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Fiscal Year 2017-2018

Inyo County Grand Jury

Final Report

CONFORMED

2017-2018 Inyo County Grand Jury Final Report

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Inyo County Grand Jury 2017-2018
P.O. Box 401
Independence, CA 93526
Jun 15. 2018

Hon Brian J. Lamb
Judge of the Superior Court
For Inyo County

Dear Judge Lamb,

2017-2018 Grand Jury Report

It is our pleasure to present to you the Inyo County Grand Jury report for the fiscal year 2017-2018.

As you will see from the Introduction, we fulfilled our duties by visiting the Prison and we also visited the County Jail and Bishop Police holding cell and the Juvenile Detention Center and related school. We have chosen not to report extensively on these because we have nothing of real substance to say about them that has not been said by the Grand Juries of the past.

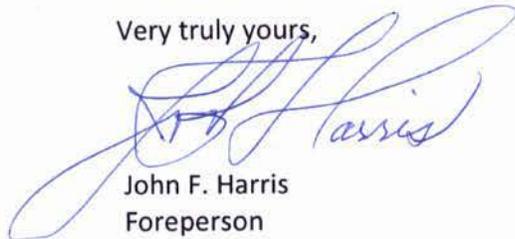
In addition to the subjects mentioned in the Introduction and those included in our Formal Report, we did inquire into other subjects and decided either not to investigate or not to report.

Throughout the year, the eleven members of the Grand Jury worked together harmoniously looking for ways to benefit the citizens of Inyo County. A more cordial and cooperative group would be hard to imagine.

Our tasks were benefited by the cooperation and generosity of time of many officials of many departments of the County who will not be individually named in order to preserve their confidentiality. We appreciate your support and that of retired Judge Dean T. Stout and your Court staff, especially Alyse Caton and Gina Ellis.

Thank you for the opportunity to serve on the Grand Jury.

Very truly yours,



John F. Harris
Foreperson

2017-2018 Inyo County Grand Jury

Kathleen Carmical

Aberdeen
Secretary

Jason Crockett

Bishop

John F. Harris, Sr.

Bishop
Foreperson

Robert Hoyle

Bishop

Mike Nolan

Bishop

Susan Ortega

Lone Pine

Don Schweizer

Bishop

Mike Sharkey

Starlite

John Shepherd

Mustang Mesa

Peter Thomsen

Bishop

Lloyd Wilson

Big Pine
Foreperson Pro Tem

Introduction to the 2017-18 Inyo County Grand Jury Report

California Penal Code 919(b) mandates “the Grand Jury shall inquire into the conditions and management of the public prisons within the county” but does not require formal reports be issued. While it is unclear if this statute applies to more than the Owens Valley Conservation Camp, the 2017-18 Inyo County Grand Jury (ICGJ) followed the practice of previous ICGJ’s and inspected the Inyo County Jail, Bishop Police Department facility, and the Inyo County Juvenile Detention Facility as well.

After a physical visit to all four facilities and careful review of previous ICGJ reports, we conclude formal reports to be unnecessary for these facilities. We see no need for a formal report reiterating findings of previous ICGJ’s wherein the agencies acknowledge the issue but for which no funding is available. In the past, agencies typically reported corrections for minor issues on routine items like stained floor tiles, generator maintenance, updating of operating manuals, sharp corners on tables, etc. before the ICGJ report was published. Our comments were noted during our visits and based on their previous response; we see no need to add to the administrative burden of these agencies with the requirement of a formal response to a formal report.

The need for major upgrades and improvements reported by previous ICGJ’s remain relevant. As an example, while an upgrade of the dispatch area is currently underway, the need for a larger police facility in Bishop has been noted by the majority of ICGJ’s since 2000. The City of Bishop response to all these reports was similar; agreement with the finding and stating that studies have been made and upgrading the existing facility or building a new facility is currently cost prohibitive with no source of funding identified for such a project in the foreseeable future.

For the Owens Valley Conservation Camp (OVCC) the major issue was the reduced number of fire crew eligible inmates. For full fire response, the camps target inmate population is 135. At the time of our visit, there were only 85 inmates. In 2017 the inmates performed more than 12,500 hours of service: 6999 hours firefighting, 4525 hours of general community service, and 1059 hours in support of Federal and State agencies.

As noted in a previous ICGJ report the Inyo County Juvenile Detention Facility (ICJDF) successfully transitioned in 2016 from a full-time to a part-time facility (two weekends a month). The facility is well maintained and ready to receive juveniles whenever necessary.

Under a Memorandum of Understanding, juveniles referred to ICJDF during the week are transferred to a full use facility in El Dorado County (South Lake Tahoe), Kern County (Bakersfield), Tulare County or Nevada County. The El Dorado County facility is preferred due to distance and a closer match to Inyo Counties’ juvenile offenders. There must be two qualified staffers whenever a juvenile is transferred.

In addition to the ICJDF we visited the Keith Bright School (KBS), also known as the “Court School.” Previously located at the ICJDF the KBS is now on the grounds of the Jill Kinmont Boothe School and is under the auspices of the Bishop Unified School District. The physical condition of the school facilities is excellent. The classroom is well lit, clean, organized and conducive to a positive learning experience with a qualified staff of teachers, assistants, and

counselors. Probation staff and onsite counselors conduct anger management programs, counseling workshops, journaling and writing workshops that focus on reflection and self-awareness. Students and parents are given a handbook and students are required to sign a "Student Agreement" concerning the rules and regulations at the school. Students are tested frequently for substance abuse.

According to staff at the KBS, lack of dependable student transportation is an ongoing problem. In California, parents and/or guardians are ultimately responsible for student transportation to and from school. At times, distance and the inability of parents/guardians to transport students has led to an attendance problem. According to the Inyo County Probation Department they have been, and are, actively working on a solution.

We commend staff and management for the quality and efficiency of their operations and effective use of the facilities available to them. They were universally helpful, answered our questions candidly, and encouraged our review. We agree with and endorse previous ICGJ's commendations that the citizens of Inyo County are being well served by the professional members of law enforcement and support staff at these facilities.

Civil Asset Forfeiture (CAF) was another issue which we considered but deemed a formal report was not appropriate. CAF, also called civil forfeiture or civil judicial forfeiture or occasionally civil seizure, is a legal process in which law enforcement officers take assets from persons suspected of involvement with crime or illegal activity without necessarily charging the owners with wrongdoing. While a civil procedure, as opposed to a criminal procedure, generally involves a dispute between two private citizens, civil forfeiture involves a dispute between law enforcement and property such as a pile of cash, a car, a boat or a house, such that the thing is suspected of being involved in a crime. The seizing of assets can be at the discretion of the officer involved with little oversight of items to be seized and in some cases little discretion in the way the seized assets are used. The legal process to reclaim and prove the innocence of the seized property can be costly and burdensome to the plaintiff, adding significant burden on someone who has not even been charged with a crime.

While concern was expressed to us about abuses of CAF across the country, our investigation showed no evidence of abuse in Inyo County. It has been over four years since there was civil asset forfeiture in this county. Further, in the interim, California has enacted strict legal guidelines to protect against the types of abuses which were occurring in other parts of the nation.

We concluded that CAF was being handled appropriately by both local law enforcement and the California Highway Patrol. Guidelines at the federal level are much less protective and many abuses have been reported, but federal statutes and agencies are outside the purview of the ICGJ.

