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MARIPOSA SUPERIOR COURT ADMINISTRATION

September 17, 2024

The Honorable Anita Starchman Bryant
Assistant Presiding Judge
Mariposa County Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Re: Response to the Mariposa County 2023-2024 Grand Jury Report

Dear Judge Bryant:

This response is submitted with respect to the findings and recommendations of the Grand Jury. Please relay our gratitude to the volunteers who dedicated their time to the advancement of government accountability and building up the public trust in Mariposa County.

The Board of Supervisors directly oversees all County departments and advisory boards not represented by another elected official, making individual responses from these individuals redundant and unnecessary. Accordingly, this response is made on behalf of the County Administrative Officer, County Counsel, Health and Human Services Agency Interim Director, Building Interim Director, Planning Director, Director of Public Works and Transportation, and the Board itself as follows:

Workplace Culture, Training, and Organization

F1.
The Board partially agrees with F1. Written policies and procedures are beneficial and help ease the transition period when new staff are being trained. The County does have extensive written policies, procedures, and Board-approved job descriptions for each role. As an example, Health and Human Services currently has 258 written policies. The County believes better access to these policies would assist our employees with their tasks and help new department managers to lead more effectively.

F2.
The Board partially agrees with F2. Mariposa County has utilized a consulting firm, Guidehouse, to assess inter-agency performance, organizational structure, and relationships. The County intends to reorganize the County Administrative Office and several departments to improve the

continuity and transparency of County departments. This should be done in the 2024-2025 fiscal year.

Finally, the Board reassures the public and staff that they can come to Board members with any questions or concerns and have always been encouraged to do so.

F3.
The Board agrees with finding F3. Overall loss of institutional knowledge has sometimes created gaps in County operations and efficiency. However, these gaps are often temporary as new employees adapt and grow in their roles. As successors become more familiar with their responsibilities, they not only acquire institutional knowledge, but may also introduce improvements to outdated or inefficient processes.

F4.
The Board partially agrees with finding F4. While we acknowledge that there may be gaps in online training opportunities, such as a comprehensive Learning Management System (LMS) available across multiple Mariposa County departments, it is not accurate to say there is a lack of training opportunities overall. Mariposa County offers a range of hands-on training opportunities for employees at all levels, and efforts are continuously made to support professional growth.

Mariposa County has offered a variety of hands-on training programs for both employees and supervisors. Notably, 27 County employees recently completed the California State Association of Counties (CSAC) Executive Credential program, which involved over 50 hours of leadership and policy instruction. These courses are designed to enhance decision-making, communication, and leadership capabilities. The program has been highly valued, with participants highlighting its relevance to their daily roles and its contribution to both professional and personal growth.

Moreover, in January 2024, we introduced supervisor and manager-specific training, such as the FRISK training (Facts, Rules, Impact, Suggestions, and Knowledge). This training was specifically designed to enhance our management team's skills, enabling them to better support and develop their employees. Such training programs are part of our ongoing efforts to equip our leaders with the tools they need to promote a more productive and supportive work environment.

R1.
The Board partially agrees with R1. This is planned to be completed in 12 months, not six months as noted in the report.

R2.
The Board agrees with R2. This will be the responsibility of each department and the County Administrative Officer.

R3.
The Board agrees with R3.

R4.
The Board partially agrees with finding R4. The County has started to implement the existing hiring guidelines for Mariposa County. These guidelines allow for "overhiring" essential positions to allow the incoming employee to work side by side with the outgoing employee. Facilitating this transition period where outgoing staff overlap with their successors can indeed help new employees understand established practices and procedures, while also providing an opportunity for fresh perspectives that may enhance or improve processes. In some cases, this overlap of jobs is planned for 90 days or more. The ability for the new employee to continue the work of the outgoing employee will lessen the gaps in productivity that we have seen in the past. The Board is committed to having high levels of continuity in all Departments. However, this approach presents practical challenges in many situations.

R5.
The Board partially agrees with finding R5. Part of the organizational changes for Mariposa County will be the creation of an Internal Services Department, which will be comprised of Finance, Technology Services, and Human Resources. The Board recognizes the need to provide consistent services to all employees for their roles. One of the aspects that will be improved is the training opportunities for all employees. This review and standardized training will take 12-18 months and not six months as noted in the report.

