

**Grand Jury Report  
RESPONSE FORM**

**RE: Report Titled: *Cover Your Asphalt***

*Report Dated: June 6, 2011*

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**Response Form Submitted By:**

Kristen McMenomy  
Director - Mendocino County Risk Management Department, *GSA Director*  
501 Low Gap Road  
Ukiah, CA 95482

**Response MUST be submitted, per Penal Code §933.05, no later than: September 23, 2011**

***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:  
20, 21, 22, 25, 26, 28
- 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.  
15, 17, 23, 24, 27, 29, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49.

***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:  
5, 15
- 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:  
\_\_\_\_\_

- 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)

7, 11, 12, 14

- 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:

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

Number of Pages attached: \_\_\_\_\_

*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 c/o Sally Nevarez: [sally.nevarez@mendocino.courts.ca.gov](mailto:sally.nevarez@mendocino.courts.ca.gov)
- The County's Executive Office: [angeloc@co.mendocino.ca.us](mailto:angeloc@co.mendocino.ca.us)

Second Step: Mail all originals to:

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

Printed Name: Kristin McMenomey

Title: GSA Director / Risk manager

Signed: Kristin McMenomey

Date: 7/19/11

## COVERING YOUR ASPHALT

A Report on the Mendocino County Department of Transportation

June 6, 2011

### Findings

15. On May 14, 2011, the number of employees at MCDoT was 87 full-time and eight extrahelp. Solid Waste has one half-time position for the Landfill Closure.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDoT.**
  
17. The MCDoT maintains a drug-free workplace and is responsible for administering the Safety Sensitive Driver Program (SSD). In one incident, the protocols associated with SSD were not followed, which resulted in an audit exception. Non-compliance threatens Federal funding.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager does not assist with the administration of the SSD Program.**
  
20. The Director-Road Commissioner, General Services Agency (GSA) Director, Chief Executive Officer (CEO), and department heads are authorized to negotiate with vendors and prepare purchase orders or formal contracts for purchases, as per Policy #1. When this express authority is not delegated, the Board of Supervisors (BOS) retains sole authority for that activity.  
**Response (General Services Agency Director): The GSA Director agrees with this finding.**
  
21. Mendocino County Purchasing, Leasing, and Contracting Policy #1, includes the following:
  - Purchases of supplies and equipment,
  - Maintenance, rentals, and leases of equipment and other personal property,
  - Leases of real property,
  - Contracts for services.**Response (General Services Agency Director): The GSA Director agrees with this finding.**
  
22. Competitive bidding is required for certain purchases or any individual items costing more than \$10,000.  
**Response (General Services Agency Director): The GSA Director agrees with this finding.**
  
23. Department heads can make and sign for purchases up to \$25,000.

**Response (General Services Agency Director): The GSA Director disagrees partially with this finding. Department Heads are allowed to enter into contracts up to \$25,000.**

24. The Purchasing Agent for MCDOT can make and sign for purchases up to \$50,000. The BOS must approve and sign for purchases or contracts over \$50,000. County Counsel must approve all contracts.

**Response (General Services Agency Director): The GSA Director disagrees partially with this finding. There is only one Purchasing Agent designed by the Board of Supervisors for the County and that is the GSA Director. The GSA Director can sign contracts of up to \$50,000 for any County department.**

25. Blanket Purchase Orders are issued to selected vendors and include a list of personnel who are approved to make purchases, and are not to exceed \$2,000 per purchase unless authorized by the purchasing agent.

**Response (General Services Agency Director): The GSA Director agrees with this finding.**

26. The Purchasing Agent and the Auditor-Controller may authorize departments to make certain direct purchases with a County approved procurement card (P-Card).

**Response (General Services Agency Director): The GSA Director agrees with this finding.**

27. Only one P-Card is issued per department. The P-Card for MCDOT is held by the Senior Department Analyst; this arrangement makes it difficult when an emergency develops.

**Response (General Services Agency Director): The GSA Director disagrees partially with this finding. The P-Card is held by the Senior Department Analyst, but GSA is not aware of the interworking of the MCDOT to know whether or not this arrangement causes problems.**

28. The General Services Agency charges an internal fee of 13% to MCDOT to process PCard purchases.

**Response (General Services Agency Director): The GSA Director agrees with this finding.**

29. The Director-Road Commissioner is the only person authorized to issue an Emergency Purchase Order. An emergency exists when an item must be purchased to continue operations or when the item is necessary for the preservation of life or property.

