

MONO COUNTY GRAND JURY



Final Report
2007-2008

TABLE OF CONTENTS

INTRODUCTION

| | |
|---------------------------------------|------|
| Judge's Filing Decree | 1 |
| Jury Foreman's Letter to Judges | 2-4 |
| The Grand Jury System..... | 5 |
| Grand Jurors & Advisors | 6 |
| Grand Jury Committees | 7-8 |
| Citizen Complaints..... | 9/10 |

GRAND JURY COMMITTEES

| | |
|---|-------|
| Administration, Health, Welfare & Social Services | 11 |
| Audit and Finance..... | 12 |
| Education | 13 |
| Executive and Handbook | 14 |
| Parks, Recreation and Public Works..... | 15 |
| Public Safety | 16 |
| Law Enforcement..... | 17-20 |
| Committee at Large..... | 21-22 |
| Town of Mammoth Lakes..... | 23-27 |
| Jail Holding Facility for Mono County..... | 28-31 |

LOGO

Laura Patterson Design

COVER

Haven Kiers

LAYOUT

Barbara Smith

PRODUCTION

Wendy Runley & Barbara Smith

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

IN RE: 2007-2008 Grand Jury GENERAL ORDER

I certify that the 2007-2008 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 25 day of July 2008.



EDWARD FORSTENZER
Presiding Judge of the Superior Court

GRAND JURY

State of California
County of Mono
Mono County Superior Court
P. O. Box 1037
Mammoth Lakes, CA. 93546

20 June 2008

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

Dear Judge Eller and Judge Forstenzer,

This is the 2007 – 2008 Final Report of the Civil Grand Jury of Mono County. It has been my privilege to serve as Foreperson of the Mono County Grand Jury this past year, and it is with a great deal of pride and fulfillment that I present to you the product of our many hours of hard work on behalf of the citizens of Mono County.

The eleven members of the Grand Jury, who came from varied walks of life and backgrounds, worked diligently to meet the duties of the oath of office. We took our tasks very seriously, and worked as a team throughout the year. Our members dedicated a remarkable amount of time and energy to the investigations of citizens' concerns about their local government, and were especially resourceful, skilled and committed to the task they undertook when they volunteered to serve. The duties carried out by the Grand Jury included, but were not limited to:

- Reviewed all written citizen's complaints, of which there were seven.
- Reviewed, within our watch dog function, operations within various local Governmental Departments, two departments were interviewed.
- Investigated complaints that fell under our jurisdiction and that showed merit of which there were five.
- Reached a majority decision regarding a course of action on all issued.
- Interviewed complainants for clarity of the information.
- Interviewed witnesses who were directly or indirectly involved.
- Reviewed documents, contracts, policies, procedures, and operational manuals.
- Discussed the progress and issues on each case, monthly or more often as needed.
- Visited the sited in question as/or when required.

- Wrote Final report on each case investigated, which includes our findings and recommendations.
- Toured and reported on the Jail Facility in Bridgeport.
- Posted informational notices throughout the county about what the Grand Jury does, its responsibilities and how to file a complaint.

Investigating any matter before the Grand Jury requires time, consideration and common sense. Dedication and due diligence are necessary to identify the issues, conduct a thorough investigation, and find a practical solution to the problem. Perhaps the most important message that this Grand Jury needs to convey to the citizens of Mono County is that all government entities and their employees serve and are accountable to its citizens, who must hold their elected and appointed officials to high standards and ensure that they perform their duties efficiently, effectively and ethically. The Grand Jury, when called upon, share a role in this effort, but the ultimate responsibility of an honorable and moral government rests with its citizens themselves.

On behalf of the other members of this Grand Jury, I offer sincere thanks to Judge Eller and Judge Forstenzer, Judge Advisors to the Grand Jury, for their guidance and advice. We offer genuine thanks also to Marshall Rudolph, Mono County Counsel, and George Booth, Mono County District Attorney, for their assistance with interpreting and clarifying legal matters for us. Their constant counsel kept us on track in the pursuit of the truth. Also, to Bob Dennis, Court Executive Officer and Barbara Smith, Administrative Assistant, we give a special thank you for their support and with their many years of experience gained with previous Grand Juries. Their proficiency in procedural knowledge and organizational skills provided us with the technical assistance we needed to enable the Jury to focus on our tasks at hand. Thank you all for a superior job.