The development of standardized training opportunities across all departments is a complex task that requires thorough analysis. The diversity of roles and responsibilities across the County necessitates a two-pronged approach. First, we would focus on establishing a foundational LMS that offers core training applicable to all employees, such as compliance training, county-wide policies, and general professional development. Second, we will work collaboratively with each department to identify and develop specialized training specific to their roles and operational needs.

Analysis of Fiscal Year 2023-2024

F1.
The Board agrees with F1.

F2.
The Board partially agrees with F2. The Fiscal Year 2023-2024 (FY24) mid-year budget review did not occur, and the FY24 balancing adjustments were delayed until February 20, 2024 because the Auditor's office was unable to provide the beginning fund balances until January 2024. Typically, these adjustments are conducted in October of the fiscal year. While this posed challenges, it is important to note that a budget is an estimate of fiscal activity and is rarely completely accurate.

F3.
The Board disagrees with F3. The reserve contributions were made in accordance with the budget. The accounting for the reserve contributions in FY22 and FY23 is relevant because, by using balance sheet accounts, the significantly lower-than-estimated beginning fund balance for the general fund in FY24 was unexpected.
F4.
The Board agrees with F4.

F5.
The Board partially agrees with F5. Working relationships between the Auditor's office and County Administration were affected by the challenges associated with the Oracle implementation and the strain of missing budgeting and audit deadlines.

R3.
The Board agrees with R3 and is in the process of establishing procedures for regular financial reviews, or "check-ins," in order to ensure that the fiscal year audit is completed in a timely fashion.

R4.
The Board agrees with R4.

R5.
The Board agrees with R5 and believes that a good working relationship between these two departments is essential.

Continued Technology and Software Lessons

F1.
The Board partially agrees with F1. The County has work to do to identify and address ongoing double entry of accounting data. However, much progress has been made already to reduce double entry in many areas.

F2.
The Board disagrees with F2. While it's impossible to foresee unexpected issues, the project schedule has been carefully developed over time, with various aspects of the transition taken into consideration. To ensure a smooth transition, we have formed a dedicated team to guide the staff and the public through the process in a step-by-step approach. The staff has also taken lessons from other platform implementations and applied those to better prepare in training, communication, and public engagement.

F3.

The Board partially agrees with F3. While there has been resistance, frustration, and slow user adoption in certain areas, this has not been the case universally. Additionally, the County has offered a range of training and support opportunities, including online training guidelines and videos, daily, weekly, and monthly help sessions, a dedicated support email with a 24-hour response time, managed services support from our implementation partners, and weekly in-person support sessions specifically for Public Works and Probation departments.

F4.
The Board partially agrees with F4. Mariposa County has an Information Security Policy from 2012 which addresses the approval process and usage of personal equipment. The Technical Services team will do a review of all personal equipment usage in the next six months to ascertain which devices have been approved and ensure all users have the appropriate security measures in place.

R1.
The Board agrees with R1.

R2.
The Board agrees with R2.

R3.
The Board agrees with R3. Implementing the Tyler Enterprise Permitting System requires a phased transition plan to assist employees and the public. Transitioning from a decades-old paper-based system to a digital platform is significant and full implementation, including the complete transition from paper to digital, is expected to take up to three years based on the current schedule and similar jurisdictions' experiences.

R4.
The Board agrees with R4. We have begun meetings, and we will implement Accounts Receivable by June 2025.

R5.
The Board agrees with R5. As noted in F4, a review of all private cell phones will be completed in six months.

Complaints and Code Compliance

F1.
The Board partially agrees with F1. The code compliance function would benefit from clearly written procedures and standards for the management and enforcement of code compliance cases. However, there are numerous factors outside the absence of these standards that have contributed to the caseload backlog, including staffing capacities and staff turnover.

F2.
The Board agrees with F2. In the next six months, the County Administrative Officer will prepare a reorganization for the Board of Supervisors to review. This reorganization is designed to address workload, workflow, complaints, and expected time of delivery of services.

R1.
The Board agrees with R1. The County is already working on creating code enforcement standards and clearly written procedures for case management. The Code Compliance Advisory Committee (CCAC) and staff made Code Compliance Program recommendations to the Board in May of 2024. The Board acted to direct staff to work with the CCAC to advance the recommended Code Compliance Program.

It is a four-part program that includes community engagement and education; code updates and revisions; policies, standards, and procedures; and an amnesty program. Staff is working with the CCAC on the details of the program implementation, which will occur in FY24/25.