In addition to the items above for which we chose not to produce formal reports, the 2017-18 ICGJ also drafted a procedural manual. This was a substantial undertaking requiring many hours of effort. The well refined draft document will pass forward to the 2018-19 ICGJ for their review, further refinement if necessary and formal adoption. This effort was undertaken at the recommendation of the California Grand Jurors Association and with the

hope that it will reduce the administrative burden on future ICGJ's. Many of the questions and administrative issues we encountered during our tenure are addressed in the procedural manual.

The 2017-18 ICGJ would like to encourage qualified residents of Inyo County to volunteer to serve on the Grand Jury. The investment of a year of service to your community is well rewarded. The members of the 2017-18 ICGJ all agree that we have each benefited in multiple ways. As a grand juror, you gain a much better understanding of the complexity and effort required to manage Inyo County government, the opportunity to understand in depth how individual county departments operate, review their operations, offer recommendations for improvements, investigate concerns brought up by members of our community, and potentially have significant positive impact on Inyo County.

2017/2018 Inyo County Grand Jury

Report regarding

Inyo County Special Districts

June 15, 2018

Summary

The 2017/2018 Inyo County Grand Jury investigated Special Districts operating in Inyo County. The Grand Jury reviewed the operations of Inyo County Special Districts using a survey sent to all districts except the two hospital districts. We found some special districts need to review the Brown Act. The Grand Jury encourages special districts, especially fire districts, to actively seek volunteers. It was found one district has limited reserve funds and must borrow money from the county to pay expenses during the year. Three water delivery systems, Laws, Independence, and Lone Pine are not operated by a special district. Instead, they are operated by the Public Works Department of Inyo County. The three water systems have not had a rate increase since 2005. To cover expenses an additional \$57,000 has been paid from the general fund of the county over a period of ten years. At this time, major repairs need to be completed. Temporary repair has been done for \$200,000. Permanent repair will cost from \$300,000 to \$600,000. Without voter approval for a rate increase to cover this repair, the money will have to come from the general fund of the county. Residents of the district could take over operations of the water district or the alternative solution would be to sell the water systems to a private operator and the rates would then be set by the Public Utilities Commission.

Background

Special districts are local government agencies focused on a special set of services such as fire protection, water, healthcare, and waste-water treatment. There are over 2,100 special districts in California. Special districts are publicly owned and operated local agencies governed by board members, typically elected, who are residents of the district. The public can attend and comment during board meetings and obtain the district's public records. Districts are categorized as dependent or independent. Independent districts are "independent" from other governments while dependent districts are governed by other governmental entities. For further information see the California Special Districts Association (<http://www.csda.net/special-districts/>).

Special districts provide a number of functions in Inyo County. Inyo County has cemetery, water, fire protection, hospital, and waste-water districts. Most special districts in Inyo County are governed by a board of directors elected by residents of the district.

California Penal Code 933.5 grants the Grand Jury the powers to "examine the books and records of any special-purpose assessing or taxing district," commonly referred to as a "special district." With one special district in Inyo County in bankruptcy, the Grand Jury undertook a survey of special districts.

Methodology

Documents

A survey was created and mailed to special districts in Inyo County. The purpose of this survey was to gain a basic understanding of the operating and financial status of special districts

in the county. The survey was designed to capture the fundamental requirements of the districts to find any issues broadly being confronted by multiple districts. The two hospital districts (Northern Inyo County Local Hospital District and the Southern Inyo Healthcare District) were excluded from this survey. Copies of the current budget, the most recent financial audit, and last 2 board meeting minutes were requested to be returned with the survey. Survey responses, budgets, and audits were reviewed by the grand jury. Surveys were sent to:

- Sierra North Community Service District (Water)
- Sierra Highlands Community Services District (Water)
- Independence, Lone Pine and Laws Water Systems operated by Inyo County
- Darwin Community Services District (Water)
- Pioneer Cemetery District
- Big Pine Community Services District (Water)
- Mt. Whitney Cemetery District
- East Independence Sanitary District (Waste-water)
- Indian Creek Westridge Community Service District (Water/Street Lights)
- Big Pine Cemetery District
- Mesa Community Service District (Water)
- Independence Cemetery
- Keeler Community Service District (Water)
- Eastern Sierra Community Service District (Waste-water)
- Starlite Community Service District (Water)
- Big Pine Fire Protection District
- Olancha Community Services (Fire)
- Southern Inyo Fire Protection District
- Bishop Rural Fire Protection District
- Lone Pine Fire Protection District
- Independence Fire Protection District
- Inyo Mono Resource Conservation District
- Tecopa Cemetery District
- Lone Pine Community Service District (Waste-water)

Other documents reviewed:

- The Brown Act

- "A Citizen's Guide to LAFCo" (Local Agency Formation Commission) published by the California Senate Governance and Finance Committee
- "It's Time to Draw the Line: A Citizen's Guide to LAFCOs" and "What's so Special about Special Districts? A Citizen's Guide to Special Districts in California" published by the California Senate Committee on Local Government
- The Internal Revenue Service "Understanding Employee vs. Contractor Designation" (<https://www.irs.gov/newsroom/understanding-employee-vs-contractor-designation>)
- Inyo/LA Long Term Water Agreement (<http://www.inyowater.org/documents/governing-documents/water-agreement/>)

Interviews

The Grand Jury conducted four interviews specific to Special Districts. These included an Inyo County official, staff members, and a district official.

Discussion

The Grand Jury is pleased with the high-level return of responses to the survey. Districts that participated are commended on their prompt and thorough responses. Their input provided a general understanding of issues common to all districts and specific problems and successes at each individual district. Districts not responding to the survey were Tecopa Cemetery District and Inyo Mono Resource Conservation District.

The Grand Jury would like to commend all the special districts for their service and willing participation in our survey efforts. The Big Pine Cemetery District this year (2018) had two board member vacancies. They are commended for their successful outreach to the community for support and getting more volunteers than vacancies.

In many cases, the board members are not elected due to a shortage of candidates. Thus, a member is appointed by the board. Primarily districts use a public posting to inform the district of an upcoming meeting. Recruitment for new board members is typically verbally through board member contacts.

With the exception of two districts, all districts reported they meet in the district. Most districts (fourteen) meet once per month, two districts meet "as needed", one quarterly, one annually, and two meet every two months.

Ten hours of free service per year is available to each special district by Inyo County Counsel. Special Districts must follow the Ralph M. Brown Act (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5.) which guarantees the public's right to attend and participate in meetings of local legislative bodies. The Brown Act solely applies to California city and county government agencies, boards, and councils. Response to Brown Act training was mixed with most districts interested in a refresher or review of the act. One district had a Brown Act problem with closed session requirements for the agenda.

Special districts relied on both employees and independent contractors to provide services and complete work needed. Determining appropriate worker classification is based on the relationship between the worker and the employer. Generally, if the employer has the right to control or direct only the result of the work and not what and how it is done the individual would be an independent contractor. Incorrect classification exposes the employer to tax liability and reduces legal and financial protections of the individual under the Fair Labor Standards Act.

Recent budgets and audits were almost all complete and up to date. Although several reported a shortage of funds to improve services or make capital improvements they are almost all operating within their budgets. Minor budget concerns were found for a few districts including a district that had little to no cash reserves requiring a bridge loan from the county to operate until taxes were distributed.

There were specific challenges unique to individual districts including one water district that required navigating an extremely rough 8 mile road using a four-wheel drive truck to access the water source. This source is located in a fenced area that also requires a permit to enter. Another district, which is entitled to a small amount of tax revenue, operates all volunteer with no expenditures.

