

2024 - 2025 TUOLUMNE COUNTY CIVIL GRAND JURY

Board of Supervisors Actions and Obligations

May 23, 2025



SUMMARY

The 2024-2025 Tuolumne County Civil Grand Jury (the Grand Jury) investigated whether the Tuolumne County Board of Supervisors (the Board) adhered to the law and their own policies in the following areas:

- **Actively informing the public** of their actions.
- **Complying with the Brown Act.**
- **Providing appropriate oversight** of the Tuolumne County Chief Administrative Officer (CAO) and non-elected Department Heads.

The Grand Jury found that the 2021-2024 Board failed to:

- **Provide sufficiently transparent, honest, and effective communication** to staff and the community regarding Board decisions, goals, and financial liabilities. This lack of transparency led to unnecessary confusion and shock when numerous non-public safety employees were terminated in 2025, eroding public trust in the Board of Supervisors.
- **Comply with the provisions and intent of the Brown Act**, further contributing to mistrust of the Board by both the public and county staff.
- **Exercise adequate direction and oversight** over the CAO and non-elected Department Heads to ensure proper personnel policies and procedures were followed. This failure fostered a widespread perception among county employees and the public that favoritism influenced hiring and promotions, and that policies and procedures were implemented inequitably.

The Grand Jury recommends that the Board of Supervisors:

- **Develop and implement a robust public information program** to keep the community informed of the Board's priorities and objectives, particularly concerning public safety and fiscal accountability.
- **Strictly adhere to the Brown Act**, treating its provisions with the highest level of diligence, and follow County Counsel's guidance regarding compliance.
- **Conduct formal annual evaluations** of all non-elected Department Heads and the Chief Administrative Officer (CAO), ensuring strict compliance with county personnel policies and procedures.

BACKGROUND

The 2023-2024 Tuolumne County Civil Grand Jury (2023-2024 Grand Jury) transferred substantial documentation they had collected from external sources to the 2024-2025 Tuolumne County Civil Grand Jury (the Grand Jury).

The information conveyed centered primarily on three key concerns:

- Allegations of improper hiring practices and inequitable treatment of county employees by the Chief Administrative Officer (CAO).
- The accumulation of significant financial obligations by the CAO and Board of Supervisors.
- Failure of both the CAO and Board of Supervisors to adhere to established policies and procedures.

These complaints originated from diverse sources, including members of the public, rank-and-file county employees, and high-level staff – including both current and former department heads.

As the Grand Jury examined these numerous allegations, the consistent patterns and evidence increasingly supported their credibility. This led the Grand Jury to initiate formal investigations into these matters. To date, the Grand Jury has published two reports addressing portions of these issues: one focusing predominantly on personnel matters, and the other principally on budget and financial concerns.

This report concentrates specifically on the processes by which the CAO and Board of Supervisors establish and implement policies and procedures regarding major county issues.

METHODOLOGY

To develop the findings in this report, the Grand Jury employed a comprehensive approach combining documentary research, interviews, and direct observation across these areas:

Guiding Documents Used by the County to Govern

The Grand Jury examined the County's established governance framework by reviewing the following authoritative documents (primarily sourced through public channels, including the County website):

- Foundational Legal Documents
 - U.S. Constitution
 - California Constitution
 - California Government Code
 - California Budget Act
 - Brown Act
- County-Specific Governance Materials
 - Tuolumne County Ordinance Code
 - Board of Supervisors Governance Manual
 - Personnel Policies and Procedures (1997)
 - Board Priorities and Objectives
 - Labor contracts
 - Organizational vision/mission statements (including Values, Code of Ethics, Code of Conduct)
 - High Performing Organization (HPO) program documentation

Actual County Operations

To assess real-world implementation, the Grand Jury:

- Conducted **100+ hours of interviews** with more than 50 current or former employees.
- Secured testimony spanning all organizational levels:
 - Entry-level staff.
 - Current/former department heads (representing most departments from recent years).
 - Current/former Board of Supervisors members.
 - Elected officials.
- Implemented strict confidentiality protocols to:
 - Ensure source protection.
 - Maintain future investigatory integrity.
 - Prevent identification of any interviewee.
- Conducted extensive observation of Board meetings (both in-person and virtual).
- Reviewed archived Board documents and video records.
- Analyzed available public information.

Subpoenas

When voluntary document production was refused, the Grand Jury:

- Issued subpoenas to compel disclosure of relevant materials.

