

Chair Gjerde and Supervisors,

The position of CEO is very demanding, especially in Mendocino County which is geographically expansive, sparsely populated and financially challenged. For the last decade Carmel Angelo has provided strong and effective leadership for Mendocino County. She has also been vilified, sometimes relentlessly. Through it all I have been her strongest and most outspoken defender. Supervisor Carre Brown and I, along with our colleagues at the time, hired Carmel Angelo as CEO effective March 10, 2010. It was an easy decision. Ms. Angelo had previously been brought into the Executive Office at the strong urging of the Board, based on her record of fiscal responsibility and leadership at HHSa. The County was in the midst of the Great Recession. Some members of the public were predicting bankruptcy. Difficult and divisive pay cuts followed. Not to mention drought, fire, flood, PSPS and now a pandemic.

There is a natural tension between an effective executive and the board for which she works. The executive should be expected to have a more comprehensive and detailed knowledge of the day to day operations of the government and strong opinions on appropriate policy direction. But the board and the executive need to know and respect the limits of their roles and responsibilities. If the dynamics of the relationship become unbalanced the organization will suffer. Based on the following comments (which are not in any order and sometimes overlap) I urge the Board to consider the possibility that the current relationship is unbalanced.

The CEO is either de jure or de facto the Clerk of the Board, Purchasing Agent, Risk Manager, Contracts Manager, Fleet and Facilities Manager, IS Director, Water Agency Director and hires or fires key department heads including HHSa, P&BS, HR, DOT and more. The ability to exercise power and control are a function of responsibility, but also the personal attributes of the individual, compounded by longevity. The current CEO has solidified her power over time and because of her personal attributes this has resulted in an imbalance. There are reasons why the average tenure of a CEO is around five years.

Succession planning is a critical issue for Mendocino County but there is little evidence that much of anything is being done about it. This is particularly true in the Executive Office. On two occasions the CEO has hired an Assistant CEO but since the departure of the last one several years ago there has been no effort that I am aware of to recruit another.

Covid continues to be cited as the reason to back burner numerous items of "regular" business. A logical response would be to hold more meetings if necessary but this is not done due to limits of staff capacity, both on the COB and EO side of the office. This is not in any way a criticism of current staff who consistently go above and beyond to fulfill their duties. It is a criticism of the CEO who is responsible to marshal the resources necessary to support the Board in setting policy but has not done so.

Somewhat paradoxically, although Covid is cited as a reason to delay critical issues, the Board has largely been excluded from any meaningful discussion about the Covid response. Many thousands of hours of staff time have been expended but the Board has had little to say about how or for what purpose. Covid updates over the last year have the appearance of being carefully orchestrated information dumps. Questions under the previous Board Chair were not welcome

and answers were frequently unavailable with no follow up provided. *Last year* the Board requested information on contact tracing and case investigation, with a breakdown of how many individuals in each category were County employees, volunteers, or assigned from the State, and how many were bilingual. To my knowledge this information has not been provided.

More recently, on January 5, the Board was told that there is a County vaccination plan and that the County is following the plan. In response to a request, the Board was told they would be provided with a copy of the plan. As far as I know this has not occurred. The fact is, the County did not work in collaboration with community partners to develop a comprehensive plan that would identify available community resources, identify target populations by tier, describe how and by who they would be notified, how and by who they would be vaccinated, etcetera. Lack of a plan has led to a great deal of confusion and frustration by the public. Thanks to the dedication of our Public Health employees and our community partners clinics have been well run but the lack of a plan continues to be a concern with many members of the public uncertain of what the process is. I did see on social media that a "plan" has been submitted to the State but I'll be surprised if it contains the information that the public has been requesting. As of this date has the Board been provided with *any* version of a vaccination plan?