Laws, Independence, and Lone Pine Water Districts

The water departments of Laws, Independence, and Lone Pine are not operated by special district boards. The Inyo/LA Long Term Water Agreement (<http://www.inyowater.org/documents/governing-documents/water-agreement/>) transferred "ownership of the water systems in the towns of Lone Pine, Independence, and Laws to the County or to another Owens Valley public entity or entities." Laws, Independence, and Lone Pine water systems are currently operated by the Public Works Department of Inyo County. The last rate increase for town water customers was 2005. Current funding for these town water systems is not self-sustaining with Inyo County general fund contributing over \$57,000 for the last ten years. Recent emergency repairs needed to sustain a water supply suggest that substantial deferred maintenance costs, in the range of \$300,000 to \$600,000, are now imminent (over the approximately next year and a half). These costs are in addition to the approximate \$200,000 of interim repair already completed. A rate study is currently being conducted for Inyo County Public Works. It is likely this study will find a need to increase rates to support the water supply. California Proposition 218 allows parcel owners to reject a new fee or charge if written protest against the new fee or charge is presented by a majority of the parcel owners. Without approval of a rate increase to sustain funding, Inyo County would either be required to support these water systems through the general fund or could sell the water system to private industry where rates would be determined by the company and approved by the California Utilities Commission. To sustain funding Inyo County would either be required to support these water systems through the general fund or could sell the water system to private industry where rates would be determined by the company and approved by the California Public Utilities Commission. Moving the water system from county administration would likely increase resident cost to enable profitability for a private entity. Inyo County could also

relinquish control with the establishment of an independent special district formed and run by local residents.

Findings

- F1. Budgets generally were up to date and well kept.
- F2. Several districts lacked sufficient understanding of the Brown Act.
- F3. Districts had potential errors in classifying a worker correctly as an employee or an independent contractor.
- F4. There is a countywide need for people to serve as board members and volunteers especially Emergency Medical Technicians to serve on ambulances.

Recommendations

- R1. All Districts review budget tracking and long-term planning for future expenses. Olancha Community Services District should establish reserve funds to avoid the need of a temporary loan from the county.
- R2. All Districts periodically review the Brown Act. Big Pine Fire Protection District review the closed session agenda requirements of the Brown Act.
- R3. All Districts are recommended to visit the IRS website <https://www.irs.gov/newsroom/understanding-employee-vs-contractor-designation>.
- R4. All districts use more expansive outreach that includes newspaper, radio, mailings, and the internet to improve resident participation.

Responses

Pursuant to Penal Code section 933.05 the following response is required:

- Olancha Community Services District: R1 within 90 days.
- Big Pine Fire Protection District: R2 within 90 days.
- All Districts: F3, F4, R3 and R4 within 90 days.

2017/2018 Inyo County Grand Jury

Report Regarding

Loss of Ambulance Service and EMT Shortage

June 15, 2018

Summary

Only the Bishop area is served by full-time paid ambulance service. The rest of Inyo County is served by ambulance services operated strictly by volunteers.

Most of Inyo County is served only by ambulance service operated strictly by volunteers.

The 2017/2018 Inyo County Grand Jury's decision to conduct an investigation into the potential loss of ambulance service in parts of the county caused by a lack of Emergency Medical Technicians (EMTs) was the result of the survey of special districts.

A significant (four of the five) Fire Protection Districts reported a shortage of EMTs.

The decline of volunteerism to become EMTs has especially impacted ambulance service in the county.

This lack of volunteer support will have the effect of ambulance service ceasing in several communities.

Service may be provided by neighboring areas when available but is not required. Affected communities cannot rely on this service always being available.

Neither Inyo County nor the state of California is legally required to provide an ambulance if the volunteer service stops.

The Grand Jury does not want a 911 call for medical aid to go without a response or involve a long delay.

The Grand Jury acknowledges that the county does not have a mandate to provide ambulance service. We do however recommend the Board of Supervisors be proactive and work with the Fire Protection Districts to provide a plan for continued service and fire districts start an active recruitment for EMTs. This may include increased compensation for EMTs training time involved, recertification time, and added responsibility for patient treatment.

Background

Inyo County has five Fire Protection Districts that provide ambulance service.

Inyo County covers 7,108 square miles with a total population of 20,000. The majority of the people live in the surrounding area of Bishop. These people are served by a private ambulance company. The remaining citizens living outside that area depend on volunteers to provide emergency medical service (EMS).

Emergency Medical Technicians (EMTs) provide this service as volunteers on ambulances. They have the knowledge and skills necessary to stabilize and transport patients. EMTs are a critical link between the scene of an emergency and the receiving hospital.

To become an EMT requires extensive training that follows federal standards. Training includes several steps:

Complete 150 hours of classroom work and pass the exams for an EMT class.

Complete field work on an ambulance and in a hospital.

Pass a National Registry exam to become certified. A fingerprint (live scan) and background check are also required.

Complete 24 hours of continuing education over two years to recertify.

Methodology

Documents

A survey was created and mailed to these five special districts providing ambulance service in Inyo County. The purpose of this survey was to find how these districts were functioning in providing emergency medical service in their community. Copies of the current budget, the most recent financial audit, and last two board meeting minutes were requested to be returned with the survey. Survey responses, budgets, and audits were reviewed by the grand jury. Surveys were sent to:

- Big Pine Fire Protection District
- Olancha Community Services (Fire)
- Southern Inyo Fire Protection District
- Independence Fire Protection District
- Lone Pine Fire Protection District

Interviews

The grand jury conducted three interviews specific to Fire Protection. These included county staff members and a special district official.

Discussion

In addition to the willing and interested participation from the Inyo County Fire Protection Districts, the Grand Jury would also like to commend those employers who support and allow volunteer EMTs the valuable time off to respond to ambulance calls. Some are allowed the time off, others must make up the time or take vacation time. Volunteer emergency response is an important part of our community. The Grand Jury recommends all businesses in Inyo County provide or improve flexibility and support for their employees interested in participating in the EMT program.

There is an overall lack of volunteering for board members and volunteers in general. The lack of volunteers is particularly apparent in four of the five fire districts where EMT staffing is nearing a critical point. EMTs are in such short supply for these districts that coverage is in jeopardy. Neither California nor Inyo County is legally required to provide ambulance service. While there are still EMT volunteers in each district, retention and recruitment of EMTs is a

problem that needs attention. This problem needs to be solved before the response from locally available EMTs is no longer available.

While private ambulance service is currently servicing the Bishop area, primary ambulance service throughout the remainder of Inyo County is provided by special district volunteers. Currently, four of these districts struggle to have a staffed ambulance that can respond during an emergency medical situation and at times must rely on the availability of other districts. At the current time there is a lack of qualified EMT volunteers throughout Inyo County creating the potential for ambulance services to cease in certain communities without increased community support. If these emergency services cease in one community, response time would increase and be reliant on neighboring ambulance staffing for coverage.

Findings

F1. There is a countywide need for people to serve as EMTs.

F2. The county or state does not have a mandated responsibility to provide ambulance service in the absence of volunteer services.

Recommendations

R1. All districts share ideas in ways to improve recruitment and retention of EMTs (e.g. part paid; provide a stipend, bonuses, etc.) and report to the Inyo County Board of Supervisors. Districts expand community outreach with posted notices, fliers, person to person contact, social media, radio, newspapers, and free ads; make announcements at schools, churches or civic groups; and ask area businesses to spread the word (e.g. fliers at registers or posters in store windows) to increase public awareness and improve resident participation.