Personally, I want to thank all the members of this year's Grand Jury. All members met each challenge with dedication, skill and respect; All-the-while keeping foremost in their mind their responsibility to the oath they had taken. To Eric Wasserman, I want to thank you for taking on so much work; not only as Vice-Foreperson but also as a Committee Chair. Your help this past year has been invaluable. I offer a warm thanks to Michele Scott, Secretary, for her exceptional service in preparing the minutes of the meetings and in organizing, editing and preparing the final investigative report which then became the Final Report of the 2007 – 2008 Grand Jury. To each individual on this year's Grand Jury, I want to personally thank you for all of your hard work. We had several challenges this past year and although not always did everyone agree, I truly believe that as a result of our many hours of investigation and meetings, our constituents have been well served. Each of you took to heart the business at hand and stepped in when others were unable to do so. I could not have worked with a better group of people. Thank you for allowing me the opportunity to serve with each of you!

Without a doubt, conducting the business of this year's Grand Jury proved to be a remarkable experience. Thank you for the opportunity to serve our community.

Respectfully,

Wendy A. Runley
Foreperson
2007 – 2008 Mono County Grand Jury

THE GRAND JURY SYSTEM

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

The grand jury system dates back to 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 know 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 functioning as a “watchdog” over regional government.

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

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

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. By law, all matters discussed by the grand jury and votes taken are kept confidential until the end of term.

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

GRAND JURORS AND ADVISORS
2007 – 2008
Grand Jurors

Dana Grenier
Mammoth Lakes

Sharon Stoddard
Bridgeport

Stan Heller
Mammoth Lakes

Dawn Vereuck
Mammoth Lakes

Chris Lizza
Lee Vining

Eric Wasserman
Mammoth Lakes

Wendy Runley
Paradise

Carl Williams
Mammoth Lakes

Michele Scott
Hammil Valley

Virgil W. Wisewell III
June Lake

Robert D. Singer, Ph.D
Mammoth Lakes

Officers

Wendy Runley
Foreperson

Eric Wasserman
Vice Foreperson

Michele Scott
Secretary

Dawn Vereuck
Vice Secretary

Advisors

Stan Eller and Edward Forstenzer
Judges of the Superior Court

George Booth
District Attorney

Bob Dennis
Court Executive Officer

Marshall Rudolph
County Counsel

Mark Magit, Stacey Simon and Allen Berrey

Deputy County Counsels
GRAND JURY COMMITTEES

ADMINISTRATION, HEALTH, WELFARE AND SOCIAL SERVICES

Dana Grenier – Chairperson
Sharon Stoddard

AUDIT AND FINANCE

Eric Wasserman – Chairperson
Stan Heller
Michele Scott

EDUCATION

Chris Lizza – Chairperson
Robert D. Singer

EXECUTIVE AND HANDBOOK

Wendy Runley – Chairperson
Sharon Stoddard

PARKS, RECREATION AND PUBLIC WORKS, BUILDING, PLANNING AND ENVIRONMENT

Dawn Vereuck – Chairperson
Dana Grenier
Chris Lizza
Michele Scott
Carl Williams

PUBLIC SAFETY

Sharon Stoddard – Chairperson
Dana Grenier
Robert D. Singer
Virgil W. Wiswell III

LAW ENFORCEMENT

Carl Williams – Chairperson
Stan Heller
Robert D. Singer

Sub Committee for specific complaint
Dana Grenier
Dawn Vereuck

Virgin W. Wiswell III
Grand Jury Committees Continued

TOWN OF MAMMOTH LAKES

Wendy Runley – Co Chairperson
Dawn Vereuck - Co Chairperson

2007 – 2008 COMPLAINTS

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

Any citizen who would like to file a legitimate complaint for consideration by the Grand Jury should submit a dated and signed letter to:

