

Response to Grand Jury Report

Report Title: **Who Runs Mendocino County?**

Report Date: April 3, 2019

Response submitted by: Carmel J. Angelo, Chief Executive Officer

Findings

I have reviewed the report and submit my response to the Findings portion of the report as follows:

I (we) agree with the findings numbered: **F8**

I (we) disagree wholly or partially with the findings numbered: **F2, F3, F4, F5**

Attach a statement specifying the findings or portions of the findings that are disputed, and include an explanation of the reasons therefor.

Recommendations

I have reviewed the Report and submit my response to the recommendations portion for the report as follows:

Recommendations numbered **R2, R3, R7, R8** have been implemented.

Attached, as required, is a statement describing the implemented actions.

Recommendations numbered **R11** have not yet been implemented, but will be implemented in the future.

Attached, as required is a time frame for implementation.

Recommendations numbered **R5** require further analysis.

Attached required, is an explanation, and the scope and parameters of the analyses or studies, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

Recommendations numbered **R9** will not be implemented because they are not warranted or are not reasonable.

Attached as required is an explanation.

I have completed the above response, and have attached, as required the following number of pages to this response form:

Number of pages: 5

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.mendocinocounty.org/government/grand-jury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail in pdf file format to:

- The Grand Jury Foreperson at: grandjury@mendocinocounty.org
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Carmel J. Angelo

Title: Chief Executive Officer, County of Mendocino

Signed: _____ Date: _____

FINDINGS

F2. There is no written succession plan for the CEO of Mendocino County.

Disagree partially. While there may not be a document titled "CEO succession plan" the Board of Supervisors has directed that succession planning take place at all levels of county government. The Mendocino County Leadership Initiative which seeks to identify current and future leaders and foster development of their leadership skills is at the core of Mendocino County succession planning. Additionally, the CEO has a succession plan that includes grooming 2-3 department heads and other key staff to assume leadership roles. These county leaders will be ready to apply for the position of CEO when the County Executive decides to leave Mendocino County employment.

Along with prepared internal candidates, the Board of Supervisors will always have the option to do a comprehensive recruitment in search of the right person for the job.

While the model of grooming an Assistant CEO to replace the existing CEO is very common in city and county government, it is not the only option and may not always be the best. It is presumptuous to think the CEO's choice for Assistant CEO is the succession plan when there may be other options that the Board of Supervisors wishes to pursue. Appointment of the CEO is a key responsibility of the Board of Supervisors and it will always be a Board decision to decide on the appointment of an internal candidate or to do a comprehensive recruitment.

F3. The BOS does not adequately track directives given to the CEO. The current list of directives has inadequate status and descriptors and there are no timelines or milestones for completion.

Disagree Partially. The CEO is responsible for the day-to-day operations of Mendocino County under the direction of the Board of Supervisors. On October 8, 2017, life changed in Mendocino County for many, if not all, of our residents. Within county government, all available resources shifted from day-to-day activities, to fire response and recovery. Today we are still recovering from the 2017 fires, 2018 fires, and preparing for the 2019 PG&E Public Safety Power Shutoff. Fire response, recovery, and preparedness directives have been top priorities resulting in other Board directives being reprioritized and estimated completion times extended. Since October 8, 2017, fire response and recovery has been the top priority for the health and safety of the community. Most other Board Directives are a lesser priority than fire response and recovery and those that require substantial staff time are addressed as resources are available.

Additionally, the directive process is at the direction of the Board of Supervisors and can be used to gather information, schedule agenda items, appoint ad hoc committees, direct the development of ordinances or otherwise direct staff to take those actions needed to implement the policy direction of the Board. The Board directive process starts with the Board directing staff during a noticed public meeting. The Clerk of the Board records the directive which is then added to the current Board Directives list. The Executive Office then follows up with the department(s) assigned to the directive. Additional information captured in the directives includes the date of the directive, updates from staff, department(s) assigned, priority level and status. Please refer to

the attached current list of Board Directives. When a directive is issued without a timeframe, the Executive Office verifies if the project/directive is feasible, if resources are available, and if legal barriers exist. Following the analysis of the directive, staff determines if the project can move forward. A priority level and timeframe is then developed by the appropriate department based on available resources and the information is reported out to the Board.

