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COUNTY OF MENDOCINO
BOARD OF SUPERVISORS
501 Low Cap Road • Room 1090
Ukiah, California 95482

August 28, 2007

The Honorable Cindee Mayfield, Presiding Judge
Superior Court of California
County of Mendocino
Mendocino County Courthouse
Ukiah, CA 95482

Re: Response to the 2006-2007 Grand Jury's Final Report:
ONE CEO FOR THE PRICE OF TWO
A Report on the CEO Termination Process

Dear Judge Mayfield:

Enclosed is the official response to the findings and recommendations contained in the 2006-2007 Grand Jury's Final Report regarding ONE CEO FOR THE PRICE OF TWO - A Report on the CEO Termination Process.

The Mendocino County Board of Supervisors approved this response on August 28, 2007, which meets the statutory 90-day deadline.

Sincerely,

A handwritten signature in black ink that reads "Kendall Smith".

Kendall Smith, Chair
Mendocino County Board of Supervisors

KS/dkm

Enclosures

cc: County Executive Office
Grand Jury
File 2007-08-28 GJ-CEO



THE BOARD OF SUPERVISORS

MICHAEL M. DELBAR
First District

JIM R. WATTENBURGER
Second District

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Third District

KENDALL SMITH
Fourth District

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Fifth District

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. Elected officials must respond within sixty (60) days. Governing bodies (for example: the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand jury Foreperson and the CEO's office.

Report Title : ONE CEO FOR THE PRICE OF TWO **Report Date :** June 7, 2007
A REPORT ON THE CEO TERMINATION PROCESS

Response by: Board of Supervisors
Contact : Al Beltrami. Chief Executive Officer

Findings

I (we) agree with the findings numbered:

1-10, 14, 17, 19, 21, 23, 25, 26

I (we) neither agree or disagree:

11-13, 15, 16, 18, 20, 22, 24, 29, 30, 31

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

27, 28

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

Recommendations

Recommendations numbered: 2, 5, 6, 7, 9, 10, 11, 12, 13, 14
have been implemented. (attach a summary describing the implemented actions.)

Recommendations numbered: 1, 3, 4
have not yet been implemented, but will be implemented in the future.
(attach a time frame for implementation)

Recommendations numbered require further analysis:
(attach an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed; including 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: 8
will not be implemented because they are not warranted and/or are not reasonable. (attach an explanation.)

Date: 08/29/07 Signed: Al Beltrami

RESPONSE PROCEDURE TO GRAND JURY REPORTS

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Report Title : ONE CEO FOR THE PRICE OF TWO **Report Date :** June 7,2007
A REPORT ON THE CEO TERMINATION PROCESS

Response by: Executive Office
Contact : Al Beltrami, Chief Executive Officer

Findings

- I (we) agree with the findings numbered:
1-10, 14, 17, 19, 21.23, 25, 26
- I (we) neither agree or disagree:
11-13, 15, 16, 18, 20, 22, 24, 29, 30, 31
- I (we) disagree wholly or partially with the Findings numbered:
27, 28

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

Recommendations

- Recommendations numbered: 2, 5, 6, 7, 9, 11, 12, 13, 14
have been implemented. (attach a summary describing the implemented actions.)
- Recommendations numbered: 1, 3, 4
have not yet been implemented, but will be implemented in the future.
(attach a time frame for implementation)
- Recommendations numbered require further analysis:
(attach an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed: including 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: 8, 10
will not be implemented because they are not warranted and/or are not reasonable. (attach an explanation.)

Date: 08/28/07

Signed: _____

Al Beltrami

ONE CEO FOR THE PRICE OF TWO

A Report on the CEO Termination Process

June 7,2007

SUMMARY

The 200612007 Mendocino County Grand Jury conducted an investigation into the termination of the Mendocino County Chief Executive Officer (CEO), due to the controversy that ensued. The Grand Jury originally started this investigation to determine why the Mendocino County Board of Supervisors (BOS) terminated the CEO, but due to lack of cooperation from individual Supervisors and County Counsel, the decision was made to investigate the process instead. The Grand Jury has spent exhaustive hours reviewing BOS minutes, policies concerning employment, and interviewing various County officials and staff to compile this report. This report also provides a history of the brief tenure of the CEO.