Mono County Grand Jury
P. O. Box 1037
Mammoth Lakes, Ca. 93546

This year the Grand Jury considered seven complaints:

- #07-1 Was a request that the Grand Jury investigate the dismissal of an assault charge by the District Attorney's office.
Referred to Law Enforcement Committee
Closing date:6-13-2008

- #07-2 A Complaint against the Mammoth Lakes Police Department for illegal search and seizure procedures.
Referred to Law Enforcement Committee
Closing date: 6-13-2008

- #07-3 A Request by the Mono County Board Supervisors to investigate the Assessors office.
Referred to a Committee At Large consisting of the entire Grand Jury.
Closing date: 6-13-2008

- #08-1 Complaint against the Mammoth Lakes Police Department and an individual police officer.
Referred to 2008 – 2009 Grand Jury due to lack of time to conduct investigation before the 2007-2008 term expires.

- #08-2 Complaint of town employee in conflict with Mammoth Lakes Police Department.

Jail Tour Referred to 2008 – 2009 Grand Jury due to lack of time to conduct investigation before the 2007 – 2008 term expires.
After the Jail Tour February 8, 2008, the Grand Jury had concerns about the state of the roof in the facility.
Referred to the entire Grand Jury
Closing date: 6-13-2008

Mammoth Lakes Housing

Some members of the Grand Jury were concerned with the occupancy of the affordable housing in the Mammoth Lakes Housing Inc.
Referred to Town of Mammoth Lakes Committee
Closing date: 6-13-2008

Transient Occupancy Tax

Some members of the Grand Jury were concerned with the loss of revenue to the city from single family dwellings.
Referred to Town of Mammoth Lakes Committee
Closing date: 6-13-2008

**ADMINISTRATION, HEALTH, WELFARE, AND SOCIAL
SERVICES COMMITTEE**

There were no complaints referred to this committee and therefore no report.

AUDIT AND FINANCE COMMITTEE

There were no complaints referred to this committee and therefore no report.

EDUCATION COMMITTEE

There were no complaints referred to this committee and no report.

EXECUTIVE AND HANDBOOK COMMITTEE

There were no complaints referred to this committee and no report.

**PARKS, RECREATION AND PUBLIC WORKS/BUILDING
PLANNING AND ENVIRONMENT COMMITTEE**

There were no complaints referred to this committee and no report.

PUBLIC SAFETY COMMITTEE

There were no complaints referred to this committee and no report.

LAW ENFORCEMENT COMMITTEE

COMPLAINT #07-01

STATEMENT

Complaint #07-01 was a request that the Grand Jury investigate the dismissal of an assault charge by the District Attorney's Office, and the lack of communication from the District Attorney's Office with respect to the case.

FINDINGS

Members of the Law Enforcement Committee met with the District Attorney on September 17, 2007.

1. **Dismissal of charges:**

The alleged assault took place on June 2, 2007. After review of the Mono County Sheriff's Report, and witness statements taken at the scene, on June 17, 2007, the District Attorney made a determination not to pursue charges. In the District Attorney's rejection of charge report, it was determined that there was; "No likelihood of conviction; self defense against alleged victim; victim convicted felon; refused chemical test; and size differential-accused smaller than the victim". Further, the accused had no prior infractions other than minor traffic violations.

2. **Lack of Communication from the District Attorney's Office.**

Notes of phone messages showed that the District Attorney made repeated attempts to contact the complainant, with no success. Messages left on the complainant's answering machine instructed him that the District Attorney was not pursuing charges in this matter, and that his appearance at Mono County Superior Court on July 16, 2007 was not necessary.

On July 11, 2007, a Secretary in the District Attorney's Office was contacted by the complainant and was told by complainant, "not to leave messages" and "you know what my next step is".

RECOMMENDATION

The Committee concluded and the Grand Jury concurred that the District Attorney acted properly and within the discretion of the Office of the District Attorney in the resolution

of this matter, and further, that the District Attorney's office made several good faith attempts to communicate to the complainant with respect to this matter. No further investigation is necessary.

