

REQUIRED RESPONSES:	
CURRENT FOURTH DISTRICT SUPERVISOR	
<i>FINDING 3</i>	
<p>Several key findings of the 2006 Grand Jury were confirmed by the 2007 Grand Jury in an independent inquiry into the BOS Travel and Meal Policy and reimbursement claims:</p> <ul style="list-style-type: none"> • the Fourth and Fifth District Supervisors failed to adhere to the BOS Travel Policy governing reimbursement for in-county travel; • the COB was responsible for processing and authorizing all BOS reimbursement claims before forwarding them to the Auditor's Office for payment; • the COB is directly subordinate to the BOS and is an at-will employee. This is the only case in the County where a subordinate has been vested with the power to authorize reimbursement of personal expenses submitted by a superior; • the BOS travel claim form (Form No. A/C-06) states clearly that signing it certifies "under penalty of perjury that the within claim and the items therein set out are true and correct." Both the COB and the claimant Supervisor are currently required to sign a completed form before it is forwarded to the Auditor's Office for payment. 	<ul style="list-style-type: none"> • Disagree to the extent that the Fourth District Supervisor did adhere to the reimbursement policy and practice that was in place as of 1/1/05 and I have no knowledge as to the adherence of same by the Fifth District Supervisor • Agree • Agree, sentence one. Cannot agree or disagree with sentence two as I do not know if there are subordinates that authorize travel claims in the County. • Agree with part one. Disagree in part with section two as the BOS travel policy in place in 2005-06 references 'a confirming travel document' as required by the auditor. It does not state form No. A/C 06 be used and other forms have been used to record mileage and other expenses.
<i>FINDING 8</i>	
<p>The 2007 Grand Jury confirmed the 2006 finding that in the case of the Fourth District Supervisor, an incorrect interpretation of the travel policy as a "per diem" resulted in claims for reimbursement when no miles were actually traveled and no cost was incurred for overnight lodging.</p>	<p>Disagree in part. I agree this was the finding however I disagree with the finding and how it was arrived at. The Fourth District Supervisor incurred more expenses for travel than were submitted or reimbursed.</p>
<i>FINDING 9</i>	
<p>When requested by the 2006 Grand Jury to present travel diaries,</p>	<p>Disagree in part. The Fourth District Supervisor stated information was</p>

<p>journals, receipts, or other original evidence of meetings and travel, the Fourth District Supervisor first stated that she had forgotten to bring them and then said that she did not maintain such records. She informed the 2007 Grand Jury that she did not and does not maintain an engagement calendar to record travel and business-related appointments.</p>	<p>not retained for this entire period nor was it required to be. Additionally, the Supervisor offered to attempt to provide information regarding specific dates if requested to do so. Specific date information was not requested.</p>
<p><i>FINDING 10</i></p>	
<p>The County Auditor could only estimate the amount of overpayments to the Fourth District Supervisor through November 2006 because the Fourth District Supervisor did not support her travel claims with lodging receipts and documentation of dates, destinations and County business purpose of her travel expenditures.</p>	<p>Disagree. Lodging receipts were not required under the policy implementation of the BOS travel policy when I assumed office in 2005. Additionally, dates, destinations and business purpose of travel were sufficient for the previous Auditor to reimburse the claims. In several instances the Fourth District Supervisor provided more detailed documentation of travel than was provided in claims submitted by other supervisors during a similar time frame.</p>
<p><i>FINDING 11</i></p>	
<p>In lieu of accurate records, the Fourth District Supervisor proposed, to the 2006 Grand Jury and to the Auditor, a formula to estimate what percentage of her mileage claims had actually been driven. Applying this formula, 27% of the mileage for which the Supervisor had been reimbursed was not actually traveled.</p>	<p>Disagree. The Fourth District Supervisor did not submit a formula to estimate mileage in lieu of accurate records. The Fourth District Supervisor submitted travel claims consistent with the travel policy in 2005-2006 and consistent with those of her immediate predecessor. The Grand Jury suggested a formula be used to address their concerns. This was prior to an actual review of past records and the Clerk of the Board's memo stating the past practice as evidenced by those records.</p>
<p><i>FINDING 12</i></p>	
<p>The formula was based on travel records submitted to the Auditor in 2007 in response to the 2006 Grand Jury travel investigation. The formula was rejected by the Grand Jury as an inaccurate representation of the undocumented travel that was claimed between January 2005 and November 2006 when the Supervisor was claiming a "per diem" for each day spent in Ukiah.</p>	<p>Disagree. The formula referenced was suggested by a Grand Jury member to the Fourth District Supervisor to resolve differences of opinion as to the travel policy interpretation. The Fourth District Supervisor has no knowledge as to a rejection of the formula by the Grand Jury.</p>

