

# Grand Jury Report

## RESPONSE FORM

Grand Jury Report Title: *Mendocino County Policy 22 – Who Has Access?*

Report Dated: 6/17/16

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**Response Form Submitted By:**

Mendocino County Board of Supervisors

**Response MUST be submitted, per Penal Code §933.05, no later than:**

9/15/16

***I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:***

- I (we) agree with the Findings numbered:  
\_\_\_\_\_
- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.  
F1, F2, F3, and F4

***I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:***

- The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:  
\_\_\_\_\_
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:  
R-1

GRAND JURY REPORT  
RESPONSE FORM  
PAGE TWO

The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

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The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:  
R2, R3, and R4

*I have completed the above responses, and have attached, as required the following number of pages to this response form:*

Number of Pages attached: 3

*I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: [www.co.mendocino.ca.us/grandjury](http://www.co.mendocino.ca.us/grandjury). The clerk of the responding agency is required to maintain a copy of the response.*

*I understand that I must submit this signed response form and any attachments as follows:*

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: [grandjury@co.mendocino.ca.us](mailto:grandjury@co.mendocino.ca.us)
- The Presiding Judge: [grandjury@mendocino.courts.ca.gov](mailto:grandjury@mendocino.courts.ca.gov)

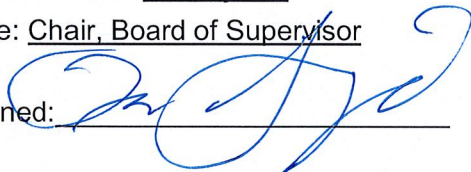
Second Step: Mail all originals to:

Mendocino County Grand Jury  
P.O. Box 939  
Ukiah, CA 95482

Printed Name: Dan Gjerde

Title: Chair, Board of Supervisor

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9-13-2016

# MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND JURY REPORT TITLED:

## MENDOCINO COUNTY POLICY 22 – WHO HAS ACCESS?

The Mendocino County Board of Supervisors welcomes this opportunity to respond to the Grand Jury report titled Mendocino County Policy 22 – Who Has Access?

**Pursuant to the request of the Grand Jury, the Board is responding to the following:**

F1. Policy 22 is obsolete and requires updating and formal adoption by the BOS.

***The Board of Supervisors disagrees with F1. The policy is adequate for its stated purpose which relates to the procurement of information services equipment and information. The Board of Supervisors does agree with the need to develop a formal policy that clarifies and updates current procedures for access to county employee email accounts.***

F2. The current Unlimited Mailbox software does not adequately allow for super-user segregation of certain sensitive email accounts; e.g. Sheriff, DA, County Counsel, Board of Supervisors, Grand Jury.

***The Board of Supervisors disagrees with F2. The Board of Supervisors is not aware of any information that indicates that current procedures allow for unwarranted access to employee email accounts. As explained in the CEO response, only the Information Services (IS) Division Manager and two IS Network Systems Analysts, acting in the capacity of Archive Mail Auditor are allowed access to all archived email. The typical application of this access is to fulfill Public Records Act and litigation related requests pursuant to requests that have been submitted through County Counsel or the Executive Office. As further explained in the CEO response, limited access to individual email accounts may be granted to managers, typically in cases of absence due to vacation or illness, but also for management purposes related to termination or investigation. In such instances, the manager must request approval for access to the emails of a specific employee from the IS Division Manager.***

F3. The limitations of the County email software that allows unrestricted super-user to employee email by County management puts the County at risk for violating the protected nature of some communications, lends itself to abuse by County management, and exposes the County to unnecessary liability.

***The Board of Supervisors disagrees with F3. As explained in F2, only the IS Division Manager and two IS Network Systems Managers, in their capacity as Archive Mail Auditors, have unrestricted access to all archived email. The opportunity to violate policy and procedure does exist, just as it does***

***within other departments where employees have access to confidential information, but the Board of Supervisors agrees with the CEO's response that current procedures minimize the risk of inappropriate access.***

- F4. The current bargaining ground rule that allows employee access to the County's email system for the purposes of bargaining is in direct conflict with provisions of Policy 22, which does not permit email use for non-county business.

***The Board of Supervisors disagrees entirely with F4. As explained in the CEO's response, there are no "current bargaining ground rules", employee access to the County email system for purposes of bargaining is not in conflict with Policy 22, and bargaining is considered county business. In practice, the BOS is doubtful that "bargaining", as such, is conducted by county employees using county email. However, it is a convenience for employee bargaining groups to be able to use the county email system to provide communications of a general nature, including bargaining updates, to their members who are county employees.***

**Recommendations:**

- R1. Policy 22 be updated by the IT department in cooperation with County Administration and adopted by the BOS as soon as possible. This policy update should define the circumstances by which email access is requested and granted, and must require maintenance of a log of all such transactions. (F1, F2 and F3.)

***R1 will be implemented in the future as described in the CEO's response. The Board of Supervisors agrees that it is appropriate to either expand the scope of Policy 22 or adopt a new policy to formalize the current procedures for email access. The Board of Supervisors further agrees that this policy must clearly identify the circumstances under which email access can be requested, the approval policy, and a log of all requests and their disposition.***

- R2. The County acquire email software that adequately allows for super-user segregation of certain sensitive email accounts and provides management access to employee email only under circumstances as defined by County policy. (F1, F2 and F3.).

***R2 will not be implemented because it is not warranted. The Board of Supervisors believes that the current procedures in place appropriately limit management access to employee email and that acquisition of additional software is not necessary.***

- R3. The County adopt in its revised Policy 22, a best business practice to restrict the Mail Auditor function to one vetted employee. (F1, F2 and F3.)

***R3 will not be implemented because it is not warranted or reasonable. The Board of Supervisors does not believe it is a best business practice to allow only one employee to have access to or knowledge of sensitive systems. R3 also ignores the practical need to grant access to more than a single employee to account for absence caused by vacation, illness or training. The current procedure, which allows access to three specific employees, is a reasonable balance between the need to restrict access and the need to allow sufficient operational flexibility to fulfill approved requests for access.***

- R4. The County's bargaining agent and the union consider modifying the mutually agreed-upon ground rules to prevent unlimited employee use of the County's email system for the purpose of bargaining, at the earliest opportunity. (F4.)

***R4 will not be implemented because it is not warranted. As stated previously, there are currently no bargaining "ground rules" as such. Various Memorandums of Understanding (MOU) clarify and allow limited use of the county email system for bargaining. The Board of Supervisors has no objection to the continuation of this practice but believes that it ought to be clearly explained in the new or expanded policy that will be developed in response to R1.***