

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



2. The Grand Jury recommends that the BOS step back from the management of individual departments as well as the hiring, retention and evaluation of department heads, in order that the CEO may do his job without undue interference.

COMMENTS

“Policy and personnel management don’t mix,” as one interviewee observed. The creation of the CEO position is clearly intended to provide for better management and, in the process, allow the BOS to focus on policy without the added friction brought on by difficult personnel issues. Agency directors may be relieved, in fact, by having to report to one person rather than a Board, but the change should also mean that a coherent and consistent management process will be in place.

Whether or not the BOS will give the CEO the power to manage effectively remains to be seen. If the Board meddles and micro-manages, then the change will have brought no improvement. Put another way, we will be no worse off than we were before, but no-one thinks that’s a good option.

The BOS has, in fact, a lot invested in the success of the CEO; at this point, the CEO has therefore considerable power to establish a good working environment. In addition to his relationship with the BOS, the CEO needs to make himself available to the public who deserve to know more about the person who takes this new position.

There are some who fear that the CEO position will act to insulate further the County government from the public and thereby make County officials less responsive to public needs and wishes. The Grand Jury understands that concern.

The important questions about lines of authority have to be worked out carefully. That such questions are still pending is inevitable, as this venture into a new kind of administration is a work in progress, with details to follow. It has been undertaken by County officials who are seeking to make changes in an organization that badly needs change.

Supervisors, as well as outside observers, are unanimous in their agreement that politics and conflict have diminished the effectiveness of the BOS in the past. We can only hope that those days are over and that this group has realized that the budget crisis, along with all the other crises, demands cooperation and effective action. The decision to create the CEO position supports that hope.

RESPONSE REQUIRED

Mendocino County Board of Supervisors

RESPONSE REQUESTED

Mendocino County Chief Executive Officer
Mendocino County Counsel

Form 700, Conflicts of Interest & Fair Political Practices

(July 1, 2005)

Summary

The objective of this Grand Jury investigation was to review the Form 700 conflict of interest filing requirements for Mendocino County Grand Jury members.

Background

Grand Jurors have questioned whether the Form 700 filing requirement is an appropriate and necessary disclosure of potential conflict of interest. Initially, several Grand Jurors refused to sign Form 700; all eventually signed except two Jurors who were subsequently discharged from the 2004/05 Grand Jury by the Presiding Judge, upon advice from County Counsel, on April 26, 2005.

Methodology

The Grand Jury made visits to various county offices and had meetings and correspondence with the county Board of Supervisors, members of the Mendocino County Court Staff, the District Attorney's office, the County Counsel staff, the Clerk-Recorder's Office, the County collections office, the Presiding Judge, the California Grand Juror's Association, the Fair Political Practices Commission (FPPC), and private citizens.

Findings

1. Form 700 is a public document which discloses economic interest, and is required by Mendocino County Ordinance to be completed, signed and filed at the Clerk-Recorder's office.
2. The Form 700 filing is required within 30 days of both assuming and leaving office. An annual statement update is also required by April 1st each year. Form 700 information can be found on the FPPC website at www.fppc.ca.gov.
3. Government Code §87100 covers conflict of interests matters for public officials. It outlines procedures which must be followed by an official on a matter of conflict before any discussion or vote is taken on the matter.
4. Pursuant to Section 4 of the County Standard Code, "designated employees shall file statements of economic interests with the Mendocino County Clerk/Elections Department where they will be retained".
5. Grand Juries are considered local government agencies, and as such are required to file Form 700.
6. Form 700 filing is monitored by the California FPPC using the most recent legislation which became effective January 1, 2003.
7. The Mendocino County Grand Jury Procedures manual requires that every Grand Juror file Form 700 in accordance with the Grand Jury Conflict of Interest Code and County ordinance. The Mendocino County Grand Jury adopted their Conflict of Interest Code in compliance with the Political Reform