The recommended code compliance program also includes the Tyler Project (Online Permitting) and its online access code compliance function. As a part of the Tyler Project, workflows, policies, and procedures are being prepared to achieve multiple benefits including standards and operating procedures for staff and the public, as well as transparency and consistency in procedural functions.

Staff is working with the CCAC on the details of the program implementation, scheduled to occur in FY24/25.

R2.
The Board agrees with R2.

<u>Development Services: Environmental Health Division, Building Department, and Planning Department</u>

F1.
The Board partially agrees with F1. Inconsistencies in the permitting process have led to confusion and complaints within the community. However, there have been additional contributing factors such as transitions from retirements and general staff turnover. The Tyler Project underway is designed to remedy inconsistencies through processes that include public/applicant access to the system, thereby increasing consistency and transparency for both the applicant and staff involved.

F2.

The Board somewhat agrees with F2. There are currently six FTE positions, two extra help positions, and one 0.8 FTE position allocated to Environmental Health. Of these nine allocations, two are vacant (as of 7/11/24). This is the most staff ever allocated to the Environmental Health unit since consolidation in 2018 (at that time, there were five allocations to Environmental Health). We recognized the overwhelming workload and have increased allocations in the Environmental Health unit as much as possible given the budget deficit; therefore, the untimely responses seem to also be a time management concern. Much of the funding for positions in Environmental Health comes from the County's general fund and our health realignment fund. The team works diligently to seek grant funding for the environmental health team; however, funding is not as abundant in this area as it is for other programs.

F3.
The Board agrees with F3 with a slight clarification. The current status of the department's Planning function, including vacancies and whether we have a Deputy or Senior Planner, has an impact on the production and processing of applications, especially those applications that require a higher-level, more experienced skill set. Generally, lack of mid-level or Senior Planners for the current Planning function of the department, in conjunction with entry-level position vacancies, creates a capacity constraint which impacts timely processing and communication.

F4.
The Board partially agrees with F4. When reviewing the Building Department's budget for the past ten years (2014-2024), it was challenging to clearly define detail in revenue and expenses. The lack of detail makes it difficult to identify economic fluctuations affecting the enterprise fund. Part of the issue may be attributed to the transition from AS400 to Oracle and how accounts were transferred. Building accounts should have more detail to ensure transparency.

F5.
The Board agrees with F5. The team believes that close collaboration and a unified set of policies for Development Services will enhance efficiency, streamline processes, and establish consistency.

This finding was also highlighted in the Guidehouse organizational study conducted in early 2024, with the recommendation to consolidate the Building, Planning & Environmental Health functions to one Development Services Department. This would aid in the creation of a consistent set of procedures and policies to create a streamlined approach to service delivery. If this reorganization does not occur, the team can still ensure a set of unified policies and procedures.

F6.
The Board agrees with F6 and recognizes that a lack of formal written policies and procedures has created challenges in some areas.

R1.

The Board agrees with R1. The County Administrative Officer has been tasked with an education series for the community around services, new legislation, and procedures to assist the public in navigating government services.

R2.
The Board agrees with R2.

R3.
The Board agrees with R3. Planning is implementing a strategy to address the unmet staffing needs to build a team that supports the work of the department. Planning is also soliciting for a contract planning firm to be available to assist in processing planning entitlement applications during times of any staffing gaps that may occur in the future. The organizational study implementation underway will evaluate the determination of additional needs for deputy-level positions for Planning.

R4.
The Board partially agrees with R4. The County Administrative Officer will complete the budget review as part of the organizational review. This will be concluded in the next six months.

R5.
The Board agrees with R5. Policies and procedures are being created for Development Services. A single set of policies and procedures for Building, Planning, and Environmental Health will help remove duplications and public confusion and create continuity between the departments. The implementation of the Tyler Enterprise Permitting Software will further facilitate consistency. Policies will be routinely updated and reviewed.

R6.
The Board agrees with R6. The departments' written policies and procedures should be reviewed on an annual basis to ensure that the policies and procedures remain viable based on any changes required due to state law changes or efficiencies garnered through the implementation of the Tyler permitting system.

Evaluation of Department Directors

F1.
The Board agrees with F1. Department director evaluations will be formalized in the next 12 months.

