



County of Mendocino  
Grand Jury

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## **Too Many Chiefs:** A Report on the Mendocino County Clerk of the Board Office May 4, 2006

### **Summary**

The 2005-2006 Mendocino County Grand Jury investigated the Clerk of the Board office, its structure, and its supervision by the Board of Supervisors (BOS).

### **Background**

As a result of considerable public attention to the situation in the Clerk of the Board office, the 2005-2006 Mendocino County Grand Jury conducted an oversight of the relationship between the Mendocino County Board of Supervisors and the Clerk of the Board.

The status and duties of the Clerk of the Board are in part spelled out in California Legal Code §25100-25105.5.

### **Methods**

The Grand Jury conducted numerous interviews of County workers and administrators and reviewed job descriptions and overtime reports.

### **Findings**

1. The Clerk of the Board (COB) is a department head, with a budget calling for a total staff of four.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer disagrees in part with this finding. The Interim Chief Executive Officer does not have the intimate knowledge necessary at this time to determine whether or not 4 staff are warranted, however that is what is reflected in the Budget as presented by the Clerk of the Board.

2. In addition to its direct support of the Board of Supervisors (BOS), the COB staff manages Board appointments to more than 110 commissions, boards, and committees.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding.

3. As of December 2005, all non-elected County department heads are supervised by the Chief Executive Officer (CEO), except for the County Counsel and the COB.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors disagrees with this finding. The CEO does not supervise the Water Agency.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board disagrees with this finding. The CEO does not supervise the General Manger of the Mendocino County Water Agency, nor the Air Pollution Control Officer, Air Quality Management District.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding, with the exception of the Air Quality Management District, Chief Probation Officer, Farm Advisor, and Water Agency (needs clarification).

4. At the time of the creation of the CEO position, consideration was given to placing the COB under the CEO for administration and supervision, but that proposal was rejected by the BOS.

**Response (The Mendocino County Board of Supervisors):** This matter was discussed at a January 2005 Board Workshop in which certain members of the Board disagreed with the concept. The Board has considered the issue, however no formal proposal has ever been placed on the Board Agenda for consideration.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board disagrees with this finding. This matter was discussed at a January 2005 Board Workshop in which certain members of the Board disagreed with the concept. No formal proposal has ever been placed on the Board Agenda for consideration

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding. The Executive Office prepared materials for Board consideration, however no formal proposal has ever been placed on the Board Agenda for consideration.

5. The COB is responsible for a wide range of functions, including the production of agendas and minutes of BOS meetings.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding.

6. The agenda for Tuesday BOS meetings is generally made public by end of business on the Thursday before each meeting.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding.

7. Background documents for agenda items are usually available at the COB office on Thursday before the Tuesday BOS meeting.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding.

8. The COB office is currently closed to the public on Fridays.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors disagrees in part with this finding. The office provides telephonic and Internet service to the public on Fridays.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board disagrees in part with this finding. Although walk-in lobby services are not available on Fridays, the office does provide service to the public on Fridays via telephone and internet/email access.

9. The BOS has not defined performance criteria for the COB position.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board disagrees in part with this finding. Performance criteria are determined, in part, by way of the Department Head Performance Evaluation process.

**Response (Director, Mendocino County Department of Human Resources):** The Department partially disagrees with this finding in that there is a class specification for the Clerk of the Board position that defines the tasks of the position; however, if there are any additional performance criteria the Department does not have access to this information.

10. Performance reviews of the COB have not been carried out in a regular or timely fashion.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Director, Mendocino County Department of Human Resources):** The Department Agrees with this finding.

11. Supervision and performance reviews of the COB are currently the responsibility of the five-member BOS.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Director, Mendocino County Department of Human Resources):** The Department agrees with this finding.

12. The turnover rate in COB office staff has been unusually high for a number of years. From the start of 2000 through the end of 2005, at least six full time employees were hired and have since left this office.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board disagrees in part with this finding. Compared to the three other administrative departments with which the COB office works most closely, the Clerk of the Board Office has had a lower turnover rate than two of those departments during the above-referenced time period.

**Response (Mendocino County Interim Chief Executive Officer):** The Interim Chief Executive Officer agrees with this finding.