BACKGROUND

December 2004	The BOS directed the interim County Administration Officer (CAO) to prepare an ordinance establishing a CEO office and bring it to the BOS for review in January 2005.
January 4, 2005	The interim CAO brought before the BOS a draft CEO ordinance. the draft was tabled until January 24, 2005.
January 24,2005	The BOS held a thorough review of the draft CEO ordinance with the interim CAO. BOS members expressed their concerns, observations, BOS needs and interests, possible areas of conflict of authority, and reflections on "how the county got to where it was". The draft was approved by a 4/1 vote and the BOS directed staff to prepare a final draft of the CEO ordinance
February 1,2005	A final draft of the CEO ordinance was introduced and voted on, again it passed, but by a narrower margin (312). Negative comments were made concerning the need for the BOS to retain direct oversight of certain departments which would now fall within the purview of any new CEO.
March 1, 2005	The CEO ordinance was adopted unanimously via the consent calendar, paving the way for recruitment and hiring of a CEO.
June 7,2005	The BOS approved an amendment to the employment agreement with the newly appointed CEO. The new CEO suggested to the BOS a need to examine the relationships between the Executive Office, other parts of the County Government, and the community.
August 16,2005	CEO staff provided an overview of ways in which the components of the CEO ordinance were being, and would be, addressed; the BOS concurred. Concurrence was also sought

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A Report on the CEO Termination Process

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	for the CEO's interpretation of the lines of communication between department heads and the BOS; none was given.
August 30, 2005	The CEO indicated an interest in further reviewing the CEO ordinance.
September 19, 2005	The CEO again asked for a discussion with the BOS to seek clarification and direction with regard to implementation of the CEO ordinance. The CEO reviewed a proposal for a revised Mendocino County Organizational Chart and the CEO's interpretation of it, with the BOS.
October 4, 2005	The CEO reflected on the challenge of responding to contradictory individual Supervisor's directives. The CEO provided an update relative to the County organizational review process. The CEO's interpretation of the BOS's direction was to start immediately at looking into those departments with known executive transitions/retirements occurring over the next 15 months.
December 12, 2005	The CEO indicated a proactive, rather than a reactive, approach to managing the work of the organization. Staff was working toward a coordinated view for the organization, as opposed to 25 competing views, as in past practice. The CEO expressed interest in formalizing the process of communication with the BOS, including the development of the Board's agenda, clear timelines, roles, and responsibilities. The CEO noted that both the BOS and CEO need to remain aware of the challenges surrounding the transfer of control. A member of the BOS suggested scheduling the CEO performance evaluation in mid-September.
January 24, 2006	The CEO announced that staff had prepared for distribution an updated 2006 Mendocino County Work Plan.
February 7, 2006	After reviewing changes in the structure of the Mental Health Department, the BOS requested copies of "all-staff" correspondence previously distributed to employees by the CEO. The BOS also requested to be kept apprised of all organizational correspondence transmitted regarding restructuring matters. The CEO expressed a difference of opinion regarding these requests.
February 14, 2006	During a discussion on priority planning projects with the CEO, one Supervisor was openly confrontational concerning the timing of the material received. Another Supervisor complained about the excessive time spent on one particular project.
March 14, 2006	The CEO announced, for the record, that staff had formally commenced the administrative process for the merger of the County's three Human Services Departments: Public Health, Social Services, and Mental Health. The Executive Office would transmit an "all-staff" memo announcing the process.