<i>FINDING 13</i>	
The Auditor was not made aware of the Grand Jury's rejection of the formula or of the reason for this rejection. Lacking any substantive documentation of the expense claims, she estimated that the Fourth District Supervisor owed the County at least \$3,676.	The Fourth District Supervisor does not agree or disagree with this statement as I have no knowledge of communication between the Auditor and the Grand Jury.
<i>FINDING 14</i>	
The Fourth District Supervisor then submitted newly found expense documentation to the Auditor, including copies of 15 monthly rent checks of \$100 each to rent a room in a private home for use when County business required her to stay in Ukiah.	Disagree in part. Documents were not 'newly found'. The auditor asked for additional travel documentation hereto fore not required.
<i>FINDING 15</i>	
The rental period was from June 2005 through August 2006. The Auditor noted that overnight stays during this time should be reimbursed at the rate of \$3.33/day (the pro-rated daily lodging cost at \$100/30) rather than on the basis of round-trip mileage.	Disagree in part. This was the Auditor's assessment when attempting to arrive at an amount that <i>may</i> have been overpaid to the Fourth District Supervisor.
<i>FINDING 16</i>	
On the basis of the additional documentation submitted by the Fourth District Supervisor, the Auditor reduced the amount owed from \$3676 to \$3087.	Disagree in part. The amount referenced was outlined in a memo from the auditor dated 6/26/07. It clearly states "may" have been overpaid. It also states that a historical analysis of past claims <i>was not</i> done. It is not a comprehensive audit of the Fourth District Supervisor's claims, the immediate past Fourth District Supervisor or any other supervisor's claims.
<i>FINDING 17</i>	
The Fourth District Supervisor acknowledged having received the	Disagree in part. The statement as quoted <i>does not</i> acknowledge receiving an

<p>overpayment. In a memo to the Auditor, dated June 20, 2007, she stated: “...The Mendocino County Grand Jury has asked that I pay to the County of Mendocino an amount you determine to be appropriate under your interpretation of the Board of Supervisors Travel and Meal Policy.” “...While I do not feel your initial methodology included all pertinent factors, I am committed to concluding this matter by June 28, 2007, in a manner satisfactory to you and to the Grand Jury.”</p>	<p>overpayment. Committing to concluding a matter without review of- or absent pertinent documents and analysis of- past practice, would be wrong. The documents to conclude this matter expeditiously are available.</p>
<p><i>FINDING 19</i></p>	
<p>When the funds had not been repaid by the June 28, 2007 deadline, the 2006 Grand Jury instituted legal action under the provisions of Penal Code Section (PC) 932 ordering the DA to recover \$3,087 in overpayments made by the County to the Fourth District Supervisor.</p>	<p>Disagree in part. The action did occur as listed but I do not believe an overpayment occurred. The Fourth District Supervisor incurred more costs in conducting County business during the timeframe listed than were submitted for reimbursement.</p>
<p><i>FINDING 24</i></p>	
<p>The written BOS Travel Policy that was already in place in 2005 and remained in place through June 2007, and the current policy that took effect in January 2008, cover all reimbursable in-county travel. This includes in-county mileage and overnight stays when there are back-to-back meetings. Meals associated with in-county over-night stays are not covered under any of the BOS Travel Policies.</p>	<p>Disagree in part. The 2005 travel policy references management personnel reimbursement rates that are delineated in Mendocino County Policy #18. Also, other travel compensation is addressed by resolution.</p>
<p><i>FINDING 25</i></p>	
<p>The Fourth District Supervisor stated that the Travel Policy in effect from 2005 through June 2007 was confusing and that she did not completely understand it. She further stated that she had interpreted the Travel Policy as a “per diem”, i.e., a fixed amount to</p>	<p>Disagree in part. The 2005 BOS travel policy is not clearly worded. As an example, it does not state receipts are required for in-county travel, yet retroactively they have been requested of the Fourth District Supervisor. The management policy clearly states receipts are <i>not</i> required under certain</p>