LAW ENFORCEMENT COMMITTEE

Complaint # 07-02

STATEMENT

The Grand Jury received a complaint against the Mammoth Lakes Police Department (MLPD) regarding an alleged violation of the rules for search and seizure and the collection of evidence.

The Complainant requested that the Grand Jury review the policies and procedures of the MLPD in regards to search & seizure and evidence collection to assure they are in line with state regulations. The complainant also requested the Grand Jury review training records and procedures and review citizen complaints in regards to this officer to look for a trend of illegal procedure.

FINDINGS

Every member of the MLPD is a graduate of a police academy. Ongoing training is provided to officers on a regular basis. Specifically with respect to updates in search and seizure policies, the Department receives monthly updates on case law and interpretation through a monthly Search & Seizure Bulletin published by Quinlin Publishing. Sergeants are required to review the bulletin, pass the information down to line officers, and document that the officers have indeed reviewed the updates on a regular basis.

The Grand Jury found that the training procedures appear to be adequate and that the training of officers is documented.

In addition, Officers are required to complete 40 hours of training every two years. This training is mandated by the California Police Officer's Training and Standards (POST). The training is accomplished in a number of ways: on line training, video tape courses, instructors brought to Mammoth for group training and or out of town specialized training. POST monitors the hourly requirements and notifies the Department if certain officers are non-compliant. Currently, all officers employed by the MLPD are in compliance with the POST requirements.

MLPD has specific procedures for search and seizure practices found in sections 804 and 322 of the MLPD Policy Manual.

The Grand Jury found no substantial violations of these procedures with respect to this complaint.

The Grand Jury takes note that a complaint was received by the MLPD from the complainant in this matter and that an internal investigation was conducted by the MLPD. The Grand Jury reviewed the results of this internal investigation, transcripts of

interviews with the complainant and other statements and evidence available. The Grand Jury concurs with the findings that the officer acted within the bounds of the Department's Search and Seizure Policies and Procedures. The Courts have also ruled in this matter. The complainant filed a motion to suppress the evidence collected by MLPD in a case brought against the complainant. The Court ruled to allow the evidence to be heard. The Court's ruling was subsequently upheld on appeal.

RECOMMENDATION

It is the view of this Grand Jury that the complaint holds no merit and there is no evidence of wrongdoing by the MLPD and therefore the Grand Jury has no recommendation.

COMMITTEE AT LARGE

COMPLAINT #07-03

STATEMENT

Complaint #07-03 was a request by the Mono County Board of Supervisors to investigate the Mono County Assessor. James Lovett's job performance, attendance, amount of time spent at work, and the use of alcohol during work hours and while traveling to and from work.

FINDINGS

Due to the magnitude of this investigation, a committee at large consisting of the entire Grand Jury was created.

Thorough interviews were conducted with members of the Mono County Board of Supervisors, the County Chief Administrative Officer (CAO), the County Director of Human Resources, the County Assessor, the Assistant County Assessor, and a majority of the County Assessor's staff. Approved minutes from meetings of the Mono County Board of Supervisors from May 1999 – April 2008 were also used to formulate conclusions for this investigation.

Members of the Grand Jury heard overwhelmingly consistent information while conducting their interviews. While appointed to the position, the County Assessor worked full time, performed diligently and efficiently.

Once elected, the Assessor's approach to the office changed. Time in the office became limited to Tuesdays, Wednesdays, and Thursdays. Random office hours during those days lasted from thirty minutes up to two hours. During the time the Assessor was present in the office, tensions were high and morale extremely low. The County Assessor was rarely in the office and left no one with authority to properly manage the staff. This made it necessary for the CAO to intercede on behalf of the Assistant County Assessor so the staff could be managed. Job attrition rates increased, and there were three vacant positions on the Assessor's staff at the time of this investigation.

A formal complaint made to the County CAO was filed by the Local 39 International Union of Operating Engineers, whose members include the staff for the County Assessor's office, against the County Assessor for:

- Locking the employees' entrance/exit door of the Assessor's Office in a manner that several employees felt threatened and/or intimidated.
- Instructing employees that they were not allowed to speak with the County CAO or members of the Board of Supervisors or they would be subject to disciplinary action.