The CEO continues to cite lack of funding as a reason *not* to move forward with virtually anything. Finding \$10,000 to clean up abandoned, burned and destroyed vehicles on Geysers Road became a virtually insurmountable task. Which ignores the reality that the County has approximately \$22 million dollars sitting in the County treasury since July 7, 2020. The Board has not been permitted to have any discussion of these funds and has falsely been told that it is unknown what amount, if any, may be used for General Fund purposes. The Board has further been told that at some point the EO will present a list of prioritized recommendations. The Board and the public are not well served by hiding this money away and pretending that it is unknown if it can even be used for disaster recovery and mitigation.

The Executive Office has not accurately, systematically, or timely recorded, tracked or implemented Board Directives despite a commitment to do so following a Grand Jury report from May, 2019 that pointed out shortcomings of the system. (See my memo to the Board October 6, 2019 attached to consent calendar items 4b-4h as McCowen correspondence.) This may explain why the Executive Office frequently does not follow through on Board Direction.

On September 11 the Board directed that representatives of the U. S. Forest Service be invited to a future Board meeting to discuss Forest Service response to fighting wildland fires. This is a critical issue because on two occasions in recent years the Forest Service practice of letting fires burn has placed CAL FIRE in a very difficult position once fires left federal land and entered the State Responsibility Area. Discussion of this issue could have informed the County legislative platform.

More recently, the Board directed that the Project Homekey location be a Board agenda item to give the public an opportunity to voice their concerns and the Board an opportunity to impose conditions to address those concerns. This agenda item was intended to be a substitute for not following the permitting process of the local jurisdiction which was a commitment made by the

Board via resolution. Failure to have an agenda item as directed by the Board was disrespectful to the public, the local jurisdiction and the Board.

This problem is not new. The Board has been requesting monthly (or at least bi-monthly) budget updates by key departments for *five years* or longer but they are still not forthcoming. Lack of this data hinders the Board's ability to make fully informed fiscal and policy decisions. Withholding relevant information is all too commonplace.

Key decisions are made unilaterally by the Executive Office. For instance, while the Board approved acquisition of the Whitmore Lane property for Covid related purposes, the EO unilaterally decided that its future use will be as a recovery facility for women. That may be an appropriate use but it ought to be presented as a recommendation to the Board. The same could be said for the decision not to recruit for a Director of HHSA but to restructure the agency, again without any recommendation to the Board.

Making unilateral decisions and ignoring Board direction came together most notably regarding the Closeout of the FY 2018/2019 County Budget and the removal of \$464,008. from the FY 2019/2020 Community Corrections Partnership (CCP) Budget. The CCP Budget is funded and approved separately from the County Budget as part of 2011 Realignment. The CEO and the Auditor Controller decided to remove \$464,008 from the 2019/2020 CCP Budget and transfer it into the FY 2018/2019 County Budget. The funds were used to pay unbudgeted expenditures by the Sheriff's Office. This resulted in a deficit of over \$500,000 in the 2019/2020 CCP Budget. A partial cleanup of this issue was on the Consent Calendar on April 7, 2020. I pulled the item for discussion because I did not consider the removal of \$464,008 from a Board approved budget to be non-controversial, particularly since it resulted in a substantial deficit in that budget. My question was: "By what authority were those funds transferred?" After some preliminary discussion the Board directed that the item come back as a regular agenda item. Instead, it came back on the June 23, 2020 Consent Calendar. I pulled it for discussion again but the question "By what authority?" remains unanswered. I believe the Board again directed that this item come back for the purpose of answering that question but the EO has no intention of doing so. The details are confusing but the issue is clear. How can funds be removed from a Board approved budget without Board approval? Especially for transfer from a current fiscal year budget into a different budget for a different fiscal year. I have at least two other examples where the Executive Office took action unilaterally in direct opposition to Board direction.

I realize that some of my comments are controversial but I also believe every statement can be substantiated by hard copy or video evidence. I urge the Board not to rush through the CEO evaluation but slow the process down, particularly for the benefit of Supervisors Mulheren and McGourty so they have the opportunity to more thoroughly review all the relevant information. The Board might also consider designating two Supervisors to conduct a more in depth review of relevant issues and report back to the Board.

Respectfully,  
John McCowen