R1.
The Board partially agrees. We acknowledge the benefit of clear, written procedures for the evaluation of department directors. The recent organizational study, which recommended that

department heads report to the County Administrative Officer (CAO) instead of the Board of Supervisors, provides a timely opportunity to implement structured evaluations. This shift in reporting creates a streamlined approach for oversight and accountability, allowing for consistent performance evaluations aligned with County priorities. As the Board of Supervisors moves forward with implementing these changes, evaluation procedures can be evaluated and developed to support this new structure effectively.

Understanding Conflict of Interest and Employee Abstention

F1.
The County disagrees with F1. Title 2, division 6, Section 18730 of the California Code of Regulations provides that incorporation by reference of the terms of the regulation along with the designation of employees and the formulation of disclosure categories constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300. The Board of Supervisors incorporates by reference the provisions of the code along with the designation of employees and disclosure categories on a biennial basis. The Board reviewed and updated the designations and categories most recently on February 6, 2024. The incorporated provisions of Section 18370(b)(9) contain the framework for analysis for when employee disqualification is required. In addition, on a biennial basis, members of local legislative bodies who receive compensation undertake ethics training pursuant to AB 1234. All members of the Board of Supervisors and Planning Commission participate in these trainings.

R1.
The Board disagrees with R1. The recommendation will not be implemented because it is not warranted. As stated above, in response to F1., the County has a conflict-of-interest code that follows the requirements of Title 2, division 6, Section 18730 of the California Code of Regulations. It lists designated employees and disclosure categories for financial interests. The Board of Supervisors reviews the code biennially and is current with its responsibilities, having updated the code on February 6, 2024. The County will post the conflict-of-interest code more prominently on its website as a stand-alone document.

Parallels Between County Government and JCFHD

F1.
The Board disagrees with F1. A whistleblower form is available and posted in all County breakrooms. This policy is required by law to be posted and is verified by our Labor Unions.

F2.
The Board disagrees with F2. The County has a purchasing policy from 2022 that was amended in 2023. This policy sets forth all guidelines. In addition, contracts are reviewed for legal form by County Counsel and the County Administrative Office for procedures.

R1.
The Board agrees with R1. Training will be developed so that all employees understand how to utilize the existing procedures for grievances, whistleblowing, and reports of non-compliance.

R2.
The Board agrees with R2. The County Administrative Office has been tasked with a robust review of contracts in the County.

Custodial Facility Tours

F1.
The Board agrees with F1. The County is assessing all issues related to the HVAC system so that a formal bid process can begin to complete the work. This work should be completed in the next six months.

F2.
The Board agrees with finding F2. Both the Sheriff's Office and Health and Human Services applied for grants to increase the office space for the Custodial Staff and Jail mental health services. Site plans have been completed and work is ready to begin when the grants are released. The grants were delayed by the State during their budget issuance. Both the Sheriff's Office and HHSA have been pursuing additional grants to complete this work. This remains a top priority for the next 12 months.

R1.
The Board agrees with R1.

R2.
The Board agrees with R2. As noted in F2, additional grant funding is being explored.

Continuity Report

F1.
The Board partially agrees with F1. The Board agrees that there is no training for County staff on how to respond to requests and/or inquiries from the Civil Grand Jury in compliance with the California Penal Code but disagrees that the lack of training leads to inconsistencies from year to year in responses to Civil Grand Jury final reports. Responses to a final report are necessarily prepared after the final report has issued. Responses to inquiries are given during Civil Grand Jury interviews.

F2.

The Board of Supervisors disagrees with F2. As in previous years, the Board of Supervisors maintains that as the body that oversees all unelected County department staff and advisory boards, it is unnecessary and redundant to provide individual responses from those invited. Also as in previous years, the Board has sought and incorporated feedback from those invited into this response. The Board response is the culmination of all requested responses.

R1.
The Board agrees with R1. The recommendation has not yet been implemented but will be implemented in the future, within six months.

R2.
The Board disagrees with R2 and will continue to gather feedback from those invited and incorporate it into a single response letter.

This concludes the responses of the Mariposa County Board of Supervisors to the FY 2023-2024 Grand Jury Final Report. The Board of Supervisors is pleased with the progress that has been made in so many areas of our County, including several mentioned here. We are grateful to the Grand Jury for the opportunity to continue to address and improve the aspects of our operations discussed.

Sincerely,

MS Menetrey

Miles Menetrey, Chair
Mariposa County Board of Supervisors

Reviewed: Michael A. Fagalde

Honorable Michael A. Fagalde, Per PC933