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March 21, 2006	Disagreements were expressed concerning inaction on a building moratorium, as presented on March 14, 2006. The CEO clarified, for the record, that staff had been directed by a 4/1 vote of the BOS to present options and alternatives concerning the moratorium.
April 24, 2006	One Supervisor requested that individual Supervisor input be considered by staff regarding the budget process. The CEO indicated that the budget would reflect Board priorities identified throughout the year. The CEO stated that at some point the recommended proposed budget be on the table for Board consideration.
April 25, 2006	The CEO briefly described current budget activities, including departmental budget conferences, and suggested further dialogue on May 24, 2006.
May 16, 2006	The CEO introduced the newly appointed Director of Shared Business Services. The CEO spoke about the integration of Information Services and General Services, and the alignment of County departments into a cost-effective operational structure. The restructuring of the County to function as an enterprise was noted.
June 6, 2006	The CEO noted the County's statutory/legal requirements associated with the annual budget adoption process, including the BOS deadline to adopt the proposed budget on or before July 20. A lengthy discussion followed concerning Supervisor's budgets, compensation, travel, staff, etc. It was suggested that immediate attention be given to Supervisor's budgets, prior to the adoption of the proposed County budget on June 20, 2006. CEO staff sought direction regarding the venue for holding detailed discussions and making decisions regarding the Supervisor's budgets.
June 20, 2006	The CEO commented on the Board meeting on June 6, 2006 and the legal requirements and options available to the Board with regard to the proposed budget. At the conclusion of the CEO staff budget presentation, staff stated that the proposed budget was balanced and recommended adoption as presented. Instead of addressing the request, the chair continued the item until 2:30 p.m. After reconvening from recess at 3:05 p.m., the chair noticed the absence of the CEO and sought permission from the Board to continue the discussion at a later date.
June 27, 2006	A closed session to consider two items started at 9:03 am, and ending at 10:00 am, occurred. One of these items was a performance evaluation of the CEO, no action was taken. Immediately after returning from closed session, the Mendocino County Public Health Advisory Board presented a letter to the BOS regarding organizational developments, including the

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- creation of the Health and Human Services Agency, and requested the BOS schedule time at a future meeting to allow comment. In addition, a representative of the Employers Council of Mendocino County (ECMC) introduced the new Executive Director of ECMC to the BOS.
- June 28, 2006 A special meeting of the BOS was called, and after public comment, adjourned to closed session starting at 11:52 am and ending at 2:40 pm, for discussion of CEO discipline, dismissal, or release. The BOS reconvened after recess at 2:44 pm in open session, at which time it was announced that the BOS voted to terminate the services of the CEO effective June 27, 2006; the vote was 3/2.
- June 29, 2006 The BOS chair announced that the Board voted unanimously in closed session, to present an employment offer to an individual who would serve as an interim CEO. The BOS anticipated the arrangement would be in place for approximately three to six months.

METHODS

The Grand Jury interviewed members of BOS, Clerk of the Board (COB) staff, and Executive Office staff (both current and past), County Counsel, and Mendocino County Employers Council staff. The Grand Jury also researched numerous public documents, State codes, County codes, and other related documents which were relevant to the investigation. Legal counsel was sought from the District Attorney's Office.

FINDINGS

1. The initial draft CEO ordinance was approved by a vote of 4/1.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

2. The final draft CEO ordinance was approved by a vote 3/2.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

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3. Search for the new CEO started in February 2005.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

4. The CEO ordinance was adopted unanimously via the consent calendar.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

5. The CEO ordinance set forth clear guidelines concerning CEO authority.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

6. On April 12, 2005 the BOS announced the selection, but not the hiring, of a new CEO.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

7. Through the consent calendar the BOS unanimously approved the appointment and "terms of employment" of the new CEO.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

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Response (Chief Executive Office): The County Executive Office agrees with this Finding.

8. The CEO "terms of employment" was a binding contract, effective May 8, 2005, and was agreed upon and signed by both parties May 9,2005. The contract was accepted by the BOS on May 10,2005

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

9. June 7,2005 was the first BOS meeting attended by the new CEO.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

10. The CEO contract set forth clear conditions and resulting consequences in the event of termination.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

11. The BOS could have terminated the CEO, by majority vote anytime prior to February 8, 2006, with minimal monetary penalty to the county.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as it is speculative.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as it is speculative.

12. The BOS could have declared a "breach of contract" by written notice prior to May 8,

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2006. The BOS did not employ the "30 day cure" period as provided for in the contract. This "cure" period would have allowed the parties to resolve their differences.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as it is speculative.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as it is speculative.

Response (Human Resources): Human Resources neither agrees nor disagrees with this Finding as it is speculative.

13. The BOS could have held a performance review of the CEO prior to February 8, 2006, leading to a discussion of termination of the CEO's services at minimal cost to the county.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as it is speculative.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as it is speculative.

