

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title: **Board of Supervisors Standing Committees**

Report Dated: **March 20, 2013**

Response Form Submitted By:

Dan Hamburg, Chair, Board of Supervisors
Mendocino County Board of Supervisors
501 Low Gap Rd, Room 1010
Ukiah, CA 95482

FINDINGS

- I (we) agree with the Findings numbered: 1
- I (we) disagree wholly or partially with the Findings numbered: 2, 3, 4, 5
Attach a statement specifying any portions of the findings that are disputed;
include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendation(s) numbered 2, 3 have been implemented. (Attach a summary describing the implemented actions.)
- Recommendation(s) numbered _____ have not yet been implemented, but will Be implemented in the future (Attach a timeframe for the implementation.)
- Recommendation(s) numbered _____ require further analysis. (Attach 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.)
- Recommendations numbered 1 will NOT be implemented because they are not warranted and/or are not deemed reasonable. (Attach an explanation.)

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

Number of Pages attached: 1

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. 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
- The Presiding Judge: 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 Hamburg

Title: Chair, Mendocino County Board of Supervisors

Signed: _____

Date: _____

Grand Jury Report Title: Board of Supervisors Standing Committees

Report Dated: March 20, 2013

FINDINGS:

Finding 2: The Mendocino County Board of Supervisors (BOS), as stated in their rules of Procedure adopted on January 8, 2013, do not require ad hoc committees to maintain a "short term" duration only. Rule 31 of the Rules of Procedure do "encourage" ad hoc committees to "conclude their business" at the end of each calendar year. The committees "may be extended at the recommendation of the committee" with the approval of the BOS. Such extensions may be necessary as a practical matter where the subject matter requires additional time for reasons not foreseen at the time of the creation of the ad hoc committee. The ad hoc committees created by the BOS qualify as both investigative and issue-specific by nature and intended purpose.

Finding 3: The BOS respectfully disagrees with this finding of the Grand Jury. The Brown Act specifically allows for the use of ad hoc committees in a manner different than "meetings" which are subject to the Act's provisions for a reason. (See Government Code Section 54952 (b).) Nor are ad hoc committees defined as "legislative bodies". The Brown Act must be read as a whole. Ad hoc committees cannot and do not exercise decision-making authority, which the Act clearly intends be done in a public meeting setting. There is no continuing subject matter jurisdiction nor a regularly fixed meeting schedule.

Finding 4: The BOS does not concur with the conclusion that the use of ad hoc committees denies the public sufficient opportunity for meaningful participation in County government or sufficient notice. As previously stated, all decisions are discussed and taken in publicly agendized BOS meetings. Further, BOS members will publicly update their colleagues and the public in general on ad hoc committee activities through the Supervisors' Reports portion of the public meeting agenda. The BOS notes that it disbanded two ad hoc committees at its June 11, 2013 meeting.

Finding 5: It is not clear to the BOS how the use of ad hoc committees "limit long-term planning and continuity." Ad hoc committees do not, by their very nature, address such matters.

RECOMMENDATIONS:

Recommendation 1: This recommendation is a discretionary policy decision reserved to the BOS and, in light of the BOS' compliance with the Brown Act through its existing practices, is not warranted as a valid policy matter at this time.

Recommendation 2: The BOS does comply with its Rule 31 reporting procedure regarding ad hoc committee status reports. The Chief Executive Officer has incorporated revised language into the BOS meeting agendas, commencing with June 11, 2013, to more clearly indicate when status updates are given by BOS members (see Item 6(a).)

Recommendation 3: This recommendation has already been implemented. The BOS, by adoption of its Rules of Procedure, only forms ad hoc committees for the investigation of single issues. The BOS has the discretionary authority to appoint ad hoc committees

anticipated for resolution within the calendar but which may necessitate an extension of time beyond the initial calendar year as an issue by issue basis. (See Rule 31.)