- Ordered/demanded employees to answer questions that the Assessor's personal attorney may have for them while at work.
- Demonstrating extremely unprofessional conduct when notifying the staff that "[The Assessor] would be willing to go away, for a price."

Interviews conducted by the Grand Jury produced information consistent with the accusations listed above.

Additional allegations concerning the consumption of alcohol during work hours and while driving a Mono County owned vehicle were mentioned frequently in interviews conducted by the Grand Jury.

Contacting the County Assessor proved to be a very difficult task. Several messages (both on voice mail and with office personnel) were left unanswered. Ultimately this Grand Jury issued a subpoena in order to conduct an interview with the County Assessor. Once served, the County Assessor was helpful and responsive to the requests of this Grand Jury. During this interview the County Assessor admitted to being an alcoholic. The Assessor also stated that the department is running smoothly and efficiently.

Despite the Assessor's assurances, there appears to be a backlog of re-appraisals that are adversely affecting the County's revenue from tax collection. For example, the reappraisal of Mammoth Mountain Ski Area many years after the change of ownership remains pending. While many factors may affect these delays, the excessive absences of the Assessor demonstrate a lack of attentiveness and persistence to this task.

Statements that were made by the Assessor to the Mammoth Lakes Town Council regarding the Mammoth Mountain Ski Area re-appraisal were inconsistent with earlier statements made to the Grand Jury.

RECOMMENDATION

This Grand Jury concludes that the County Assessor has seriously abused the office of an elected official. The Grand Jury recommends that appropriate action be taken by the citizens of Mono County for the removal of the Mono County Assessor from office.

TOWN OF MAMMOTH LAKES COMMITTEE

Transient Occupancy Tax (T.O.T.) Interview

Transient Occupancy Tax is a vital revenue source to the Town of Mammoth Lakes. This income makes up approximately sixty two percent (62%) of the Town's Budget. With the convenience and accessibility of the internet, rental properties are easily found and booked on line with no need of an intermediary. The Grand Jury was interested in finding out how the TOT was collected on these and all properties, so it conducted an interview with the Town of Mammoth Lakes' Director of Finance to gain an understanding of the collection process.

The Finance Director was unclear on the exact dates, but explained to the Grand Jury that in recent years the Town of Mammoth Lakes has mailed letters and/or postcards to all property owners within the Town limits. The first mailing polled the property owners and required a response. The survey asked each property owner to identify the type of property they owned, (i.e. condominium, single family resident, commercial, empty lot, etc.). The follow up question on the survey inquired as to how the owners used their property (full time residents, short term rentals, long term leases, etc.). According to the Finance Director, no one who owned a single family residence responded that the property was rented on a nightly basis. There is a Town ordinance which does not allow single family residences to be rented on a nightly basis.

For those property owners who identified their condominiums as a nightly rental property, the Finance Department followed up to make certain those property owners were in compliance with the code. The Finance Director explained that those who were not paying TOT were unaware they were required to do so and were now compliant. Some property owners hold business licenses with the Town of Mammoth Lakes and they pay TOT directly to the Town. Others choose to hire a property management company to rent their units and in turn the property management company is responsible for reporting and submitting TOT. All taxes are collected on a regular basis. The taxes are collected either monthly or quarterly depending upon various things including the type of property it is and the anticipated amount of the tax to be collected.

The Finance Director believed 'that the majority of the property owners were in compliance'. There are civil penalties in the code for those who do not comply. Even with the penalties, the Finance Director pointed out the difficulty in catching and prosecuting those out of compliance. There is one staff member who is assigned the job of reviewing internet websites and that researching whether those posting the listings are following the codes and paying appropriate TOT. The Finance Director stated that with all their efforts to enforce the code, that neither the Finance Department nor the Town of Mammoth Lakes have the resources to go after the small minority that may be out of

compliance. If there were evidence an individual or company were operating illegally, the job of investigating would fall to the Town Compliance Officer. At the time of the interview, the position of Town Compliance Officer was vacant and was not posted as a position to replace.

