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TEHAMA COUNTY GRAND JURY REPORT
THE ROLE AND AUTHORITY OF TEHAMA COUNTY SUPERVISORS
Regarding a Complaint Against a County Supervisor, October, 2021

SUMMARY

The 2021 Tehama County Grand Jury received a complaint against a member of the Tehama County Board of Supervisors. The Grand Jury formed an Ad Hoc committee to conduct an investigation into the complaint. The Grand Jury sought legal advice from the District Attorney and the Tehama County Grand Jury Counsel during this investigation. It was determined that, based on the information acquired by this committee, there is enough evidence to confirm that the complainants' concerns were warranted.

BACKGROUND

In 2020 the current Tehama County Personnel Director received complaints from County employees regarding violations of the County Personnel Rules by Tehama County District 2 Supervisor in their treatment of County employees. Tehama County Personnel Rule 8103 requires the Personnel Director to investigate such allegations and to do so with the assistance of the County Counsel's office if needed. The Personnel Director consulted the County Counsel and it was decided to refer the matter to an outside Law Group for investigation. The Law Group referred to is an independent law firm retained by the County Counsel's Office for the purpose of conducting confidential attorney client privileged investigations of personnel matters. After an extensive investigation an executive summary of the investigation found that the District 2 Supervisor violated Tehama County Personnel Rules. The Board of Supervisors elected to refer this matter to the Grand Jury for review and action, if deemed necessary.

According to Penal Code Section 925 the Grand Jury is authorized to conduct an investigation into the operations of the County and its Officers. Penal Code Section 933 provides that the Grand Jury may report its findings and recommendations in its final report, or if the Grand Jury finds willful misconduct, they may seek to remove an elected official from office, per Government Code Section 3060.

According to the Government Code and the Board policies, the power of a county is exercised by the Board of Supervisors only through actions taken at lawfully convened public meetings. An individual member of the Board of Supervisors does not have the authority to direct the officers and employees of the County in their work.

According to Tehama County Personnel Rules, Section 1301, Code of Conduct, Workplace bullying will not be tolerated. Actions such as offensive language, humiliating, gossiping, threatening, or disparaging treatment; coercive, belittling, sabotaging, isolating, and

discourteousness are considered abusive behaviors and may all be considered workplace bullying.

The County Personnel Code of Conduct also gives as one of their guidelines, “Accountability – Be accountable for your own behavior, whether it is personal or professional. Conduct yourself in the highest ethical manner in relationships with peers, seniors, and subordinates.”

The Tehama County Personnel Rules, Code of Conduct also states, *Be familiar with department rules, statutory laws and regulations, and Tehama County policies.*

METHODOLOGY

The Grand Jury reviewed documents provided by County Counsel.

The Grand Jury reviewed the investigation executive summary with findings provided by the Investigating Law Group.

The Grand Jury reviewed documents provided to them by Tehama County District 2 Supervisor.

The Skelly officer was interviewed.

The Executive Director of Social Services and Ex-Officio Director of the Public Authority was interviewed.

Recordings of Board of Supervisors meetings were reviewed, including the meeting of 09/01/2020.

FINDINGS

F1. There is no evidence of criminal willful misconduct by Tehama County District 2 Supervisor.

F2. Tehama County Supervisor for District 2, on multiple occasions, interfered in the Administration of County Departments, acting beyond their authority as an individual member of the Board of Supervisors and Violated Board Policies, by directing County employees.

F3. Tehama County Supervisor, District 2 did engage in bullying behavior which included disparaging treatments, coercive conduct, discourteousness, and publicly reprimanding Tehama County employees, which violates the Tehama County Code of Conduct.

RECOMMENDATIONS

R1. The Tehama County Board of Supervisors will place on their agenda within 60 days of publication of this report, a motion to publicly censure the Supervisor of District 2 for actions taken in violation of Boards Policy and the County Code of Conduct.

R2. The Tehama County Board of Supervisors will offer the Supervisor of District 2 an opportunity to publicly apologize for their actions within 60 days of the publishing of this report.

R3. All members of the Tehama County Board of Supervisors will review the Tehama County Code of Conduct and the Tehama County Policies within 90 days of the publication of this report, signing a statement verifying as done.

REQUIRED RESPONSES

Pursuant to Penal Code section 933 and 933.05, the Grand Jury requests responses to R1 – R3 within 90 days.