**Response (General Services Agency Director): The GSA Director disagrees partially with this finding. The Purchasing Agent (GSA**

**Director) is the only authorized agent to issue Purchase Orders on behalf of Mendocino County.**

34. There are significant inter/intra-departmental barriers, communication deficiencies, and poor decision-making practices.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
35. The clerical staff is centralized but must obtain approval from the Deputy Director of Administration, prior to performing their departmental task. This process impedes efficiency because the department directors cannot assign clerical work to their own employees without the approval of the Deputy Director of Administration.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
36. Management is performing routine clerical support tasks and errands that are typically performed by subordinates.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
37. Division stakeholders are not allowed timely input, resulting in inefficiency and mistakes; key players do not agree on departmental priorities.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
38. There is staff confusion regarding departmental responsibilities and authority.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
39. The routine shifting of priorities within MCDOT is unnecessary and leads to inefficiency.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
40. There is pervasive job discontent, leading to high turnover and loss of critical institutional knowledge.

**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**

41. There is low staff morale within MCDOT due to management style.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
42. Since 2006, more than 70 employees have left, transferred, or retired from MCDOT.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
43. There are a number of current employees at MCDOT that are considering retiring, transferring, or seeking a new job outside MCDOT because of management practices.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
44. Individual employee complaints are handled within MCDOT and not addressed by County Human Resources.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
45. Annual Employee Performance Evaluation Reports are not completed or forwarded to County Human Resources in a timely manner.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
46. Management is practicing favoritism in hiring, personnel evaluations, and training.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
47. Grievances have been filed against management.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**

48. Senior management at MCDOT was required to attend and did attend communication classes to improve communication skills between management and subordinates.  
**Response (Risk Manager): The Risk Manager can neither agree nor disagree with this finding as the Risk Manager has no internal knowledge of the interworking of MCDOT.**
49. The BOS has not adopted an anti-bullying policy, which would help alleviate low staff morale and productivity due to inappropriate or illegal management actions  
**Response (Risk Manager): The Risk Manager disagrees partially with this finding. The Board has not adopted an anti-bullying policy. The Risk Manager unaware of any illegal activities occurring in MCDOT.**

### Recommendations

5. The Mendocino County General Services Agency justify the 13% internal support charge for processing P-Card payments. The inter-departmental charge back fee must reflect the true cost, not percentage based or flat fee for these services, (Finding 28)  
**Response (General Services Agency Director): The recommendation has been implemented. The General Services Agency, in consultation with the Auditor-Controller and County Executive Office, established the procurement card (Pcard) administration fee in 2008 based upon a year long time study of administrative staff time involved with supporting the program as the associated costs were not covered by the existing internal support charging system (A-87). The fee was calculated upon a formula consisting of the number of transactions, and the dollar amount per transaction. In FY 2010-2011, the General Services Agency was directed by the County Executive Office to provide departments with a flat percentage of 13%, which was based upon the average fee of the prior fiscal year.**
7. The Mendocino County Department of Transportation, in order to minimize staff turnover and potential legal liability, secure the use and oversight of Human Resource staff to improve compliance with Mendocino County Policies and Procedures regarding the management of personnel. (Findings 34-49)  
**Response (Risk Manager): The recommendation requires further analysis. The Risk Manager has no internal knowledge of the interworking of MCDOT.**

11. The Mendocino County Department of Transportation management direct their employees to Human Resources whenever an employee complaint arises, (Findings 34-49)  
**Response (Risk Manager): The recommendation requires further analysis. The Risk Manager has no internal knowledge of the interworking of MCDOT.**
12. The Mendocino County Human Resources Department take a direct role in resolving any MCDOT employee complaints, (Findings 40-49)  
**Response (Risk Manager): The recommendation requires further analysis. The Risk Manager has no internal knowledge of the interworking of MCDOT.**
14. The Mendocino County Human Resources Department develop a statistical report documenting employee complaints and their resolution, (Findings 40-47, 49)  
**Response (Risk Manager): The recommendation requires further analysis. The Risk Manager has no internal knowledge of the interworking of MCDOT.**
15. The Mendocino County Auditor-Controller, Chief Executive Officer, General Services Agency, and Human Resource Department, foster a professional and healthy relationship between each department and with the Mendocino County Department of Transportation, (Findings 20,34, 39-40, 46, 48)  
**Response (Risk Manager): The recommendation has been implemented. The Risk Management Division of GSA has always maintained a professional and healthy relationship between all County departments.**  
**Response (General Services Agency Director): The recommendation has been implemented. The General Services Agency has always maintained a professional and healthy relationship between all County departments.**