TOWN OF MAMMOTH LAKES COMMITTEE

MAMMOTH LAKES HOUSING, INC.

Interview

Mammoth Lakes Housing, Inc. (MLHI) is a private not for profit California Corporation that conducts business within the Town of Mammoth Lakes and therefore not normally subject to review by the Grand Jury; but because it conducts business on behalf of the citizens of Mono County, and most specifically the Town of Mammoth Lakes, the Grand Jury wanted to gain more insight as to how the business operates. After first seeking advice from legal counsel, members of the Grand Jury interviewed the Mammoth Lakes Town Manager with regards to MLHI. The purpose of the interview was to determine whether MLHI operates as part of a public entity, namely the Town of Mammoth Lakes and therefore falls under the overview of the Grand Jury; or whether MLHI is a private corporation operating independently and therefore falls outside the overview of the Grand Jury. It was determined that the relationship between the two entities is so integrated and interdependent, and that although the MLHI is a private corporation it cannot operate independently of the Town of Mammoth Lakes. Many of the grants and funding that MLHI receives can only be applied for through the Town of Mammoth Lakes and with MLHI. named as the subscriber. The Town Manager suggested the Grand Jury meet with the Chief Executive Officer (CEO) of MLHI.

The CEO of Mammoth Lakes Housing, Inc. was very open to meeting with the Grand Jury. Copies of the Articles of Incorporation, the By-Laws and a copy of the newest contract between the Town of Mammoth Lakes and MLHI were provided for the review of the Grand Jury and its legal counsel. MLHI provides a manager on each rental site to oversee the property and to ensure that those people who have been given a lease on a specific property are indeed those who inhabit that property. Lessees must qualify for housing each year and must maintain their eligibility from the time they inhabit the property forward. If the circumstances qualifying an applicant or family change while occupying their rental, that person or family can and will lose its lease when they no longer qualify under the original guidelines. Up to the date of this interview, two lessees were required to vacate their property. Very specific rules are in place about the number of family members in a home, how many can co-habit each bedroom, as well as how many vehicles are allowed by each family on the property. License plate numbers and the names of family members living in the rental are checked regularly by the managers. All visitors are required to check in with the manager and are allowed only a short stay of no more than ten days.

MLHI has one permanent residency complex that is available to residents purchasing their first or affordable property. Qualifications include but are not limited to, showing proof of income, having worked a minimum of thirty hours per week for the previous twelve months, and pre-qualifying with a lending institution prior to the application process. The units that are for sale are deed restricted. The buyers are not allowed to individually sell their property; only MLJI has the ability to do that. MLHI is entitled to a 2% sales fee on properties sold, but to date has never collected this fee.

Legal residency is required of all tenants and buyers and is verified by social security cards and employment check stubs. At the present time no form of photo identification is required. The CEO of MHLI stated that it is not the job of MLHI to verify and or investigate citizenship. That responsibility falls under the Department of Immigration. MLHI is not meant to be the watchdog for the Department of Immigration. The CEO of MLHI said that they have neither the time, the manpower nor the resources to do so. If appropriate documentation is provided by the applicant and there is no cause to question the authenticity of the documents, then these pieces of information are considered along with other information required in the application process. Every year on the anniversary date of the applicant's initial approval, all of this information is again required to be provided and verified.

Annually, internal checks and balances are provided by MLHI. External audits of an operational and financial nature are performed by the Housing and Community Development Department of the Town of Mammoth Lakes as well as an independent audit is performed by the Federal Government.

MLHI is substantially financed through grants and federal funding; but there are several large private corporations who participate in sponsoring the housing authority. When a private corporation participates in affordable housing such as is provided by MLHI, that corporation is awarded tax credits by the federal government based upon a formula previously established. Usually a corporation participates as an investor for fifteen years. It is therefore in the best interest of the corporation to make sure that the buildings and facilities are run effectively and efficiently, that they are kept in good condition and are neat and clean. Repairing a leaky roof, providing additional snow removal or re-paving a torn up parking lot are much more cost effective expenses for these corporations to incur than is the potential loss of the substantial tax credit they receive if the property were to be shut down for any reason.