Response (Human Resources): Human Resources neither agrees nor disagrees with this Finding as it is speculative:

14. The contract provided for automatic renewal for one year, if the BOS did not take action prior to February 8, 2006.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

Response (Human Resources): Human Resources agrees with this Finding.

15. Some BOS members indicated they did not fully read the CEO contract, but instead relied on advice from others.

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Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as the Board does not have direct knowledge of the testimony.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as the CEO does not have direct knowledge of the testimony.

16. Most Supervisors indicated they had no knowledge of the three month termination clause in the CEO contract.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as the Board does not have direct knowledge of the testimony.

Response (Chief Executive **Office**): The County Executive Office neither agrees nor disagrees with this Finding as the CEO does not have direct knowledge of the testimony.

Response (Human Resources): Human Resources neither agrees nor disagrees with this Finding as HR does not have direct knowledge of the testimony.

17. According to California Government Code §54950 "that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding, in that the Government Code includes this section.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

18. There were clear indications of dissatisfaction with the CEO by members of the BOS, as early as December 2005, as shown by testimony and public records.

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Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as the Board does not have direct knowledge of the testimony.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as the CEO does not have direct knowledge of the testimony.

19. Failure by the dissatisfied Supervisors to act prior to February 8, 2006, resulted in the automatic renewal of the CEO contract. This automatic renewal ultimately cost the citizens of the County at least \$167,000 in termination penalties.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding in that the contract with the CEO renewed on an automatic basis and the CEO was paid \$167,000 upon termination in June 2006.

Response (Chief Executive Office): The County Executive Office agrees with this Finding in that the contract with the CEO renewed on an automatic basis and the CEO was paid \$167,000 upon termination in June 2006.

Response (Human Resources): Human Resources agrees with this Finding in that the contract with the CEO renewed on an automatic basis and the CEO was paid \$167,000 upon termination in June 2006.

20. Testimony given indicates that a performance review, as agendaized, was not actually carried out on June 27, 2006. Testimony indicated that a motion was made 3 minutes into the meeting to fire the CEO. Counsel advised that the action could not be taken at that time, so it was decided to give a 24 hour notice to the CEO "to resign or else"; the vote was 3/2.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as the Board does not have direct knowledge of the testimony.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as the CEO does not have direct knowledge of the testimony.

21. Prior to February 8, 2006 any BOS member whether dissatisfied or not with the CEO's performance, could have initiated any of the options available to the BOS, by having an appropriate item placed on the agenda.

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Response (Board of Supervisors): The Board of Supervisors agrees with this Finding in that any Board member has the ability to place an item on the agenda at any time regarding CEO performance.

Response (Chief Executive Office): The County Executive Office agrees with this Finding in that any Board member has the ability to place an item on the agenda at any time regarding CEO performance.

22. The failure of some Supervisors to be familiar with the conditions of the CEO contract is demonstrated by the suggestion to schedule the CEO performance evaluation in mid-September 2006.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as it is speculative.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as it is speculative.

Response (Human Resources): Human Resources neither agrees nor disagrees with this Finding as it is speculative.

23. The BOS did not approve the CEO's proposed County Organizational Chart until 2% months after submittal by the CEO on June 21, 2005.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

24. Individual Supervisor's directives, reflecting their personal desires, are often contradictory and are not directives of the Board.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding as the Board does not have direct knowledge of the testimony. Board directives are supported by a majority of the members.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding as the CEO does not have direct knowledge of the testimony.

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25. On October 18, 2005 the BOS voted unanimously to formalize the CEO appointing authority of various department heads and their duties.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

26. Pursuant to the CEO ordinance, the CEO attempted to organize the executive level of County government.

Response (Board of Supervisors): The Board of Supervisors agrees with this Finding.

Response (Chief Executive Office): The County Executive Office agrees with this Finding.

27. Under the terms of the CEO ordinance there was no longer a direct link between the BOS and department heads; a fact ignored by the BOS. This information was provided to the board by the CEO on January 10, 2006.

Response (Board of Supervisors): The Board of Supervisors disagrees with this Finding. The CEO Ordinance provides for an executive role for the CEO in relation to all department heads, but does not remove direct links between the Board and Board-appointed department heads, nor indirect links with the remaining department heads.

