

Grand Jury Report

REQUIRED RESPONSE FORM

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

Report Dated : May 31, 2019

Response Form Submitted By:

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482 (use address block as inserted on first page)

Response MUST be submitted, per Penal Code §933.05, no later than: August 29, 2019

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- ☒ I (we) agree with the Findings numbered:
F1, F6, F8, F9
- ☒ I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
F2, F3, F5, F7

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- ☒ The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:
R2, R5, R6, R8
- ☒ The following Recommendation(s) have not yet been implemented, but will be implemented in the future; **attached, as required**, is a time frame for implementation:
R1, R4, R11, R12

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

☐ The following Recommendation(s) require further analysis, and **attached, as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

☒ The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable; **attached, as required**, is an explanation therefore:
R9, R10

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

Number of Pages attached: 7

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: Carre Brown

Title: Chair, Board of Supervisors

Signed:  Date: 8/22/19

MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND JURY REPORT TITLED:

WHO RUNS MENDOCINO COUNTY?

Discussion

The Board of Supervisors welcomes this opportunity to respond to the Grand Jury report titled *Who Runs Mendocino County?* which raises a key issue concerning the need for strategic long range planning on a county-wide basis. The Board of Supervisors agrees with the recommendation that the Board develop, prioritize and publicize strategic goals on an annual basis. In fact, in December 2018, the Board directed that a strategic planning workshop be scheduled for a future agenda.

The Board respectfully disagrees with the statement of the Grand Jury that the Board has not established and published "...strategic county-wide policies with effective long term goals that address county-wide issues of public safety, health, economic, environmental and other needs of our communities...." In fact, despite the absence of a document titled "Strategic Plan for Mendocino County" there are an abundance of planning documents that guide policy in Mendocino County.

In describing its methodology, the Grand Jury states that it conducted interviews and reviewed Mendocino County budgets from 2010 to the present but apparently made no effort to review any of the numerous planning documents that are readily available.

The County Budget is itself a significant planning document that is built on the policy direction and funding priorities of the Board. Although the budget details anticipated revenue and expenditures on an annual basis, it incorporates numerous long range policies intended to insure fiscal stability and sustainability while still delivering essential services, protecting quality of life and the environment and supporting economic growth and development. County policy is guided by numerous other planning documents, some of which are referenced in the response to F1.

The Grand Jury cites concerns "...addressing the issue of whether the CEO was exceeding her authority in determining and implementing policies that govern the County." The Grand Jury correctly notes "...the primary mission of the BOS is to establish policies by which the County is to be administered."

The Grand Jury also cites Section 2.28.010 (B) of Ordinance No. 4182, which states the CEO is expected to "...exercise overall responsibility for sound and effective management of county government pursuant to board policy and adopted budget..." However, the Grand Jury apparently overlooks the responsibility of the CEO to make policy recommendations to the Board.

As stated in Ordinance No. 4182 Section 2.28.050 (B) (1) Policy Formation:

The CEO shall develop and recommend policy and policy alternatives to the Board of Supervisors for consideration. It shall be the role of the CEO to advise the Board of

Supervisors in the development of policy matters through the analysis, development and presentation of policy alternatives, including the anticipated consequences of such alternatives and the cost-benefit analysis of such alternatives.

Thus, in addition to day to day management of the County, the CEO is expected to play an active role in policy development. Matters of policy frequently appear on Board agendas pursuant to Board policy direction that was previously given. Alternatively, the CEO may bring forward policy recommendations that she believes to be in line with established Board policy or that are necessary to provide effective management within the limits of available resources. In addition, individual Board members may bring forward policy proposals. In any case, it is the Board that ultimately determines the policy of the County and the CEO who implements the policy once it is approved. The Board encourages the Grand Jury to identify specific policy areas where this process was not followed.

Pursuant to the request of the Grand Jury, the Board is responding to the following:

- F1. There is no published long term county-wide strategic planning by the BOS, e.g., fire response, homelessness, cannabis, housing and economic development.

The Board of Supervisors agrees with this finding in that there is no single document titled "Strategic Plan for Mendocino County." However, there are an abundance of planning documents that guide policy in Mendocino County including numerous plans that address county-wide issues of public safety, health, economic, environmental and other needs of our communities. Foremost among these are the Mendocino County General Plan and the Mendocino County Budget. The Board looks forward to implementing previous Board direction to initiate a strategic planning process and appreciates the Grand Jury focus on this issue.