F4. The CEO Report does not include substantive department updates, e.g. new jail addition, Sheriff overtime, BOS directive status, departmental statistics and major road project status.

Disagree. The CEO Report does include substantive department updates. The CEO report is released on a monthly basis and includes updates from various departments, including the Cultural Services Agency, Animal Shelter, Human Resources, Health and Human Services Agency and others on an as needed basis. Reports include information on facility projects, the budget, cannabis, important community meetings, Measure B, roads, upcoming meetings, and vacant Board and Commission seats.

Additionally, the CEO report is only one means of communicating information to the Board and general public. The Board Agenda contains standing items from departments such as Transportation and Planning and Building Services that include monthly reports on department activities. Certain county offices operating under elected department heads will also periodically report on activities directly to the Board or in coordination with the CEO. Board agendas also include updates and/or action items on substantive issues such as the new jail addition, mental health or homelessness. The Board agendas also include a standing item titled *Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest*. Finally, reports and updates on substantive issues are included in the annual Budget Hearings and in quarterly budget reports to the Board of Supervisors.

F5. The Consent Agenda has often included controversial items, e.g. salary increases and cost over runs.

Partially Disagree. The criteria for inclusion on the consent calendar is that the item is considered to be routine and non-controversial. The great majority of items meet this criteria. Occasionally during the agenda process, a controversial item is missed and is added to the consent calendar. The controversial item is then pulled from the consent calendar during the Board meeting by a Supervisor for separate consideration. On occasion, a controversial item is pulled by the Department and re-submitted for a later date on the regular agenda.

F8. The GJ could not find a complaint or issue form on the Mendocino County website.

Agree. There is currently not an online complaint form on the County website. The County does have hard copy complaint forms available in the Executive Office. Members of the public also submit complaints and issues directly to the Executive Office, Board of Supervisors, and Departments by email and phone.

RECOMMENDATIONS

R2. Develop a succession plan for the CEO position.

This recommendation has been implemented. The CEO has a succession plan. Please refer to the CEO response to Finding 2.

R3. Determine whether an Assistant CEO position is necessary. If the position is not going to be filled, it should be unfunded.

This recommendation has been implemented. Rather than operating with three Deputy CEOs and an Assistant CEO, the CEO is operating with four Deputy CEOs. The Executive Office structure meets the needs of the county and is compatible with the CEO's succession plan. The Assistant CEO position was not budgeted in FY 2019-20.

R5. Directive status should include goal, proposed action, funding status and primary agency.

Recommendation requires further analysis and Board direction. The Board directive process and tracking is developed in coordination with the Board of Supervisors. Incorporating the proposed recommendations needs to be considered by the Board of Supervisors prior to implementation.

R7. Improve the CEO Report to include information on current major projects, tracking, expenditures and strategic goals.

This recommendation has been implemented. The CEO Report includes substantive information. Please refer to the CEO's response to Finding 4.

R8. The Consent Agenda should not include controversial items, e.g., salary adjustments or cost Overruns.

This recommendation has been implemented. The current procedure only allows known non-controversial items on the consent calendar and there are measures in place should a controversial item be overlooked in the agenda setting process. Please refer to the CEO's response to Finding 5.

R9. The BOS minutes should include the name of the speaker and the issue raised during public expression.

This recommendation will not be implemented because the recommendation is not legally required and the decision rests with the Board of Supervisors. The Brown Act does not require the Clerk of the Board to detail what is said during public expression/public comment. The Board transitioned from narrative minutes to action only format in 2009, which means the Clerk of the Board only records the actions of the Board. The minutes do include the names of speakers but transcribing public comment would deviate from the action only format adopted by the Board. Our neighboring counties of Humboldt, Lake and Sonoma follow the same format while some counties, such as Napa, only state that a certain number of people spoke to an item.

The Clerk of the Board does maintain both audio and video recordings of the meetings. Therefore, if a Supervisor or member of the public were interested in something said during public expression, they could easily access it.

R11. The BOS page of the County website should contain an embedded complaint/issue form that requires sender contact information sent directly to the individual supervisor.

This recommendation has not been implemented, but will be implemented in the future. Additions to the BOS webpages are under development. In conjunction with the updates, the CEO staff will be adding a complaint/issue form to the County website.