Response (Chief Executive Office): The County Executive Office disagrees with this Finding. The CEO Ordinance provides for an executive role for the CEO in relation to all department heads, but does not remove direct links between the Board and Board-appointed department heads, nor indirect links with the remaining department heads.

28. Individual Supervisors do not determine policy. This is the role of the entire Board. A review of BOS minutes shows that this is a role they have failed to fulfill.

Response (Board of Supervisors): The Board of Supervisors agrees with the first two sentences of this Finding. The Board disagrees with the third sentence of this Finding as BOS minutes are evidence of Board policy-setting.

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Response (Chief Executive Office): The County Executive Office agrees with the first two sentences of this Finding. The CEO neither agrees nor disagrees with the third sentence as it is a judgment rather than a statement of fact.

- 29.A willingness on the part of some BOS members to accept the CEO form of management as defined by the ordinance passed by the BOS, was totally lacking.

Response (Board of Supervisors): The Board of Supervisors neither agrees nor disagrees with this Finding, as the Board has no direct knowledge of the testimony that led the Grand Jury to this conclusion.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding, as the CEO has no direct knowledge of the testimony.

30. Testimony and public documents make it clear the termination of the CEO was a decision made without forethought, resulting from conflicting personalities, and originating within a period of four days.

Response (Board of Supervisors): The Board of Supervisor neither agrees nor disagrees with this Finding, as the Board has no direct knowledge of the testimony.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding, as the CEO has no direct knowledge of the testimony.

31. The process of terminating the CEO was carried out in a manner which failed to meet the ideals of governmental transparency, and did not address the questions and concerns of the citizens of the County.

Response (Board of Supervisors): The Board of Supervisor neither agrees nor disagrees with this Finding, as the Board has no direct knowledge of the testimony. The termination was carried out in accordance with the law.

Response (Chief Executive Office): The County Executive Office neither agrees nor disagrees with this Finding, as the CEO has no direct knowledge of the testimony.

RECOMMENDATIONS

The Grand Jury recommends that:

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1. prior to hiring a new CEO there be a candid discussion between the BOS and the candidate to determine compatibility of views and a philosophical understanding. (Findings 18, 25, 27)

Response (Board of Supervisors): The Board of Supervisors will implement this Recommendation during the upcoming interviews for CEO, to be completed by the end of September 2007.

Response (Chief Executive Office): The County Executive Office will implement this Recommendation by supporting and arranging for sufficient discussion between the Board and potential candidates, during the candidate interview process, to be completed by the end of September 2007.

2. the BOS educate themselves on the various forms of executive management. (Findings 25, 28-29)

Response (Board of Supervisors): The Board of Supervisors has already implemented this Recommendation in reviewing CEO functions and authority and adopting a revised CEO Ordinance on March 13, 2007.

Response (Chief Executive Office): The County Executive Office has already implemented this Recommendation by scheduling discussion of CEO functions and authority with the Board and providing a revised CEO Ordinance to the Board for adoption on March 13, 2007.

3. the BOS inform themselves fully before entering into any contract. (Findings 12-16, 19, 22)

Response (Board of Supervisors): The Board of Supervisors will ensure this Recommendation is followed during the hiring of the next CEO, to be completed by September 2007.

Response (Chief Executive Office): The County Executive Office will ensure this Recommendation is followed during the hiring of the next CEO, to be completed by September 2007.

4. Human Resources Department review all "at-will" and contract employees to ensure all contract conditions are met. (Findings 12-16, 19, 22)

Response (Board of Supervisors): The Board of Supervisors will implement this Recommendation by requesting that the County Executive Office, Human

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Resources, and County Counsel review all current employment contracts, by the end of December 2007.

Response (Chief Executive Office): The County Executive Office will implement this Recommendation by working with Human Resources, and County Counsel to review all current employment contracts, by the end of December 2007.

Response (Human Resources): Human Resources will implement this Recommendation by working with County Counsel and the CEO to review all current employment contracts, by the end of December 2007. ,

5. the BOS provide clearly defined policy direction by majority vote. (Findings 5, 24, 28-29)

Response (Board of Supervisors): The Board of Supervisors has already implemented this Recommendation. Board policy direction can only be established by a majority vote.

Response (Chief Executive Office): This Recommendation has already been implemented.