Analysis Process

Grand Jury members dedicated substantial time to:

- Corroborating testimony.
- Verifying documentary evidence.
- Contextualizing findings.

This rigorous process ensured that all conclusions and recommendations are fact-based and designed to improve County operations.

DISCUSSION

The Board of Supervisors and CAO routinely conducted government business in ways that substantially deviated from established governing documents. The most significant discrepancies occurred in three key areas:

1. **Communication to the Public:** The Board of Supervisors has consistently neglected its obligation to clearly communicate decisions and goals established by the Board.
2. **Brown Act Compliance:** The Board of Supervisors frequently operates in a manner that contravenes both the letter and spirit of the Brown Act's transparency requirements.
3. **Oversight of Personnel:** The Board has failed to properly hold the CAO and non-elected Department Heads accountable for implementing Board directives regarding personnel matters.

Communication to the Public

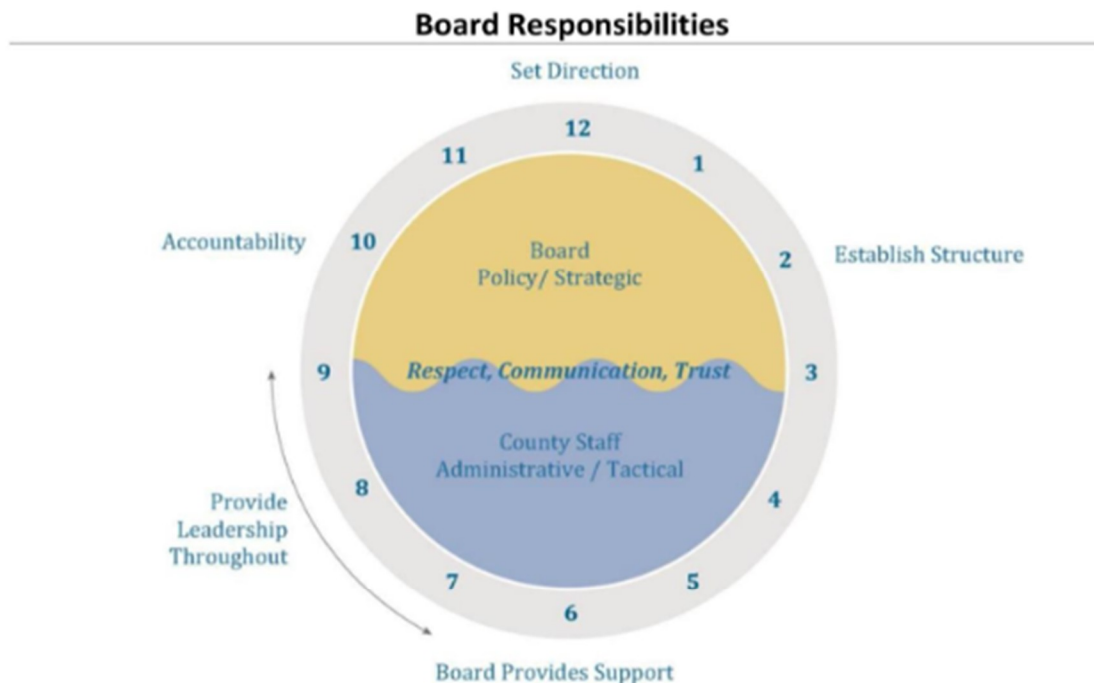
Some of the complaints received by the Grand Jury and many of the questions that the Grand Jury asked at the beginning of this investigation involved the roles and responsibilities of the CAO and the Board of Supervisors. This led the Grand Jury to collect and read numerous documents concerning the governance of Tuolumne County. The Grand Jury quickly saw the importance of the “Tuolumne County Board of Supervisors Governance Manual.”

As the Grand Jury interviewed former and current Board of Supervisors members, and CAOs, we asked them which documents they used to guide them in their governance of Tuolumne County. Understandably, under such circumstances, none of the interviewees could name more than a couple documents. We assumed that being unexpectedly asked such a question resulted in their forgetting such obvious documents as the US Constitution, although we were sure that they were familiar with and often relied upon such documents.

Intriguingly, even under these circumstances, most of them mentioned the “Tuolumne County Board of Supervisors Governance Manual” (Governance Manual) even if they didn’t remember its exact title.

