelly about departmental concerns such as the progress of the department's proposed facility. Interim policing activities on site range from violations of California state law (i.e., temporary detentions for interview purposes should be conducted at the Mono County Sheriff's department in Bridgeport). Many of the issues that surfaced will be eliminated with the new facility. Joint sharing of dispatching continues to be discussed between the MLPD and the Sheriff.

Committee members also toured the Mono County jail and dispatch center. They discussed the continuing emergency communications issues in the north county, as indicated in last year's report regarding Verizon. The Sheriff believes civil action may have to be brought against Verizon to get compliance in updating the 911 system addresses and communications through Walker/Coleville. One member of the grand jury submitted his phone number, and it returned to a location several miles away, similar to last year.

Dave Wilbrecht, County Administrative Officer of Mono County, responded to the grand jury's request for the budget status of the county and a report on the progress toward last year's grand jury recommendations. The committee was pleased with his handling of county processes during his short tenure, but emphasized follow-up on last year's issues.

FINDINGS

The Law Enforcement committee received three letters of complaint during this term: The first letter of complaint (#03-04) concerned the Mammoth Lakes Police Department.

Complaints #03-11 and #03-12 alleged several violations against Child Protective Services, Mammoth Lakes Police Department, Wild Iris, and the District Attorney's office.

RECOMMENDATIONS

Complaint #03-04 was found to be outside the scope of the grand jury and a letter was forwarded to the complainant. No further action was necessary.

Complaints #03-11 and #03-12 were sent to the District Attorney, who responded satisfactorily about the status of both cases. Matters are closed.

TOWN OF MAMMOTH LAKES COMMITTEE

STATEMENT

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

FINDINGS

No findings.

RECOMMENDATIONS

No recommendations.

PARKS, RECREATION & PUBLIC WORKS COMMITTEE

BACKGROUND

The Parks, Recreation and Public Works Committee received two letters of complaint during this term.

Complaint #03-03 was a holdover complaint from the previous grand jury. The complaint involved issues relating to the Birchim Community Services District (CSD), which supplies domestic water to the community of Sunny Slopes, near Tom's Place.

Complaint #03-07 involved access to land parcels following a lot split and a question of timely forwarding for recording of a final tract map. The real property was located in the vicinity of Coleville.

COMPLAINT #03-03

FINDINGS

In conducting its investigation, this committee interviewed the complainant and a Birchim CSD board member. Additionally, the committee obtained and reviewed six years of the board's minutes (January 1997 through December 2003).

Based upon this investigation the grand jury found: 1) No irregularities in scheduling and location of board meetings; 2) no irregularities in election of board members; 3) no conflict of interest either by attorneys or other professional consultants; and 4) complete performance by all parties regarding granting of easements and payment of agreed-upon mitigation amounts.

Additionally, as an initial part of this investigation, the grand jury referred the issue of conflict of interest to the California Fair Political Practices Commission, which concluded that no actionable conflict existed.

RECOMMENDATIONS

The grand jury makes no recommendation for action by the Birchim Community Services District and considers this matter closed. However, it does suggest that Birchim CSD review its election procedures to ensure continuing compliance with all state and local statutes and regulations.

COMPLAINT #03-07

FINDINGS

As to the issue that involves the county's requirement of dedication of property for ingress and egress, this matter is a question of law and not within the purview of this grand jury. The attachments to the memo of complaint contain thoroughly argued issues of law from both parties to this controversy. If pursued further, this matter should be presented to the courts, and the grand jury takes no position as to the merits.

As to issue involving whether or not the Public Works director acted in a timely manner in forwarding a final map for recording, this grand jury has insufficient information and accordingly makes no finding.

RECOMMENDATIONS

No recommendations.

