



County of Mendocino
Grand Jury
www.co.mendocino.ca.us/grandjury

Post Office Box 629
Ukiah, CA 95482
(707) 463-4320

REPORT TRANSMITTAL AND REQUEST FOR RESPONSES - FORMAT

April 17, 2008

David Colfax
Fifth District Supervisor
501 Low Gap Road—Rm 1090
Ukiah, CA 95482

**RE: Report Titled: "Revisiting the Board of Supervisors Travel Policy
and Reimbursement Claims" Dated: April 17, 2008**

Attached is a copy of the above report by the 2007-08 Mendocino County Civil Grand Jury. Penal Code §933.05(f) specifically prohibits disclosure of the contents of this report by a public agency or its officers or governing body prior to the release to the public. You will be notified when the report is released to the press. This will occur no sooner than two (2) days after the date of this letter.

Response to Grand Jury Reports is required pursuant to Penal Code §933.05 (copy enclosed). Penal Code §933.05 also requires that your response to the Findings and Recommendations contained in the report be in writing and that it be submitted within **60 days for individual responses from elected officials** or within **90 days for appointed officials and governing bodies** (including such entities as school boards and the Board of Supervisors). The Penal Code is specific as to the format of responses. The enclosed Response to Grand Jury Report Form should be used.

Please send response as an e-mailed attachment to: the Grand Jury Foreman at grandjury@co.mendocino.ca.us with copies to the Presiding Judge at grandjury@co.mendocino.courts.ca.gov and to the Chief Executive Officer at: millerd@co.mendocino.ca.us . **Please also send one signed hard copy to:**

**Mendocino County Grand Jury
P.O. Box 629
Ukiah, CA 95482**

Your responses should follow the following format :

Findings

I (we) agree with the findings numbered: 3, 32

I (we) disagree wholly or partially with the Findings numbered:

DISAGREE: 37, 38. NEITHER AGREES NOR DISAGREES: 33, 39, 40.

(attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons therefore.)

Recommendations

Recommendations numbered: 1
have been implemented. (attach a summary describing the implemented actions.)

Recommendations numbered: _____
have not yet been implemented, but will be implemented in the future. (attach a time frame for planned implementation)

Recommendations numbered: 5
require further analysis. (attach an explanation and the scope, parameters, and timeframe of the planned analysis including discussion and approval by the officer and/or director of the agency or department being investigated or reviewed and/or the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report

Recommendations numbered: _____
will not be implemented because they are not warranted and/or are not deemed reasonable. (attach an explanation.)

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.

Date: JUNE 11, '08 Signed: [Signature] # of Pages 7

Should you have any questions, please contact me at grandjury@co.mendocino.ca.us or at the address above.

Sincerely,

[Signature]

Dennis Scoles, 2007-08 Foreman

RESPONSE PROCEDURE TO GRAND JURY REPORTS

The governance of responses to Grand Jury Final Report is contained in Penal Code § 933 and § 933.05. Responses must be submitted within 60 or 90 days. Appointed officials and governing bodies (e.g., school boards or the Board of Supervisors) must respond within ninety (90) days; elected officials must respond within 60 days. **Please submit responses as e-mail attachments to:**

- **The Grand Jury Foreperson at:** grandjury@co.mendocino.ca.us
- **The Presiding Judge:** grandjury@mendocino.courts.ca.gov
- **The Chief Executive Officer:** millerd@co.mendocino.ca.us

Mail one signed hard copy to the Grand Jury at P.O. Box 629, Ukiah, CA 95482.

Report Title : "Revisiting the Board of Supervisors Travel Policy and Reimbursement Claims"

Report Date : April 17, 2008

Individual Response by: David Colfax, Fifth District Supervisor
Date Due: June 17, 2008

Findings

- I (we) agree with the findings numbered:
3, 32
- I (we) disagree wholly or partially with the Findings numbered:
DISAGREE: 37, 38. NEITHER AGREES NOR DISAGREES: 33, 39, 40.

(attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons therefore.)

Recommendations

- Recommendations numbered: 1 have been implemented. (attach a summary describing the implemented actions.)
- Recommendation numbered: _____ have not yet been implemented, but will be implemented in the future. (attach a time frame for implementation)
- Recommendations numbered: 5 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: _____ will not be implemented because they are not warranted and/or are not deemed reasonable. (attach an explanation.)