We were especially interested in the interviewees’ thoughts on the main responsibilities of the Board, described in the Governance Manual as “The Board sets direction, establishes a structure to implement that direction (hires a County Administrator, adopts a budget, adopts a strategic plan etc.), sets priorities, supports the staff by providing required resources as they implement the plan, holds the system accountable for implementation and educates the public on the goals established by the Board.”

Before continuing with more detailed questions, we provided each interviewee with this diagram from the Governance Manual.



The above graphic depicts the five main responsibilities of the Board of Supervisors as a series of important functions that build upon one another. Although the responsibilities in practice are not always performed in a sequential manner, the depiction above reflects conceptually how they relate. The Board sets the direction, establishes a structure to implement that direction (hires a County Administrator, adopts a budget, adopts a strategic plan etc.), sets priorities, supports the staff by providing required resources as they implement that plan, holds the system accountable for implementation and educates the public on the goals established by the Board. Notice that the Board's policy oriented strategic role is in yellow, separate from the staff's administrative/tactical role in blue. The line separating these critical functions is wavy on purpose. It reflects the reality that in the real world of governance and administration, the line between policy and administration is often blurred depending upon the issue and subject to a shared understanding and agreement between the County Administrator and the Board.

As we considered the CAOs' and Board members' responses to our inquiries concerning how they carried out their duties, roles, and responsibilities as described in the Governance Manual, we reflected upon, and in some cases reviewed the interviews of a score or more of Department Heads and other subordinate employees.

Citizen complaints and discrepancies between the responses to our inquiries from the subordinate employees and those of the Board members and CAOs evolved into the **“Oversight”** portion of our investigation.

Citizen complaints and revelations from both groups led to the **“Brown Act”** portion of our investigation.

Most of our inquiries regarding setting direction, establishing structure, setting priorities, providing resources, and ensuring accountability for implementation were met with responses that, while somewhat unclear, were deemed acceptable by the Grand Jury in light of the Governance Manual.

However, the answers to the question "How does the Board educate the public on the goals established by the Board?" proved to be quite unsatisfactory and concerning, leading to this investigation.

Setting Direction (12 o'clock to 3 o'clock in the diagram)

When we asked questions concerning setting direction, the responses were nearly uniform, all stating that the Board would articulate their direction to the CAO and other staff during public workshops and other public meetings, usually in January of each year. However, there were several interesting remarks concerning the difficulty in accomplishing the seemingly simple task of setting direction. Many comments related to an individual board member not being able to set direction, rather a majority (three) of the Board would have to agree and set direction. A Board member compared this to “herding cats”. Another mentioned that the 2021-2024 Board was “dysfunctional,” having great difficulty coming to the consensus necessary to even set direction.

One individual relayed that there was an ongoing struggle between the Board and the “bureaucracy” concerning the direction that the County would take, seemingly because “the bureaucracy is enduring” while Board members were transitory. This individual indicated that for a Board’s direction to be carried out, it would take a “firm, firm, strong board, strong personalities to make sure that we stay the course.”

On the same theme of Board vs staff setting direction, another Board member remarked that if you looked at a set of “two-year board priorities” and asked how many of those came from the board, you would find that “only about 15% of them did. 85% were from staff.”

Tracking Progress (3 o'clock to 9 o'clock in the diagram)

When we asked questions about tracking the progress of the staff's efforts in carrying out the direction of the board, the answers became more vague and more variable. One Board member talked about the need for Project Management Software that could be viewed by both the Board and the public, stating "that's been something we should have, and we don't." Another Board member said they had implemented Project Management Software to track progress but that they had "paused" using it while they worked on current budget issues.

Other Board members said that the staff would report back to them periodically during public meetings or individually in private meetings, while one said that there was great disagreement between Board members concerning how often staff should report back and that this led to the Board not doing an effective job of tracking progress.

Accountability & Public Reporting (9 o'clock to 12 o'clock in the diagram)

When we asked how the Board held the CAO and staff accountable and how they reported performance to the public, the answers varied - but none displayed a high level of regard for the direction of the Governance Manual.

The Grand Jury attempted to gain access to employee performance reviews of the CAO and non-elected Department Heads; however, the County objected. The Grand Jury sought subpoenas for this information, but the County issued a formal objection with the court which has yet to be resolved. This lack of access to pertinent documents has significantly impeded the Grand Jury's ability to assess whether the Board effectively holds the CAO and Department Heads accountable for implementing its directives.