13. The COB office was understaffed at the time of the investigation, having, in addition to the Clerk, two full-time employees and one part-time employee.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

**Response (Director, Mendocino County Department of Human Resources):** The Department somewhat agrees with this finding. The COB chose not to fill a Staff Assistant position, even though a certification of names was sent to the COB. Human Resources has placed other county workers on Workers' Compensation light duty and extra help staff to keep the COB office fully staffed.

14. The posting of BOS meeting minutes, a responsibility of the COB, is at times delayed.

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors agrees with this finding.

**Response (The Mendocino County Clerk of the Board):** The Clerk of the Board agrees with this finding.

## **Recommendations**

The Grand Jury recommends that:

1. the COB office be placed under the supervision of the CEO. (Findings 3, 4, 9-11)

**Response (The Mendocino County Board of Supervisors):** The recommendation has not been implemented, however the Board of Supervisors is willing to review and consider this recommendation. An analysis should be done to determine whether such consolidation would be efficient and prudent.

**Response (The Mendocino County Clerk of the Board):** The recommendation will not be implemented because it is not warranted. The Clerk of the Board Office providing direct support to the Board of Supervisors, is better aligned with the Board of Supervisors.

**Response (Mendocino County Interim Chief Executive Officer):** The recommendation has not been implemented as this decision is under the sole discretion of the Board of Supervisors.

**Response (Director, Mendocino County Department of Human Resources):** The recommendation has not been implemented as this decision is under the sole discretion of the Board of Supervisors. Human Resources is available for consultation.

2. the CEO's office should establish and implement policies, procedures, and performance criteria for the comprehensive review of the COB and its office staff. (Findings 9-11)

**Response (The Mendocino County Board of Supervisors):** The recommendation will not be implemented as the Board of Supervisors has the sole discretion to implement policy with respect to the Office of the Clerk of the Board.

**Response (The Mendocino County Clerk of the Board):** The recommendation will not be implemented because the CEO is not responsible for the functions or oversight of the COB Office.

**Response (Mendocino County Interim Chief Executive Officer):** The recommendation has not been implemented. If the Board chose to place the Clerk of the Board position under the CEO, the CEO would implement this recommendation within 90 days.

**Response (Director, Mendocino County Department of Human Resources):** The recommendation has not been implemented. If the Board chose to place the Clerk of the Board position under the CEO, the Human Resources Director is available for consultation.

3. the resources of the COB be reallocated or increased in order to keep the office open to the public on Fridays. (Finding 8)

**Response (The Mendocino County Board of Supervisors):** The Board of Supervisors will implement this recommendation.

**Response (The Mendocino County Clerk of the Board):** The recommendation has not yet been implemented, but will be implemented in the future. It is anticipated that resources will be increased in fiscal year 2006/2007.

**Response (Mendocino County Interim Chief Executive Officer):** The recommendation has not been implemented. If the Board chose to place Clerk of the Board position under the CEO, the CEO would implement this recommendation immediately.

**Response (Director, Mendocino County Department of Human Resources):** The recommendation has not been implemented. If the Board chose to place Clerk of the Board position under the CEO, Human Resources Director is available for consultation.

4. background documents for BOS agenda items be made available online. (Finding 6-8)

**Response (The Mendocino County Board of Supervisors):** The recommendation has not been implemented however, the Board of Supervisors will review and consider this recommendation, which will require further analysis.

**Response (The Mendocino County Clerk of the Board):** This recommendation requires a comprehensive analysis of the costs of implementation and the resources necessary to fulfill this function.

**Response (Mendocino County Interim Chief Executive Officer):** The recommendation has not been implemented. If the Board chose to place the Clerk of the Board position under the CEO, the CEO would implement this recommendation within 90 days.

### **Comments**

The overwhelming workload currently borne by the COB office is a result of the failure on the part of the BOS to provide effective oversight. For its own reasons the BOS chose to keep the COB under its control, but all observers and participants agree that politics and personalities have played a major role in this decision. Giving responsibility for supervision to the CEO's office, as is the case for most other County departments, may remove the COB from the political arena.

### **Responses Required**

The Mendocino County Board of Supervisors (All Findings. All Recommendations)

The Mendocino County Clerk of the Board (All Findings. All Recommendations)

Director, Mendocino County Department of Human Resources (Findings 9-11, 13. Recommendations 1-3)

Mendocino County Chief Executive Officer (Findings 1-7, 12. All Recommendations)