The General Plan is a comprehensive, countywide policy and planning document that includes numerous Principles, Goals, Policies and Action Items related to Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. The General Plan also includes Community-Specific Policies for Anderson Valley, Covelo, Fort Bragg Area, Hopland, Laytonville, Potter Valley, Redwood Valley and Willits Area. Also included within the General Plan are the Ukiah Valley Area Plan and the Coastal Element which governs land use and development in the Coastal Zone and includes the Mendocino Town Plan and Gualala Town Plan. The Brooktrails Township Specific Plan has been incorporated into the General Plan by reference. The General Plan is a comprehensive work plan for the County but implementation relies on prioritization and availability of funding. The County is currently in the process of updating the Housing Element and is seeking funding to update the Safety Element.

The County Budget is built on the policy direction and funding priorities of the Board of Supervisors. The Budget details anticipated revenue and expenditures, including a Capital Improvement Plan, and may be considered a comprehensive work plan for the County. The Budget includes the Mission Statement for each

department, a list of accomplishments and a list of goals for the coming year. The Budget also includes support for Economic Development and Financial Policies that are intended to assure long term fiscal stability and sustainability.

Mendocino County is an active participant in the Mendocino Council of Governments (MCOG) which functions as the local and regional transportation planning agency for Mendocino County and disburses state and federal funds for transportation consistent with an adopted Regional Transportation Plan. In addition, MCOG has developed numerous documents that guide transportation planning and development in local areas as well as county-wide. Mendocino County is also an active participant in the Local Agency Formation Commission (LAFCO) which is mandated by state law and is intended to encourage the orderly formation of local government agencies, promote the efficient provision of public services, preserve agricultural land and open-space resources and promote orderly growth and discourage urban sprawl. LAFCO is also mandated to perform Municipal Service Reviews and establish Spheres of Influence for cities and special districts to guide their formation, expansion, consolidation or reorganization.

Mendocino County has also developed an Emergency Operations Plan as the primary guide for coordinating and responding to all emergencies and disaster within the county, a Hazard Mitigation Plan, a Community Wildfire Protection Plan and the Redwood Complex Fire Recovery Project Work Plan.

In addition to the state mandated Mental Health Services Act Plan, the Board commissioned a Mental Health Services Review from Kemper Consulting Group to assess the effectiveness of mental health service delivery and a Mendocino County Behavioral Health System Program Gap Analysis & Recommendations for Allocation of Measure B Revenues to guide the implementation of the locally adopted Mental Health Treatment Act. The Board also commissioned a Homeless Needs Assessment and Action Steps for Mendocino County including Recommendation of Strategic Action Steps.

In terms of general public health and wellness, Mendocino County also participated in development of a Community Health Needs Assessment to identify priorities and set goals and strategies for a healthier Mendocino County, and a Food Action Plan to develop a comprehensive, integrated series of goals and actions addressing the complex issues involved in creating, protecting and enhancing our local food systems.

In terms of cannabis, over the past decade, the adopted ordinances for Mendocino County are founded on the policy principles of environmental protection, community and public safety and equitable regulation of legal cannabis activity. The current Mendocino County ordinances limit the size and location of cannabis cultivation activity, support small legacy cultivators, exclude commercial cannabis from residential zoning districts, support development of non-cultivation cannabis businesses and require enhanced environmental protection.

This is not a complete listing of the plans that guide County policy. Any plan can be updated and improved.

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

The Board of Supervisors disagrees partially with this finding and incorporates by reference the response of the CEO to F2. As stated in the CEO response, "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.

The Board of Supervisors disagrees partially with this finding and incorporates by reference the response of the CEO to F3. Given the number of directives made by the Board, it is understandable that staff are required to prioritize their responses in order to maintain their normal workflow while attempting to address the Board directives. The Board of Supervisors believes that the directives are adequately described but agrees that additional information should be supplied regarding updates, status and timelines.

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

The Board of Supervisors disagrees partially with this finding and incorporates the response of the CEO. While controversial items have sometimes been included on the consent calendar, the Board has taken steps to avoid a reoccurrence, including that salary increases shall appear on the regular calendar. The Board also directed that all retroactive contracts be included on the regular calendar unless the delay in approval was the result of another governmental agency.

- F6. In the BOS minutes, the name of the public speaker is listed but not a description of the issue raised.

The Board of Supervisors agrees with this finding.

- F7. There are no scheduled proactive meetings with residents of individual districts to speak with their Supervisor.