R2. The Inyo County Board of Supervisors, while not legally responsible for providing ambulance service, be pro-active and have an up-to-date county wide plan for loss of volunteer ambulance service. The Inyo County Board of Supervisors arranges a meeting with all districts to discuss and formulate a plan.

The Grand Jury would like to commend the EMT volunteers for serving our communities and working to improve the EMT certification process.

Responses

Pursuant to Penal Code section 933.05 the following response is required no later than 90 days:

F1, R1 and R2. Big Pine Fire Protection District, Olancha Community Services District, Lone Pine Fire Protection District, and Independence Fire Protection District.

F1, F2 and R2. The Inyo County Board of Supervisors.

2017/2018 Inyo County Grand Jury

Report regarding

Inyo County Office
of
Public Guardian

June 15, 2018

Summary

Our extensive investigation into the Inyo County Office of the Public Guardian reveals that the Public Guardian gives excellent care to its conservatees. This was confirmed from multiple sources. Further it appears that all of the conservatees financial assets, income and expenditures are well itemized and balanced. Care for the wellbeing of the conservatees is clearly the Public Guardian's priority, a priority with which we agree and for which she deserves commendation.

Our investigation also revealed that the Public Guardian Office is constantly behind on filing its reports to the Court, does not keep track of its time and efforts, and has always asked for fewer fees for its services than permitted under the Courts published guidelines for conservatorships with substantial assets to pay for those services.

We find that there is a good system of oversight presently in place to be sure that conservatees are being given good care, but no oversight whatsoever by anyone to see that the Public Guardian seeks reasonable fees for its services from those who can afford to pay for the benefit of Inyo County and its taxpayers.

While we have some confidence that the discussions during our investigation will result in better fee requests by the Public Guardian's office as long as the present office holder is in office, we are concerned that a system of oversight be implemented so that that future Public Guardians and County Counsel will be watched by someone working in the taxpayers' interest to be sure that reasonable fees are sought when the conservatorship has sufficient assets to pay for services provided by the County.

Background

Inyo County has both a Public Guardian Office and a Public Administrator Office.

In Inyo County the two offices have been combined into one in the sense that one person holds both titles. Technically, the Public Administrator is elected in a countywide election and the Public Guardian is appointed by the Inyo County Board of Supervisors.

The Public Guardian has the duty to take care of living persons who cannot handle their own living needs, either personal or financial or both, when there is no one willing and able to act to take care of him or her.

The Public Administrator acts as the administrator of the estates of deceased people who upon death have no appropriate person available to act as their administrator.

This report will focus primarily on the office of the Public Guardian.

The Public Guardian is charged by law, upon hearing that a person domiciled in the County is in a position of imminent threatened health or safety or that the person's financial estate is threatened by inability to care for him or herself, to investigate within 72 hours and must apply to the Superior Court to become the guardian (for minors) or conservator (for adults) if there is

imminent danger to the person's health or safety or the person's estate and may apply to be Guardian in all other cases. (California Probate Code section 2920).

In Inyo County, the Public Guardian only acts on behalf of adults. Health and Human Services takes care of the minors.

The Public Guardian may apply to the Court to collect reasonable fees from the estates of the Conservatee (the person under the care of the Conservator) if there are sufficient assets in the estate of the conservatee to justify payment.

It came to the attention of the Grand Jury that for the four years in a row from the years ending June 30, 2013, to June 30, 2016, the combined collections for fees of both the Public Administrator and Public Guardian amounted to between a low of \$7150.63 and a high of \$8621.26.

For the years ended June 30, 2016, and June 30, 2017, no fees whatsoever were collected by the Public Guardian although the Office had approximately ten open files during each of those years.

For the year ending June 30, 2015, The Public Guardian collected \$8000 in fees.

It seemed unusual to the Grand Jury that the yearly amounts from 2013 to 2015 would be so consistent because the number of Conservatorships and Probate Estates would vary every year and the amounts in the estates would also vary. Further, the total lack of fees in 2016 and 2017 merited scrutiny.

We learned that the Office of the Public Guardian was habitually behind on filing required accountings to the Court, so much so the past County Counsel in her memo upon leaving office said her greatest achievement of the past year, 2015, was to bring the Public Guardian's court filings up to date. This explains the \$8000 collected in 2015. However, our investigation also revealed that the collection could have significantly more even in that year.

We determined to find out more about the Office of the Public Guardian. Was it doing a good job taking care of the conservatees? Was it doing an adequate job of collecting fees for the County taxpayers when the people receiving the services (or their estates) could reasonably afford to pay for some or all of those services?

Methodology

In our investigation of the Public Guardian's Office, we separately interviewed, sometimes more than once, official representatives of each of the following Inyo County Offices:

- Office of the Public Guardian
- The County Auditor Controller
- The County Director of Personnel
- The Office of the County Counsel

- The Inyo Superior Court
- The Office of the County Chief Administrator

We obtained legal opinions from our legal advisors.

We performed some legal research of our own.

We reviewed articles and reports from other California counties with regard to their offices of Public Guardians or other offices that performed the same function.

We reviewed numerous Inyo County Court Conservatorship files and Probate files.

We reviewed 25 Court Investigator reports with regard to the care being provided by the Inyo Public Guardian to the conservatees presently or in the recent past in its care.

Discussion

Duties of Public Guardian

The Public Guardian may be appointed by the Court as the conservator of the estate of a living person if the person is unable to manage their finances alone or is susceptible to be taken advantage of financially by others.

The Public Guardian may be appointed by the Court as conservator of the person to be sure that the person has proper food, medication, shelter and healthcare.

The Public Guardian may be appointed by the Court as conservator of both the person and estate.

While the task of the Public Guardian as conservator varies with the needs of the conservatee, it may entail payment of taxes, managing accounts receivable and making all necessary payments, conducting bank transactions, inventorying and storing and or/ disposing of all possessions, searching residences for wills, powers of attorney addresses of families, conferring with doctors, social workers, friends, neighbors and families to ascertain and keep up on the person's needs. It must supply transportation to appointments. The office must apply for appropriate benefits, work with County Counsel to prepare reports, accountings and petitions to the Court and much more.

Sometimes the work has to be accomplished in Hazmat outfits or with air masks and under horrible, cluttered, unsanitary and very unpleasant conditions.

The Public Guardian must be available to provide services 24 hours and day and 7 days a week.

In Inyo County, the Public Guardian, acting in the dual role of Public Administrator, must also administer multiple probate estates.

At the time of an interview, the Public Guardian had a caseload of ten conservatorships and five probates.

Quality of Care

The Grand Jury investigated as to the quality of care being given by the Inyo County Public Guardian's office to the conservatees in its care. In doing so we interviewed representatives of several different county offices (see Methodology section of this report) including a Judge of the Superior Court and members of the County Counsel's office as well as the Public Guardian. We also reviewed 25 Court Investigator's reports. These investigators are appointed by the Court for each Report and Accounting which is required to be filed with the Court biannually in each case. Further, the conservatee is represented at each hearing by an attorney, either privately retained or Court appointed. It is usually an attorney from the Public Defender's office if the attorney is Court appointed.

So far as we can ascertain, the Public Guardian's office of this County has received no negative comment as to quality of care from any source that we could find (unless you include a comment by a conservatee that she would like more cigarette money).