All citizen complaints if made to MLHI are handled by the site managers in an expedient manner and if not resolved immediately, are referred back to the CEO and dealt with at that level. As with many public entities, complaints do not always make it to the administrative authorities of that particular entity, but rather are aired in the public arena and never directed to those in positions able to make changes. MLHI states that they are unaware of any accusations or complaints that citizens may have against its application process, individual properties or its inhabitants. Any complaints should be directed to MLHI specifically.

It is the Grand Jury's opinion that, while MLHI is a private corporation, its operation is so completely dependent upon the Town of Mammoth Lakes that its activities fall under the jurisdiction of the Grand Jury. Our interview was met with an open cooperative spirit not only by the Manager of the Town of Mammoth Lakes but also by the CEO of MLHI. MLHI provides service within Mammoth Lakes and is expected to expand throughout Mono County. The CEO of MLJI stated that its structural set-up has become an example for other counties to emulate.

MONO COUNTY JAIL INSPECTION

The Mono County Grand Jury made an inspection of the Mono County Jail February 8, 2008. The tour was led by the Mono County Undersheriff and the Deputy in charge of the Jail.

The Grand Jury found the jail to be clean, well maintained, and well managed by the Sheriff's Department personnel. Sheriff personnel working in the jail have to be trained in two careers (Dispatch and Corrections). They are recruited and trained by the Sheriff's Department and have a better than average employee retention.

The building housing the jail is twenty-three years old with a flat roof. It is disturbing to the Grand Jury that the roof is in such disrepair and leaks extensively. The sheriffs working in the high tech Multi-Agency 911 Communications Center, have to run a pipe from the ceiling to buckets on the floor away from the computer equipment to channel water from the ceiling during rain & snow storms to protect the equipment. The Grand Jury is concerned that the entire 911 System and personnel could be at risk if the roof collapsed. If the 911 systems are compromised, the entire county could suffer significant consequences.

The facility at present has thirty-six beds, and on average has forty inmates in custody. The department is utilizing "Early Release" to ease conditions. It is questionable whether this method will continue to work as the population and tourist numbers increase in Mono County. The existing facility was built at a cost of \$8,000,000.00 and is estimated to cost over \$30,000,000.00 today for the same size facility. Currently, the State is not funding construction grants because of budget shortfalls. However the Grand Jury feels repair of this facility is important enough to warrant priority attention from the county.

Kitchen facilities, laundry, and most cleaning functions in the Jail are performed by the inmates. There are several procedures for monitoring tools and equipment. A deputy counts utensils six times a day. There are two paid cooks preparing all meals in the facility. Inmates serve and clean.

Staffing levels at the facility are mandated by the State. The jail has very sophisticated video and audio recording equipment that is used during all inmate intakes. There is virtually no inmate privacy except for times of attorney/client privilege. Medical is provided by a contract with the Mammoth Hospital. The contract provides a Physicians' Assistant eight hours a day, four days a week. Jail personnel state that they are constantly alert for Tuberculosis and MRSA. At this time, HIV is not felt to be a threat to personnel or population at the facility.

The State only provides minimal personal hygiene necessities for inmates. Therefore, the Jail maintains a store for the internees. They are allowed to purchase additional items of their choosing and snacks. All profits from the store and revenue from toll calls (approx \$1,500.00 per month) have to be used either directly or indirectly for the inmates. The TVs, Cable Service and a storage shed are examples of items that have been paid for with the money raised by the store.

After the tour the Grand Jury concurred that, for its size and age, the Mono County Jail was quite well run. At this point the Grand Jury recommends that the leaks in the roof need to be addressed in a timely manner before the very costly and delicate equipment maintained in the Multi-Agency Communications Center becomes damaged and the safety of county residents are compromised.