When asked about evaluating the CAO and Department Heads, one Board member mentioned that the 2021-2024 Board "never really exercised their oversight over" the CAO. Another Board member described the Board as "asleep at the wheel" regarding oversight of the CAO. This lack of Board oversight of the CAO and Department Heads is addressed in the "**Oversight**" portion of our investigation.

When asked how the Board educates the public about its established goals, most responses were, at best, disappointing. The general sentiment - echoed by both current and former Board of Supervisor members - could be best paraphrased as "Well... (pause) we do hold our meetings in public."

One Board member stated that the Board lets the "public know if there were town halls. Yes, but we didn't necessarily have town halls all that often, either. Okay, but now I do need to

say most of our regular Board meetings are televised. So, if the public can't make it to the meetings, they can always watch it on Access Tuolumne. They can watch any Board meeting." When asked if the member had any ideas on how the Board could do a better job getting information to the public, the member replied "I'm having a hard time picturing how you push something on somebody that's not wanted. If they want it, if they want the information, they're going to find it because we have it in enough places."

Another Board member continued this theme by stating "...the entire budget is available online. People can search for it and they can see where every cent of their tax dollars is going. So, it's pretty open and transparent if someone's interested to know". "Well, our meetings are televised. They're live, and they're recorded. Anybody can watch any public meeting at any time".

The Grand Jury noted a widespread lack of ideas for meaningful public communication. It seemed that most Board members did not prioritize addressing this issue.

The Grand Jury also specifically examined how the Board communicated with the public regarding the recent influx of short-term funds for fire safety issues. Over the last few years, the County received approximately \$9 million in grant money, which was used to enhance fire safety by purchasing equipment, constructing facilities, and hiring personnel. It was commonly understood that after three years of funding, these funds would no longer be available. Consequently, the County would need to either reduce their fire safety spending, cut other, non-safety spending, or identify an alternative source of funds.

When questioned on how the Board communicated this situation to the public, one member responded with "Our meetings are public." When asked if there was a plan for when the funds were depleted, the response from another member was "Yes, Measure Z." No Board member could confirm that the Board had a plan and communicated that plan to the public regarding how they would proceed if Measure Z did not pass. In fact, one Board member said that one reason Measure Z failed was "the only time people saw their supervisors out in the field was at town halls, and the only time they did that was, when we need more money."

One Board member did have some ideas about how the Board could improve their communication with the public. "... there's some opportunity... in what I'll call a pull system of engaging with the public." The member went on to say that currently, if a citizen wanted to find information, they would have to actively search and work to find it. But that "the County could do a much better job pushing the information out to the public; the County could do a much better proactive job."

Some Board members did acknowledge a shortcoming in the Board's efforts to communicate with the public. One stated, "... it would be great to have a PIO (Public Information Officer) ... the point of a PIO is that they kind of collectively speak for the County. I speak for myself, my opinion, my view on how things went."

This lack of “a single voice” for the Board was brought up frequently. The inability for the 2021-2024 Board to collectively agree on anything and approve a public statement was at the core of the explanations of why the Board did not communicate effectively to the public.

There were several instances when a Board member complained about other Board members’ use of social media saying that the other member was spreading false information, or that the other member gave the impression that they were speaking for the Board but were in fact only speaking for themselves. There was even an assertion by one Board member that a press release concerning an important issue made by the then Board chairperson was merely a personal message, not a Board statement.

The Board’s inability to establish a clear, unified voice - determining who speaks on its behalf - has become a significant barrier to effective public communication. This issue must be resolved. Whether through updated parliamentary procedures, revised Board policies, or other corrective measures, the Board must take action to address this problem.

Brown Act Compliance

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” California Government Code § 54950.

The Brown Act, also known as the “Open Meeting Law”, was passed in 1953 to prevent public officials from holding secret meetings without public notice. However, it allows closed-door sessions under specific exceptions.

The Grand Jury reviewed numerous complaints indicating that the Board and CAOs may have been circumventing transparency laws. While many concerns focused on the *appearance* of violations rather than clear legal breaches, the Grand Jury investigated further by conducting over 100 interviews and analyzing policies to determine whether the Board’s actions conflicted with both the letter *and* spirit of the Brown Act.

When asked to paraphrase the Brown Act and its purpose, most current and former Board members demonstrated a basic understanding of the law. However, when discussing its implementation, many interviewees cited potential violations - particularly involving serial meetings (private, “chain” discussions involving a majority of the Board) and improper communications between the CAOs and Board members.