There were many comments that the Public Guardian was caring and compassionate and no comments to the contrary.

From this investigation we have concluded that the Public Guardian's Office does an outstanding job of care for its conservatees.

Fees

The Public Guardian is required, by Inyo Superior Court rules, to file an Accounting and Report with the Court every two years. In this report the Public Guardian is entitled to ask for reasonable fees for its services from estates which can afford to pay. In the same petition to the Court, the County Counsel's office, which represents the Public Guardian, and the attorney for the conservatee are entitled to and do ask for reasonable fees.

The present Fee Schedule of the Inyo Superior Court, Exhibit 1, which was in effect from 2001 until the end of 2017, covers more than the entire span of our investigation.

Some explanations are in order with regard to the Public Guardian Fee Schedule which is in the form of a Court Order.

Most importantly, the Court always has the discretion to order the amount of fees that it considers to be reasonable under all the circumstances of the particular case before it.

Further, as things now stand, there is no law that absolutely mandates that the Public Guardian seek any fees whatsoever. It is up to the Public Guardian to decide whether to ask for fees and to decide upon the amount to be requested to be ordered by the Court. The Public Guardian has wide discretion in deciding whether to seek fees and how much to request.

When fees are awarded by the Court for the services of the Public Guardian, the fees go to the County not to the office of the Public Guardian.

The Fee Schedule, although adopted by the Court in the form of an Order is still only a guideline.

The job description of the Public Guardian in Inyo County does not specifically require the Public Guardian to seek reasonable fee for the benefit of the County or its taxpayers.

We think that the existence of a Court ordered Fee Schedule implies a duty to use the schedule in the absence of circumstances warranting otherwise and that those circumstances should be set forth in the Petition for fees when the Schedule is not being followed.

The Public Guardian's office has consistently failed to use that fee schedule on its larger conservatorship estates for the benefit of Inyo County and its taxpayers.

There is a common supposition, which has been held even by public officials in this county, that almost all of the conservatees are poor or relatively impoverished. While that is true in some cases, it is not in others.

For instance, in our review of either presently open or recently open Public Guardian Conservatorship files, we found Conservatorships with assets as follows:

- a. \$592,000
- b. \$468,000
- c. \$199,000
- d. \$162,000
- e. \$152,000
- f. \$63,000
- g. \$188,000
- h. \$162,000
- i. \$25,000
- j. \$121,000

The fee schedule in effect for the last 16 years allowed the Public Guardian to seek fees of \$50 per hour in all conservatorship matters having assets valued at over \$20,000. It also allowed the conservator to pay itself \$200 per month in estates over \$20,000. It allows those fees to be accrued if the liquid assets are insufficient at the time, but future sales of assets or inheritances may provide sufficient liquidity in the future.

Further, the fee schedule allowed the Public Guardian Office to seek \$500 to set up the conservatorship estate and \$500 for the Accounting and Report to the Court. (Beginning in 2018, the setup and reporting fees went up to \$650 each and the hourly fee available went up to \$75.)

Our investigation revealed that in recent years, the Public Guardian has almost always been late, often years late, in filing its biannual reports and has sought only the minimal fees of \$500 for establishing the conservatorship and \$500 for the Report and Accounting in all cases.

We found no files in which the Public Guardian paid itself the authorized \$200 per month or sought fees based on time expended nor sought the 6% which it can seek for a sale of real estate or other assets.

For instance, in one file that started with assets of over \$544,000 and was up to \$591,000 at the time of the last accounting to the Court, the Public Guardian sought fees of only \$500 for an accounting period which extended for 2 years and 9 months. During that period, the conservatorship estate had income of almost \$247,000 and disbursements of over \$174,000. It had a cash balance of over \$291,000.

We do not know how much time the Guardian spent because that office has not in recent years kept time records even in larger estates which had sufficient funds to pay for services being provided at taxpayer expense. This is despite the fact that the Court Ordered Fee Schedule allowed a fee of \$50 per hour in cases in which the assets exceeded \$20,000 (it could be assumed that the Court ordered availability of hourly fees implied that time records should be kept).

Even without keeping time records, the Public Guardian Office could have paid itself (the taxpayers of Inyo County) \$200 per month or \$2400 per year or \$6600 for the 33 months of the accounting period. Instead it sought and was granted only \$500 or \$182.82 per year or \$15.24 per month. In fact that conservatorship was over 8 years old which is 96 months which could have been billed at a minimum of \$200 per month or over \$19,200 just in monthly fees plus the setup fee of \$500 plus the 4 accountings at \$500 each or another \$2000, a total of at least \$21,700.

In another file, the conservatorship opened in early August 2003 and the conservatee died in July of 2010, a period of almost exactly 7 years. The assets were always over \$75,000. Real estate was sold for \$217,000.

In that period of 7 years there should have been 4 accountings at \$500 each and a setup fee of \$500 or fees of \$2,500 plus \$200 per month for 84 months or \$16,800; plus special fees of 6% for sale of the real estate or \$13,020, for a total of \$32,320.

In yet another file, the conservatorship was opened with over \$199,000 in assets in November of 2006. The conservatee died in July of 2010, a period of 3 years and 9 months with ending cash assets of over \$75,000. A fee of \$828 was requested and ordered. A fee could have been requested under the fee schedule for \$500 for the setup, \$500 for the Report and Accounting, \$9000 for the 45 months, a total of \$10,000 rather than just \$828.

In that case, the Report and Account was not filed with the Court until 2 years and 9 months after death.

In still another sizable conservatorship with assets of over \$91,000, the Public Guardian served for seven years or 84 months. The Public Guardian asked for a total fee of \$1000 or \$11.90 per month instead 84 months at \$ 200 per month or \$16,800 plus \$500 for setup and \$500 each for the four accountings which should have been filed.

That is just four files we have used for examples.

It is to be noted that we did not receive figures of all the files we requested.

It should also be noted that the Court by law must award fees that are reasonable under all the circumstances. It could have awarded more or less depending on effort, results, complexity and future needs. The Courts sometimes award less than requested, but virtually never awards more in fees than requested.

As discussed above, it should be recognized that the Public Guardian has wide discretion in calculating fee exceptions and other reasons for deferring or rejecting the need for fee collection. However, we found no evidence of any records explaining reasons for a deferral or waiver of fees in any of the many files we reviewed.

Our investigation reveals that our Court has always awarded what was requested which was always the minimum on its schedule and without reference to time spent and without reference to the money or assets in the larger estates.

The County Counsel's office assisted the Public Guardian in each of the Accounts and Reports to the Court.

We really wonder if either the County Counsel's office or the Public Guardian's office ever read the Court issued fee schedule. It is clear that they did not seek the fees that could have been sought in any of the larger files that we reviewed.

Timeliness of Accounts to the Court

During the entire span of the current Public Guardian, the Public Guardian has always been behind on its Accountings to the Court.

In one file we reviewed, the conservatorship opened in April of 2008 and the conservatee died in July of 2015. We found record of only one accounting to the Court on that file and that was not until June of 2017, almost 2 years after the death. The Public Guardian asked for fees of only \$1,000 for the 7 year period or 84 months. In the 7 years there should have been 4 accountings, not just one.

In another instance, the conservatee died in October of 2012 and the first and final report was not filed until February of 2015, almost 2 ½ years after death.

In another case, the final report was not filed until two years and nine months after the death of the conservatee.

In another case, the last accounting in the Court file is in September of 2009 at which time the estate had over \$109,000. The Court file gives no indication if there has been another accounting since 2009.