GRAND JURY LETTER REGARDING THE JAIL

25 February 2008

Sheriff
County of Mono
P.O. Box 616
Bridgeport, CA 93517

Mr. _____,

The 2007-2008 Grand Jury completed its annual County Jail Tour in February. Our findings regarding this tour will be included in the Grand Jury Final Report. The purpose of this letter is as a reminder to the County Administration that with the growth which is occurring in Mono County, specifically in Mammoth Lakes and the changing demographics that go along with this changing population, the need for a Jail or Holding Facility in the South County cannot be ignored. In a report that last years Grand Jury wrote after the 2006-2007 Jail Tour, this issue was addressed after the Sheriff expressed concern over the potential of overcrowding in the current jail. That Grand Jury, in their Final Report requested that future Grand Juries continue to raise this issue to the appropriate officials until the problem no longer exists or is resolved.

In our position of watch-dog over County Government Agencies, this year's Grand Jury feels that Jail overcrowding continues to be an issue that may need to be addressed in the current rather than in the more distant future. At any given time, crime ebbs and flows and the predictability of this are only somewhat accurate. The Sheriff's Department does an excellent job of handling and transporting these inmates now, but the day may come when they are no longer able to do so. This Grand Jury wants to make sure that any time there is a meeting regarding Master Facility and/or planning within the county, the Sheriff's Department, or any of the communities in the Southern Section of Mono County, that need for a South County Jail or Holding Facility is included in this discussion and/or plan.

A similar letter is being sent to various county leaders so that this potential problem is in the forefront of all County and Town officials' minds. The Grand Jury is more than aware that with a slowing economy and budget shortfalls, the building of a new Jail or Holding Facility is not the first priority of either the Town or the County. That alone though, cannot stop the future planning for this potential problem and of what will need to be done with the prisoners for which there will be no room.

The 2007-2008 Grand Jury appreciates all of your work on behalf of the citizens of Mono County. Yours is an extremely difficult job dealing with a multitude of issues. The Grand Jury wants to

make sure that the County is well prepared for all potential problems within its boundaries, and the possible need of a South County Jail or Holding Facility is just one.

Thank you for your time and attention to our request.

Sincerely Yours,

Wendy A. Runley
Foreperson, 2007-08 Grand Jury

Cc CAO, County of Mono
Mono County Supervisors
Manager, Town of Mammoth Lakes
Chief of Police, Town of Mammoth Lakes
Mammoth Lakes Town Council

MONO COUNTY GRAND JURY

“What is it and do you need its help?”



The Mono County Grand Jury is an investigatory and inquisitional body created for the protection of society and the enforcement of law. It is an agency of the Superior Court, which created it as a judicial body. The Mono County Grand Jury is a Civil Grand Jury only. It is not a performed as an independent and separate body acting apart from the Court.

“A Grand Jury represents all the people of the county. Its Members hold a high trust, and to most people are the guardians of the integrity of the government and the advocates of citizens’ rights of life, liberty and happiness.”

The Grand Jury is a “watchdog”. Its powers, although broad, are carefully defined and limited by legal statutes. The Grand Jury does not have the function of the legislative or administrative branches, and it is not a police agency. Since it is a civil watchdog, the following functions are listed in order of priority:

1. Those duties made mandatory by law.
2. Those duties which are “normal watchdog functions.”
3. The handling of citizen complaints.

Each Grand Jury receives numerous communications from citizens, civic groups and government employees relating to real or imagined grievances. The Jury frequently looks into complaints as part of its watchdog duties. Some complaints will be without merit and others will be matters over which the Grand Jury has no jurisdiction. The Grand Jury can make inquiries to determine the validity of the complaint, and, if found to exist, assist in correcting the wrong.

- Do you have a complaint or concern regarding an elected, appointed or employee of any governing entity of Mono County? If so, it may be within the purview of the Mono County Grand Jury to investigate.
- How do you contact the Mono County Grand Jury for assistance? All complaints must be received in writing by the presiding Grand Jury. If received late in the fiscal year, it may be referred to the incoming Grand Jury. The Grand Jury term ends June 30 of each calendar year. Please sent your letter of complaint to:

THE GRAND JURY
COUNTY OF MONO
PO BOX 1037
MAMMOTH LAKES, CA 93514

OR

THE GRAND JURY
COUNTY OF MONO
PO BOX 324
BRIDGEPORT, CA 93517