The Board of Supervisors disagrees partially with this finding. Members of the Board of Supervisors, either as individuals, or as members of *ad hoc* committees do hold meetings to meet with constituents. In addition, members of the Board attend numerous community meetings and events in their districts and around the County where they are available to discuss issues. Constituents may also schedule individual or small group meetings with their Supervisor.

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

The Board of Supervisors agrees with this finding and incorporates by reference the response of the CEO to F8.

- F9. There is no procedural requirement for any Supervisor to respond to a constituent complaint or issue.

The Board of Supervisors agrees with this finding, however, each Supervisor is responsible to determine how, when and in what manner to respond to constituents' complaints and comments. In many cases, a direct response is made to the constituent. In other cases, the issue is referred to the relevant department for a response. In certain situations, such as personnel matters and labor negotiations, there are legal and practical considerations that will limit the response of Board members.

Response to Recommendations:

- R1. Strategic goals should be formulated by the BOS each year, prioritized and posted on the BOS page of the County website.

The Board of Supervisors agrees with this recommendation which will be implemented as resources allow. The Board directed on 12/11/18 that staff prepare "a strategic planning item" but this has not yet occurred due to the press of urgent business before the Board. In the meantime, the Board continues to identify and prioritize individual items. As stated in the Board response to F1, there is a great deal of information related to the strategic goals of the County but the Board agrees there is a value to consolidating these into one location of the BOS page of the County website. The Board supports holding a strategic planning workshop on an annual basis in order to implement this recommendation.

- R2. Develop a succession plan for the CEO position.

This recommendation has been implemented as described in the BOS and CEO responses to F2. While an Assistant CEO, if that position were filled, would be expected to be capable of assuming the duties of CEO if necessary, it is indeed presumptuous to assume that an Assistant CEO would automatically be installed as a permanent CEO. The current Board will always have the authority to decide on the appointment of a future CEO.

- R4. The BOS needs to include expectations for completion at the time directives are given to the CEO.

The BOS agrees with this recommendation which will be implemented upon the issuance of new directives and formation of new ad hoc committees.

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

The Board disagrees partially with this recommendation which has been implemented. The Board believes the proposed action is clearly stated in the description of the directives; the goal is usually inherent in the description; the directives require staff resources in the form of time commitment instead of funding allocations; and the primary agency or individual is usually listed or inherent in the nature of the directive. Accordingly, separate columns will not be added for goals or funding status, but the responsible department and individual will be included for each directive. Additionally, the status of directives will be updated to better describe actions to date as well as those that have been completed.

- R6. The BOS meeting agenda should include directives and status updates.

This recommendation has been implemented. Many directives include direction to schedule agenda items, develop ordinances or amendments or appoint an ad hoc committee. All of these items must come back to the Board as agenda items. In other cases, directives simply ask that certain tasks be accomplished or information provided. In these instances, the list of directives will be updated and the results reported in the CEO report.

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

This recommendation has been implemented as described in the BOS response to F5. In addition, members of the public may request that the items be pulled from the consent calendar.

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

This recommendation will not be implemented as it is not warranted. As stated in the CEO response to this recommendation, in 2009, the Board directed an action only format for the minutes. This was implemented in part as a cost saving measure due to the length of time it takes to prepare narrative minutes. Likewise, it can be difficult to accurately and concisely capture the essence of individual statements. As a courtesy, the names of speakers for Public Expression and Public Comment are recorded.

- R10. Publicized, regularly scheduled district town hall meeting should be held by each Supervisor.

This recommendation will not be implemented as it is not warranted. As stated in the BOS response to F7, the public has numerous opportunities to interact with their Supervisor as well as other members of the Board. Any Supervisor may choose to hold formal or informal meetings at their discretion, and in fact do.

- 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.

The Board of Supervisors agrees with this recommendation which will be implemented as soon as the appropriate form is developed and the website updated. Please refer to the CEO response to R11. The Board notes that any constituent may already contact any Supervisor through the website, but agrees there is a value to a formal complaint or issue form.

- R12. The BOS should draft and publish a policy for responding to constituent complaints and issues. The policy should include an expectation of timely response by the Supervisor.

The BOS agrees with this recommendation which will be implemented along with R11. However, the policy will simply be that a constituent may fill out and transmit the form to the Supervisor or Supervisors of their choice. The expectation that a Supervisor will respond is inherent in the process, but it will always be up to the individual Supervisor to decide how, when and in what manner to respond.