In the many files we reviewed, virtually none of the accountings were filed promptly with the Court at the 2-year mark ordained by the Court and many were years late.

Perhaps more importantly than the money lost to the County and its taxpayers, the failure to file Reports and Accounts in a timely manner may cause the Court to fail to order an independent Court Investigator to interview the conservatee and check on living conditions, quality of care and shelter.

In practice here in Inyo County, the filing of the Accountings and Report by the Public Guardian triggers the appointment of a Court Investigator. If the filing is late, then the appointment of the investigator is also late. It appears that only when an Accounting and Report is scheduled for hearing is the Public Defender's Office appointed to represent the conservatee if he/she is not represented by a private attorney. The Public Defender's Office should, just as would a competent private attorney, be diarying the matter forward and insisting that the Accountings are up to date and the conservatee is receiving proper care. In the absence of timely filings, it appears that this is not being done and the conservatee is not being protected as well as he/she should be.

The Current Public Guardian has been working without regular assistance for several years and was finally given an assistant of up to 29 hours per week beginning January of 2018.

While the Public Guardian is to be highly commended for the quality of care given to its conservatees and for the time devoted to its tasks, it consistently does not keep up with its accountings and reports and has always asked for less than the fees to which it could legitimately seek in larger files.

While we cannot take issue with the priority given to care of the conservatees, we believe that better attention must be paid to timely reports and accountings and to seeking reasonable fees for the benefit of the County and its taxpayers.

Oversight

As to the care given to the conservatees of the Public Guardian, there is a reasonably good system of oversight. The Court reviews the reports both as to finances and care given. A Court Investigator interviews the conservatee and living conditions and gives an extensive report to the Court. An attorney represents the conservatee to see if everything is in order. The County Counsel is involved in preparing the Petition to the Court.

As to timeliness of Accountings and Reports to the Court, it appears that the Public Guardian's office is habitually delinquent. The entities who could and should provide some oversight in this regard do not do an adequate job of doing so. Those entities would be the Court itself (which is beyond the jurisdiction of the Grand jury), the County Counsel's office and the attorneys for the conservatees (often the Public Defender's office).

As to the amounts of fees being sought by the Public Guardian, there appears to be no oversight whatsoever by anyone with the interest of the County taxpayers at heart. The Court looks to see that the fee request is not unreasonably high and stops there. The County Counsel just goes along with what its client, the Public Guardian, requests. The attorney for the conservatee is certainly never going to request that more be charged to its client.

This lack of oversight as to fees and as to timeliness of accountings has been costing the County and its taxpayers many thousands of dollars for many years.

While the conservatees of Inyo County are fortunate that we appear to presently have a caring and honest Public Guardian, there is no guarantee that this will always be the case in the future. Some outside oversight of the Public Guardian Office is necessary to see that the conservatees and the taxpayers are properly protected.

Findings

F1. The Public Guardian does an excellent job of caring for the conservatees for whom she has been appointed by the Court to serve as Conservator. This is true in every file we have reviewed. All of her Accountings to the Court appear well itemized and balance properly.

F2. The present job description of the office of Public Guardian does not include a duty to petition the Court for reasonable fees from the conservatorship estates which have substantial assets.

F3. The Public Guardian is authorized by law to petition the Court for reasonable fees for its services just as would a private attorney.

F4. There is now and has been a Court Ordered fee schedule in place for the Public Guardian to seek fees for its services in Conservatorship estates which have assets to pay for those services.

F5. The Public Guardian is legally obligated to file periodic accountings with the Court to report on the services rendered and the beginning and ending amounts of both cash and non-cash assets of the estate and all income and expenses in the accounting period. At this time, it is the practice to also request fees for the services of the Public Guardian and the County Counsel for acting as the PG's attorney in filing the petition. In Inyo County, the practice is to file these petitions every two years.

F6. The Public Guardian has consistently failed to ask for the fees justified by the Court ordered Public Guardian fees Schedule then in effect.

F7. There is presently a good system of oversight to be sure that the Public Guardian is giving good care to the conservatees.

F8. There is no system of oversight presently in place in Inyo County to be sure that the Public Guardian is seeking reasonable fees for its services for the benefit of the County tax payers.

F9. The reasonable value of the services performed by the Public Guardian as conservator of the conservatee is to be measured at least in part, under both past fee schedules and the newly ordered fee schedule, by the amount of time devoted by the Public Guardian in taking care of the physical, medical and financial needs and concerns of the conservatee.

F10. The Public Guardian's office has not, at least in recent years, kept track of the time devoted to taking care of its conservatees.

F11. Keeping track of the time spent is not a difficult or time consuming task and several computer programs are available for the purpose.

F12. Only a minimal effort is required to compute the appropriate fee for the Public Guardian using the fee schedule. It is not difficult in larger estates to multiply months of service times the \$200 per month allowed in the Schedule.

F13. While the first priority of the Public Guardian is taking care of the conservatees, the county taxpayers deserve to be reasonably compensated for the services rendered at their expense where there are sufficient assets in the conservatorship to do so.

F14. The Public Guardian is consistently late, often very late, in filing its Accounting and reports with the Court.

F15. A system of oversight to insure timely filings is not working well.

Recommendations

R1. The Public Guardian's Office seek reasonable fees for its services in those cases where the conservatorship estate has sufficient assets to reasonably pay for those services.

R2. The job description of the Inyo County Public Guardian be changed to provide that it is the duty of the Public Guardian's Office to seek reasonable fees to reasonably compensate the County for services rendered by the Public Guardian when there are conservatorship assets to do so.

R3. Each new Public Guardian read the Court Fee Schedule for Public Guardians and sign a document that he he/she has read it and understands it and will follow it to the best of his/her ability. He or she should seek the advice of the Court or County Counsel or an experienced attorney if they have questions about it.

R4. The Public Guardian's Office keep track of the time of the Public Guardian and that of its personnel in rendering services for the benefit of its conservatees.

R5. Reports to the court be filed when due at least every 2 years.

R6. A system of oversight to insure timely filings needs to be created and implemented.

R7. A system of oversight be created to be sure that the Public Guardian always petitions the Court for the fees to which it is reasonably entitled under the law.

R8. When the Public Guardian in its discretion decides to apply to the Court for lesser or greater amounts than called for by the Public Guardian Fee Schedule, the Guardian should explain in the Petition for fees, which is a public document, why it is not seeking the amount supported by the Court Ordered Fee Schedule.

R9. To be sure there is some oversight on behalf of the Inyo County taxpayers, now and in the future, copies of all conservatorship accountings be provided both to the County Administrator Budget Analyst and to the County Auditor's Office at the time of filing the Accountings with the Court at the latest and preferably 10 days before filing the Accounting with the Court so that those offices may confer with the Public Guardians office or appear in Court if the interest of the County Taxpayers does not appear to be properly served by the fees requested in the Petition to the Court.

R10. The County work with the Public Guardian to assure adequate levels of record keeping and fee calculations and to reasonably compensate the County for the Public Guardians services whether by use of software, personnel or other County office assistance in calculating and processing those fees.