Interviews revealed that while most Board members grasped the Brown Act's intent, some acknowledged technical violations, suspected intentional misconduct, or admitted that the Board's actions could have *appeared* noncompliant to the public - even if they weren't. Specific issues included:

- **Serial meetings** (private, "chain" discussions by a majority of the Board)
- **Decisions made outside public view**
- **Failure to properly agendaize critical discussions**

The Grand Jury found that the Board has conducted business in ways that violate the spirit, and perhaps the letter of California's Brown Act, which ensures government transparency. These practices have undermined public trust and damaged morale among county staff and the public. Below are a few recent examples.

Hate Crime Resolution

A notable example was the recent debate over the "Hate Crime Resolution." This resolution was introduced after a violent assault where the victim was a member of the LGBTQ+ community in Tuolumne County. The original proposal explicitly condemned hate crimes in the county, but the final version - passed by the Board - only affirmed protections under the 14th Amendment of the U.S. Constitution.

During the Grand Jury's interviews, multiple individuals raised concerns that the resolution had been discussed outside of public Board meetings. They noted that three Board members appeared to have prearranged support for an alternate resolution, introduced by one member during the meeting. The original resolution was effectively gutted and replaced with this new version, which was not made available to the public before the vote. Because the alternative resolution was only presented *after* the public comment period had ended, community members had no opportunity to review or respond to it before the Board voted.

Despite the lack of public input, the amended resolution passed 3-0. By introducing substantial changes after public comment had closed, the Board's actions appeared to violate the Brown Act - or at the very least, created the strong perception of a violation.

Vice-Chair Appointment

Each year, the Board appoints a new Chair and Vice-Chair, with the position rotating by district. According to the Board's Governance Manual, "the Chair (or Vice-Chair in the Chair's absence) ensures the efficient, balanced, and transparent operation of the Board, maintains accountability, and safeguards the well-being of the Board and the County." However, during a recent Vice-Chair appointment, the member next in rotation was passed over in favor of another - without public discussion. This decision prompted numerous

complaints to the Grand Jury, with many alleging that private discussions took place beforehand, potentially violating the Brown Act.

When questioned, two Board members asserted that closed-session discussions occurred, in which the skipped member was found “unfit” for the role. However, they refused to provide details, citing confidentiality. In contrast, three other members denied any such closed-session discussions occurred. Two additional Board members claimed they “just knew” their colleagues would support bypassing the rotation and decided to “take a chance” without public debate. Another source reported that one Board member privately lobbied three others just before the vote.

Regardless of the conflicting accounts, the perception of backroom dealings undermines public trust, reinforcing concerns that the Board operates with little regard for transparency.

Discussion of Measure Z’s Failure

In November 2024, Tuolumne County proposed Measure Z, a sales tax increase from 7.25% to 8.25% in unincorporated areas, intended to fund county services over 20 years. The measure failed to pass.

Following the defeat, the Board held a public meeting on November 7, 2024, then moved into closed session under the Brown Act exemption for “Labor Negotiations.” However, during this closed session, budget-related matters were discussed - a topic not legally permitted under the cited exemption. The next day, November 8, 2024, the CAO’s office sent communications to department heads and convened a meeting where specific budget directives from the Board were relayed. In this meeting, senior administrative staff indicated that during the November 7th closed session, agendized as “Labor Negotiations”, they had received direction from the board to implement specific budget actions.

When questioned about whether this constituted a Brown Act violation, Board members either claimed no memory of the closed session or refused to answer, citing closed-session confidentiality. However, it was revealed to the Grand Jury that budget matters had been discussed in the November 7th closed-session meeting.

Several other interviewees confirmed that they were told by attendees of the closed session that budget items had been discussed. The Grand Jury was told that during the November 8th Department Head meeting, senior administrative staff indicated that the Board had provided budget direction in the previous night's closed session, which was agendized as "Labor Negotiations." Additionally, the Grand Jury subpoenaed the records related to this meeting but, as of this writing, they have not been released, thus hindering our investigation.

January 14, 2025 - Board Meeting

At the Board of Supervisors meeting on January 14, 2025, an agenda item scheduled for 10:00 AM included a public discussion about the budget. The Board heard public input, deliberated, and gave staff direction on the matter - all in open session. However, after moving to a closed session (citing "Employee Evaluation" and "Labor Negotiations" as exemptions under the Brown Act), the Board discussed budget-related matters behind closed doors - a topic that should have remained public.