6. the BOS conduct periodic reviews of any new CEO, regardless of performance. (Findings 5, 13, 20-21)

Response (Board of Supervisors): The Board of Supervisors has already implemented this Recommendation by scheduling formal and regular Department Head reviews, including of the CEO, beginning in January 2007.

Response (Chief Executive Office): The County Executive Office has already implemented this Recommendation by instituting formal and regular Department Head reviews, including for the CEO, beginning in January 2006.

7. the BOS put personal agendas aside for the good of the County and its citizenry. (Findings 5, 24)

Response (Board of Supervisors): The Board of Supervisors supports this recommendation.

Response (Chief Executive Office): The CEO supports this Recommendation.

8. the BOS revert to the original CEO ordinance. (Findings 2, 4-5, 25, 27)

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Response (Board of Supervisors): The Board of Supervisors will not implement this Recommendation as the Board accepts the current CEO Ordinance, which was adopted on March 13, 2007.

Response (Chief Executive Office): The County Executive Office will not implement this Recommendation. The Board, on March 13, 2007, adopted a revised CEO Ordinance as recommended and modified by the CEO.

9. the BOS avoid taking on day-to-day managerial duties of staff or department heads. (Findings 23, 25-28)

Response (Board of Supervisors): The Board of Supervisors supports this recommendation.

Response (Chief Executive Office): The CEO supports this Recommendation.

10. the BOS avoid temptation to interfere with CEO responsibilities. (Findings 23, 25-28)

Response (Board of Supervisors): The Board of Supervisors supports this recommendation.

Response (Chief Executive Office): The CEO is in no position to evaluate Board temptations.

11. the BOS embrace positive change, and a willingness to relinquish direct control. (Findings 23, 25-28)

Response (Board of Supervisors): The Board of Supervisors has already implemented this Recommendation.

Response (Chief Executive Office): The CEO supports this Recommendation.

12. the BOS support a chain of command as defined by the Mendocino County Organizational Chart. (Findings 23, 25-27)

Response (Board of Supervisors): The Board of Supervisors has already implemented this Recommendation with the adoption of the revised CEO Ordinance on March 13, 2007 and with a revised organizational chart adopted with the Proposed Budget in June 2007.

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Response (Chief Executive Office): This Recommendation has already been implemented with the adoption of a revised CEO Ordinance on March 13, 2007 and a revised organizational chart with the Proposed Budget in June 2007.

13. the BOS avoid any circumvention of the established line of authority and/or reporting as defined by the Mendocino County Organizational Chart. (Findings 23, 25-27)

Response (Board of Supervisors): The Board of Supervisors has already implemented this Recommendation

Response (Chief Executive Office): The CEO supports this Recommendation

14. the BOS be totally transparent in conducting the citizen's business. (Findings 17, 31)

Response (Board of Supervisors): The Board of Supervisors supports this recommendation.

Response (Chief Executive Office): The CEO supports this Recommendation and works with County Counsel to ensure Brown Act compliance by Board members.

COMMENTS

For an elected official to fail to initiate an action when warranted is to neglect their duty to County citizens. Before hiring the CEO there was no effort by the BOS, as a body, to determine a clear direction which any CEO would be charged with implementing. Prior to the CEO arrival, there was no formal discussion between the BOS and County employees, to address or discuss their concerns and anxieties.

For the first two and a half months of the CEO tenure a clear line of authority was not established, due to BOS reluctance to accept an executive organizational structure. This resulted in heightened anxieties within all levels of County government. The persistence of the BOS to conduct business as usual, by ignoring the CEO's authority, further complicated the role of the CEO. Issuance of individual policy directives instead of a majority vote is common practice by most BOS members, resulting in fragmented policy and frustration among executive staff. Insistence by individual Supervisors that the CEO insert increased funds for Board use, has the appearance of an attempt to bypass the fiduciary duties of the CEO.

The process of termination "had no process."

REQUIRED RESPONSE

Board of Supervisors (All Findings: All Recommendations)
County Executive Office (All Findings; All Recommendations)
Human Resources (Finding 12-16, 19, 22; Recommendation 4)

REQUESTED RESPONSE

Mendocino County District Attorney (All Findings; All Recommendations)
California State Attorney General (All Findings; All Recommendations)