Pursuant to Penal Code section 933.05 the following response is required:

- Public Guardian within 60 days as to all Findings and all Recommendations.
- County Counsel's Office within 90 days as to Findings 4,5,6,8,9,11,13,14 and 15 and all Recommendations.
- County Administrator's Office, within 90 days as to Findings 2,3,6,8,13,14 and 15 and Recommendations 1,2,4,5,6,7,8, 9 and 10 .
- County Auditor's Office within 60 days as to Findings 6,8,13, 14 and 15 and Recommendations 1,2,4,5,6,7,8, 9 and 10.
- Inyo County Board of Supervisors as to all Findings and Recommendations.

Postscript to Report

On June 2, a few days after representatives of the County Counsel's Office were interviewed by members of the Grand Jury, possibly as a result of what we considered to be a confidential interview, we received a new ORDER ESTABLISHING PUBLIC GUARDIAN FEES signed May 29, 2018, signed by outgoing Judge Dean Stout. A copy is attached to this report as Exhibit 2.

We do not have the time to fully analyze and comment on the new fee schedule.

We note that the new schedule is even more dependent on time keeping than the previous two fee schedules which is remarkable in that the Public Guardian's office has not kept time records in recent years and has stated that it has not had the time or personnel to do so.

We do not know if any consideration was given to the taxpayers before the new schedule was suddenly adopted.

Most importantly, it has not been the purpose of this Grand jury to recommend a new fee schedule.

Our purpose has been to recommend that the Public Guardian follow whatever fee schedule is in effect to seek reasonable fees for the benefit of the Inyo County tax payers when the conservatorship estates have sufficient assets to pay fees.

It is also our purpose to recommend that when the fee schedule is not being followed, an explanation for the departure be in the petition for fees.

Finally, it has been our purpose to recommend a system of oversight as to Public Guardian fee requests by someone who has at heart the interest of County and its taxpayers.

1 Inyo County Superior Court
2 168 North Edwards Street
3 Post Office Drawer U
4 Independence, California 93526
5 Tel: (760) 878-0218

FILED

JUL 13 2001

INYO COUNTY SUPERIOR COURT
NANCY A. MONLEY, CLERK
BY *[Signature]*

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF INYO

11	In re the Matter of:)	STANDING ORDER NO. 01-003
12)	ORDER ESTABLISHING
13	INYO COUNTY PUBLIC GUARDIAN FEES)	PUBLIC GUARDIAN FEES
14)	
15)	

16 Good cause appearing therefore, the Court finds that the fee
17 schedule, attached hereto and incorporated herein by reference as
18 Exhibit "B," are presumptively just and reasonable for services
19 provided by the Inyo County Public Guardian as set forth in the
20 attachment Exhibit "A."

21 Pursuant to Probate Code §§ 2623, 2640, and 2942, the Public
22 Guardian shall petition for not more than these fees for such
23 services. In determining whether fees are just and reasonable for
24 a particular estate, the Court shall, among other factors, take
25 into consideration the actual costs of the services provided, the
26 amount of the estate involved, the special value of services
27 provided in relation to the estate, and whether the compensation
28

1 requested might impose an economic hardship on the estate.

2 This fee schedule shall apply to petitions filed after July
3 15, 2001. This order repeals and supersedes the fee schedule
4 established by the Superior Court and the Public Guardian on March
5 1, 1979.

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7 Dated: July 13, 2001

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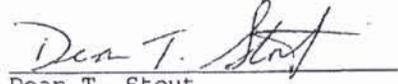
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Dean T. Stout
Judge of the Superior Court/
Acting Presiding Judge

PUBLIC GUARDIAN SERVICES RENDERED

A. Regular Services:

1. Visits to clients at place of residence or placement; visits from clients at Public Guardian's office;
2. Contacts with care providers, family, friends, and others;
3. Telephone calls to clients and from clients;
4. Arrange for transportation to court hearings, placements, medical facilities, residences, other locations;
5. Handle correspondence from or to clients, providers of care, vendors, governmental agencies, private and public sector agencies and persons, and relatives and friends;
6. Manage client mail, including change of addresses at post offices, picking up mail at residences or other locations; forwarding of mail to appropriate locations, and cancellation or maintenance of subscriptions or other items of mail;
7. Application, verification, and maintenance of eligibility for private and public benefits, insurance coverage, Medicare/Med.-Cal, and related tasks, appeals, and administrative hearings;
8. Fiscal case management of income, investments, real and personal property; daily weekly, and monthly budgets, and several miscellaneous financial transactions;
9. Respond to urgent and imminent needs regarding changes in placements, medical attention, fiscal needs, and other emergencies;
10. Assist clients in purchasing needed personal items, clothing, food, etc., and coordinate persons and agencies to provide or help with such services.
11. Consult with county counsel regarding legal issues concerning care, placement, personal or financial protection, and estate planning;
12. Coordination and advocacy with public and private agencies, individuals, and programs regarding issues such as patients rights, facility licensing, criminal matters, civil actions and problems, residence status, pending lawsuits, class action suits, and related matters;
13. Prepare petitions, accountings, and orders; coordinate with County Counsel to have legal documents reviewed and consult with County Counsel on all legal proceedings, and appear at Court Hearings as necessary or as directed;
14. All other regular services required pursuant to Probate Code.

B. Extraordinary Services:

1. Investments;
2. Note debt service;
3. Small claims/litigation;
4. Dissolutions;
5. Any other extraordinary services not covered under Regular Services

EXHIBIT 'A'

3

INYO COUNTY
PUBLIC GUARDIAN
FEE SCHEDULE

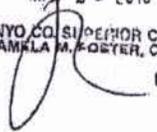
DESCRIPTION	FEE AMOUNT	UNIT	AUTHORITY
1. Establishing Probate Conservatorship (Review, Investigation Court documents, and Court Proceedings)	\$500	One time/ Flat	Probate Codes 2623, 2640, 2942
2. Bond Fee	\$25 Flat Fee + 1/4 of 1% of balance over \$10,000	Annually	Probate Code 2942(c)
3. Probate Accountings (Annual or Biannual)	\$500	Annual or Biannual)	Superior Court
4. Attorney (County Counsel)	\$ 98.00 per hour	As incurred	Probate Code 2623, 2640, 2642, & 2942 Superior Court
5. Personal Services	\$200 if Account Bal. Over \$20,000 \$150 if Account Bal. \$10,000-\$19,000 \$50 if Account Bal. \$5,000-\$9,999	Monthly	Superior Court
6. Real & Personal Property Sales by Public Guardian	6% of gross value	As Needed	Probate Codes 2623, 2643, 2942 & Superior Court
7. Transportation (Investigations, Court Appearances, Transporting of Personal Property to Storage, Travel to convalescents to access conservatees)	34.5 Cents per mile	As Needed	Probate Code 2942, Inyo County Travel Policy
8. Storage of Personal Property	\$5	Monthly	Probate Code 2942
9. Extraordinary Services	\$50.00 per hour	As Incurred	Superior Court
For account balance under \$5,000, the standard \$500.00 accounting fee will be taken in lieu of monthly or other services provided by Public Guardian.			
For account balances over \$20,000.00 an hourly fee will be taken monthly based on number of hours spent.			
The Public Guardian will request that accounting fees be deferred in any case in which a conservatee's daily needs of life cannot be met because of insufficient funds			

EXHIBIT 'B'

1 MARSHALL S. RUDOLPH (SBN 150073)
2 TERRY K. WALKER (SBN 300261)
3 Office of County Counsel
4 224 North Edwards St., Box M
5 Independence, California 93526
6 Telephone: (760) 878-0229
7 Attorneys for Public Conservator

FILED

MAY 29 2018

IMAGED INYO COUNTY SUPERIOR COURT
PAMLA M. FORTY, CLERK
BY  DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO

9	In re the Matter of)	STANDING ORDER NO. <u>5150AD</u> <u>18-053</u>
10	INYO COUNTY)	ORDER ESTABLISHING
11	PUBLIC GUARDIAN FEES.)	PUBLIC GUARDIAN FEES
12)	
13)	
14)	

15 Good cause appearing therefore, the Court finds that the
16 fee schedule as amended, attached hereto and incorporated herein
17 by reference as Exhibits A and B are presumptively just and
18 reasonable for services provided by the Inyo County Public
19 Guardian.