Date: JUNE 11, '08 Signed: 

Number of response pages attached: 1 COVER, 3 ATTACHMENT PAGES

REQUIRED RESPONSES:	
CURRENT FIFTH DISTRICT SUPERVISOR	
<i>FINDING 3</i>	
Mendocino County Supervisors must reside and be present for constituents in their districts as part of their job. They must also travel regularly to scheduled meetings in Ukiah. They are reimbursed for travel to the BOS chambers in Ukiah and for other mileage traveled on county business.	Agree.
<i>FINDING 32</i>	
Ethics training provided to the Supervisors by County Counsel includes the admonition that elected officials are required to know and abide by applicable reimbursement policies.	Agree.
<i>FINDING 33</i>	
Supervisors of the First, Second, Third and Fifth Districts and the former Fourth District Supervisor each indicated that they understood the meaning of the Travel Policies in effect for the period of 2005-2007. Each of them rejected the interpretation of the mileage allowance as a "per diem." Each of them rejected the argument that mileage could be claimed when there had been no expense either for driving or for lodging.	The Fifth District Supervisor neither agrees or disagrees with this Finding as he has no knowledge of what the other four supervisors "indicated," "understood," or "rejected."
<i>FINDING 37</i>	
The Fifth District Supervisor claimed extensive weekend travel compared with the other Supervisors. He declined to explain the purpose of this travel and refused to provide backup documentation until a subpoena was issued for his records. The subpoenaed documents did not support his travel claims.	<ul style="list-style-type: none"> • <i>Sentence 1.</i> The Fifth District Supervisor neither agrees or disagrees with this statement as he has no knowledge of the other four supervisors travel rates. • <i>Sentence 2.</i> The Fifth District Supervisor disagrees with the first part of this statement as he spent approximately seven hours in several sessions of this and the previous Grand Jury discussing county travel

	<p>policy and his travel. Both Grand Juries had been provided with copies of the Fifth District Supervisor's Travel Reimbursement Auditor-Controller Form No. A/C-06. The presiding member of the first full Grand Jury interview, in reviewing these records commended the Fifth District Supervisor for the "accuracy" of these materials.</p> <ul style="list-style-type: none"> • <i>Sentence 2.</i> The Fifth District Supervisors disagrees with the second part of this statement as he "refused" nothing "until a subpoena was issued for his records." The Fifth District Supervisor requested that he be subpoenaed in order that his testimony would be heard by the full Grand Jury. The issued subpoena included a request that personal notebooks be provided and, after discussions with his attorney and the Chairman of the Grand Jury, they were. • <i>Sentence 3.</i> The Fifth District Supervisor neither agrees or disagrees with this statement as he has no knowledge of what the Grand Jury was seeking, beyond sworn information provided in Form No. A/C-06, that would "support" or "not support his travel claims."
<p><i>FINDING 38</i></p>	
<p>Most of the notations provided by the Fifth District Supervisor in his original documentation do not show what business was discussed and where there is a notation of why the Supervisor was traveling, the notation typically shows attendance at social events, concerts, county fairs or political gatherings.</p>	<p>The Fifth District Supervisor disagrees with this Finding as it characterizes the information in the notebooks as "his original documentation," which it was not. County policy does not reference, much less require "original" or "back-up" documentation: the terms are inventions of this Grand Jury. Every request that the Fifth District Supervisor submitted for reimbursement for travel expenses complied in full with County Travel policies and reporting procedures. Every request was approved by the County Auditor. Travel Reimbursement Forms No. A/C-06 were signed under penalty of perjury, are complete and accurate, and are available for public review.</p>
<p><i>FINDING 39</i></p>	
<p>The Fifth District Supervisor traveled on 41 weekend days out of a possible 105 in 2005 and 36 weekend days out of a possible 105 in 2006. None of the other Supervisors claimed an amount of weekend travel even remotely in this range.</p>	<p>The Fifth District Supervisor agrees with Sentence 1 of this Finding. He neither agrees nor disagrees with Sentence 2 as he has no knowledge of the claims of the other supervisors.</p>

<p><i>FINDING 40</i></p> <p>The Fifth District Supervisor's travel on weekends was in excess of the total weekend travel by all other Supervisors combined for the same period.</p>	<p>The Fifth District Supervisor neither agrees nor disagrees with this Finding as he has no knowledge of the "total weekend travel by all other Supervisors combined."</p>
<p><i>RECOMMENDATION 1</i></p> <p>As a matter of accountability and transparency, the Fifth District Supervisor make public a full and clear disclosure of the purpose of his extensive weekend travel (Findings 3, 32, 33, 37-40).</p>	<p>This recommendation has been implemented in compliance with County Policies in place through 2007.</p>
<p><i>RECOMMENDATION 5</i></p> <p>When the 2008 BOS Travel Policy is reviewed, in January 2009, the Supervisors:</p> <ul style="list-style-type: none"> a) eliminate the taxable stipend and establish the option of being assigned an appropriate County vehicle (Findings 48-52); b) require Auditor approval for reimbursement of any expense related to business that is not explicitly defined in county policy as allowable county business (Finding 52); c) approve a meal allowance, at the approved county rate, (only) for dinners on nights when a Supervisor claims a reimbursable in-county hotel stay (Findings 24 and 50). 	<p>Implementation of these recommendations require the support of three or more supervisors.</p>