which she was entitled whether or not she had either mileage or lodging expenses.	circumstances and, meals are also provided in-county under certain circumstances. My interpretation of the travel policy was that of my predecessor as the records reflect.
<i>FINDING 26</i>	
The Fourth District Supervisor persisted in submitting travel claims according to her “per diem” interpretation even after discussing the Travel Policy with the former Auditor late in 2005 (her first year in office) and being told that it was incorrect.	Disagree. I did not discuss the travel policy with the Auditor in late 2005.
<i>FINDING 27</i>	
The 2007 Grand Jury confirmed that the Fourth District Supervisor claimed 22 round-trips in June of 2006 including 17 round-trips in 18 consecutive days. For the same month, she had paid monthly rent of \$100 for a room in Ukiah for use as a bedroom “...as needed to do her job.”	Disagree. The Fourth District did not submit claims for 22 round trips in June of 2006. Nor were there 17 round trips in 18 consecutive days submitted. This is incorrect as the records reflect.
<i>FINDING 28</i>	
The Fourth District Supervisor discussed her “per diem” interpretation with the former Auditor again in December 2006 and received the same answer.	Disagree. The Fourth District Supervisor did not discuss the travel policy with the Auditor in December 2006. I <i>asked</i> the Auditor for a meeting to conduct an exit interview <i>during December 2006</i> . This meeting did not occur until January 2007, just prior to his leaving office.
<i>FINDING 29</i>	
Under Section (A) (2) (d) of the Travel Policy (prior to June, 2007), if no miles are traveled and no cost is incurred for lodging, no reimbursement is permitted.	Disagree. This is not what the policy states.
<i>FINDING 30</i>	

Reimbursement is defined as repayment of funds actually spent.	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.	Neither agree or disagree with this finding as I have no knowledge of what the individuals listed “indicated” they understood of BOS travel policies in discussions with the Grand Jury
<i>FINDING 36</i>	
Supervisors for the First, Second and Third Districts did not claim any substantial weekend travel; the Fourth District Supervisor had some weekend travel and was unable to describe for the Grand Jury the county-related business purpose of the travel.	Neither agree or disagree with the first part of this finding as I have limited knowledge of other supervisors travel. The Fourth District Supervisor provided information for weekend travel as well as weekday travel.
<i>FINDING 46</i>	
When asked once again, by the 2007 Grand Jury to compensate the County for excessive reimbursement claims, the Fourth District Supervisor declined to make the repayment, as she had previously agreed to do. She stated that the policy was “confusing,” the practice was “common procedure,” and that she had many expenses	Disagree in part with this statement. The Fourth District Supervisor declined to repay the County for excessive reimbursement claims as they were not excessive. They were filed consistently in compliance with the travel policy in place when I assumed office, as the records reflect.

<p>as a result of her job including “tires, pet care and meals away from home.”</p>	
<p><i>FINDING 47</i></p>	
<p>Tires are among the car costs covered by the allowed government mileage rate for reimbursement for miles actually driven. Pet care, in-county meals and other incidentals are not reimbursable under any county travel policy.</p>	<p>Agree with first sentence. Disagree in part with second sentence as in-county meals <i>are</i> reimbursable under Policy # 18 and the BOS travel policy of 2005-2006, under certain circumstances.</p>
<p><i>FINDING 50</i></p>	
<p>The revised policy makes no allowance for reimbursement of more than two overnight stays in a week and limits hotel reimbursement to weeks with a regularly scheduled Board of Supervisors’ meeting. Lodging receipts are required. Meals associated with overnight stays are not reimbursed.</p>	<p>Agree. This is an accurate statement of the current BOS travel policy. Lodging receipts are required and the policy clearly states this unlike the previous BOS policy in effect in 2005-06 which did not state receipts were required.</p>
<p><i>RECOMMENDATION 2</i></p>	
<p>The Fourth District Supervisor repay to the County of Mendocino the amount of \$3,087 that was established by the Auditor to represent travel reimbursement overpayments (Findings 3, 8-17, 19, 24-30, 32, 33, 36, 46, 47, 50).</p>	<p>This recommendation will not be implemented because it is not warranted. The Fourth District Supervisor submitted claims in the same manner as her immediate predecessor. Extensive review of those documents clarifies the travel reimbursements in question were filed in a like manner to her predecessor. A review of predecessor’s claims spanned four calendar years and over 125 pages of documents representing the entire reimbursement file of predecessor for this time period to the best of my knowledge. My claims have been filed consistent with the immediate predecessor and the policy interpretation in place when I assumed office.</p>
<p><i>RECOMMENDATION 5</i></p>	
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<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>This recommendation requires further analysis. It is a policy determination by the BOS and as such cannot be implemented by an individual supervisor.</p>