20 Pursuant to Probate Code Sections 2623, 2640, and 2942, the
21 Public Guardian shall petition for not more than these fees for
22 such services. In determining whether fees are just and
23 reasonable for a particular estate, the Court shall, among other
24 factors, take into consideration the actual costs of the
25 services provided, the amount of the estate involved, the

RECEIVED
MAY 31 2018

ORDER ESTABLISHING PUBLIC GUARDIAN FEES - 1

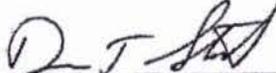
Office of County Counsel
Independence

1 special value of services provided in relation to the estate,
2 and whether the compensation requested might impose an economic
3 hardship on the estate.

4 This fee schedule shall apply to petitions filed after
5 June 1, 2018.

6 This order repeals and supersedes the fee schedule established
7 by the Superior Court and the Public Guardian on November 20,
8 2017. (SISOAD 17-047) DB

9
10 Date: May 29, 2018


DEAN T. STOUT, Presiding Judge
Inyo County Superior Court

INYO COUNTY PUBLIC GUARDIAN FEE SCHEDULE

DESCRIPTION	FEE AMOUNT	UNIT	AUTHORITY
1. Establishing Probate Conservatorship (Review, Investigation Court documents, and Court Proceedings)	Estates with assets (excluding the value of personal home) of: \$0-\$15,000 – fees waived \$15,000-\$50,000 - \$150 \$50,000-\$150,000 - \$300 \$150,000 and up - \$650	One time fee	Probate Codes 2623, 2640, 2942
2. Bond Fee	\$25.00 Flat Fee + ¼ of 1% of balance over \$10,000.00	Annually	Probate Code 2942 (c)
3. Probate Accountings (Annual or Biannual)	\$0-\$15,000 – waived \$15,000-\$50,000 - \$150 \$50,000-\$150,000 - \$300 \$150,000 and up - \$650	Annual or Biannual	Superior Court
4. Attorney (County Counsel)	\$151.00 per hour	As incurred	Probate Codes 2623, 2640, 2642, and 2942 and Superior Court
5. Personal Services (See guidelines attached hereto)	\$0-\$15,000 – fees waived \$15,000-\$50,000 - \$65/hr (with cap of \$195 /month) \$50,000-\$150,000 - \$65/hr (with cap of \$325/month) \$150,000 and up - \$100/hr (no cap)	Monthly	Superior Court
6. Real and Personal Property Sales by Public Guardian	5% of sale price to either a real estate agent or to the PG. Mobile home sales may be a higher percentage but must be approved by the court.	As Needed	Probate Codes 2623, 2643, 2942 and Superior Court
7. Transportation (Investigations, Court Appearances, Transporting of Personal Property to Storage, Travel to convalescents to access conservatee)	Current Rate of 53.5 Cents per mile	As Needed	Probate Code 2942 (Per Inyo County Travel Policy)
8. Storage of Personal Property	\$5.00	Monthly	Probate Code 2942
9. Extraordinary Services	Same hourly fee structure as in No. 5 but no cap.	As Incurred	Superior Court
All fees are subject to Court approval and must be presented to the court prior to payment.			
The Public Guardian will request that accounting fees be deferred in any case in which a conservatee's daily needs of life cannot be met because of insufficient funds.			

EXHIBIT A

PUBLIC GUARDIAN PERSONAL SERVICES

A. REGULAR SERVICES:

1. Visits with clients at place of residence or placement and at Public Guardian's office;
2. Contacts with care providers, family, friends, and others;
3. Telephone calls to and from clients;
4. Arrange for transportation to court hearings, placements, medical facilities, residences, and other locations;
5. Handle correspondence from or to clients, providers of care, agencies and persons, and relatives and friends;
6. Manage client mail, including change of addresses at post offices, picking up mail at residences or other locations; forwarding of mail to appropriate locations, and cancellation or maintenance of subscriptions or other items of mail;
7. Application, verification, and maintenance of eligibility for private and public benefits, insurance coverage, Medicare/Medicaid, and related tasks, appeals, and administrative hearings;
8. Fiscal case management of income, investments, real and personal property. Daily, weekly and monthly budgets, and several miscellaneous financial transactions, including monthly bookkeeping;
9. Respond to urgent and imminent needs regarding changes in placements, medical attention, fiscal needs, and other emergencies;
10. Assist clients in purchasing needed personal items, clothing, food, et cetera, and coordinate persons and agencies to provide or assist with such services;
11. Consult with County Counsel regarding legal issues concerning care, placement, personal or financial protection, and estate planning;
12. Coordination and advocacy with public and private agencies, individuals, and programs regarding issues such as patients' rights, facility licensing, criminal matters, civil actions and problems residence status, pending lawsuits, class action suits, and related matters;
13. Prepare petitions, accountings, and orders. Coordinate with County Counsel to have legal documents reviewed and consult with County Counsel on all legal proceedings, and appear at court hearings as necessary or as directed; and
14. All other regular services required pursuant to Probate Code.

B. EXTRAORDINARY SERVICES:

1. Investments;
2. Note debt service;
3. Small claims/litigation;
4. Dissolutions;
5. Any other extraordinary services not covered under Regular Services; and
6. Sale of real property, if real estate agent is not utilized (refer to Item 6).

2018
EXHIBIT B

PROOF OF SERVICE BY MAIL

CASE NO. SISOAD-18-053

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the County of Inyo, over the age of eighteen years and not a party to the within action or proceedings; that my business address is 301 West Line Street, Bishop, California; that on the date hereafter set forth I served the document described hereafter on the parties in said action or proceeding by depositing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, a mail box regularly maintained by the Government of the United States at Bishop, California, addressed as follows:

Pamela M. Foster, Court Executive Officer
Hand delivered

Brian J. Lamb, Judge
Hand delivered

Patricia Barton, Public Guardian
Via inter-office courier

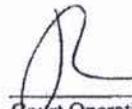
Elizabeth Corpora, Public Defender
Via inter-office mail

Inyo County Counsel
Via inter-office courier

Terry Walker, President of the Inyo County Bar Association
Via inter-office courier

DOCUMENT(S) SERVED: Order establishing Public Guardian fees; filed May 29, 2018.

I certify under penalty of perjury that the foregoing is true and correct; executed on May 30, 2018 at Bishop, California.



Court Operations Manager,
Lindsay Eropkin

RESPONSE REQUIREMENTS

California Penal Code Sections 925 and 925a require that grand juries investigate and report on the operations, accounts and records of the officers, departments or functions of the county or any city within the county.

Penal Code Section 933(c);

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing board of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected official or agency head for which the grand jury has responsibility shall comment within 60 days to the presiding judge of the superior court with an information copy to the board of supervisors.

Pursuant to the California Penal Code section 933.05, the person or entity responding to each grand jury finding shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

The person or entity responding to each grand jury recommendation shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.