Upon returning to open session, the Board reopened the budget discussion, even though no members of the public were still present. Staff then acknowledged receiving budget-related information during the closed session - a clear indication that improper discussions had taken place.

At the next Board meeting on February 4, 2025, a Board member openly criticized the Board for this action, calling out blatant disregard for the Brown Act. This incident highlights a troubling pattern of behavior that undermines public trust in local government.

Repeated instances like this suggest one of two things: The Board does not fully understand its obligations under the Brown Act, or It intentionally interprets the law in a way that serves its own interests. Even if violations are unintentional, the appearance of impropriety erodes public confidence. As the saying goes, "If it only looks like a violation, it's still a problem."

Whether due to willful disregard or misinterpretation of the law, the Board's actions have repeatedly created distrust among residents and county employees. To rebuild faith in local government, the Board must prioritize transparency and strict adherence to open meeting laws.

Oversight of Personnel

The Grand Jury found that the Board failed to provide adequate oversight of the CAO and Department Heads to ensure that the Board approved policies and procedures were carried out properly. We focused on three areas of this failure:

- Lack of Performance Evaluations for the CAO and Department Heads.
- Inadequate Response to Claims of Nepotism, Cronyism and Favoritism.
- Lack of Oversight in Implementing Other Policies and Procedures.

Performance Evaluations

The Grand Jury interviewed both current and former County Supervisors, Department Heads, and subordinate employees. The Grand Jury also studied numerous County Policies and Procedures.

We posed questions asking which documents the Board used to guide their operations. While some Supervisors referenced county ordinances, personnel policies and procedures, and the Tuolumne County Board of Supervisors Governance Manual, no one could accurately state who is responsible for evaluating the job performance of senior county administration. They were also unclear as to when and how these evaluations should occur. Responses varied from “we can’t know everything” to “we don’t know what we don’t know,” and some stated they are not responsible for evaluations that are not on the agenda, yet they could not identify who is responsible for putting evaluations on the agenda.

The Grand Jury found that the oversight provided by the Board regarding the performance evaluations of the CAO and non-elected Department Heads has been notably inadequate. Many Board members were unaware of the annual evaluation requirement specified in the CAO’s employment contract.

When questioned about the frequency and manner of the CAO evaluations, responses varied widely among Board members. One claimed, “I don’t remember ever doing one,” while another defensively asserted that “the CAO is evaluated monthly” through ongoing conversations about County business. Similarly, some Board members stated that performance reviews for Department Heads occurred, while others indicated that there was no formal process in place, only informal discussions. The only consensus among them was that there is no formal written documentation of the performance evaluations of the CAO or non-elected Department Heads. It appears there are no official notes or records available to assess an employee’s progress, performance, or the implementation of Board directives.

The only consistent point was that the Board does not evaluate elected Department Heads. Some Board members indicated that prior to 2021, the Board conducted some evaluations of Department Heads, but over time the responsibility for all performance reviews seems to

have shifted to the CAO. We found no evidence that this transition was the result of any formal directive from the Board, rather, it was described as something that “just happened”.

Some Department Heads remembered participating in “360 Peer Performance” surveys but noted that they had never received any feedback regarding the results of these surveys. Others expressed frustration, stating that they have not received evaluations in years. When any Board member made an assertion that evaluations were conducted, they were unable to recall if they had documented the evaluations. The lack of documentation for formal performance evaluations reflects a transparency issue within the County Government, as Board members assert that these evaluations are privileged information due to being conducted in "closed session."

The Grand Jury sought documentation of performance reviews through subpoenas, but County Counsel has attempted to quash these subpoenas. The Grand Jury still has not received the evaluation records, and the matter is currently under court review. Consequently, the Grand Jury cannot confirm the details of the evaluations of senior County Administrators and must assume they were not conducted as required.

Nepotism, Cronyism and Favoritism

While interviewing Department Heads and staff, the Grand Jury encountered multiple complaints of nepotism, cronyism or other forms of favoritism concerning County hiring and promotion. Interviewees described situations such as when a candidate was deemed unqualified by the interview panel, but the panel was overruled by a higher-ranking employee and the person was hired anyway. We received accounts of positions that were retitled and moved within the County Administration Division with an altered job description and qualifications, to meet the needs of a certain individual, rather than the needs of the organization. The constant in all the instances reported to the Grand Jury was that the employees involved were close to an inner group of senior county administrators.

While some incidents did not violate the letter of the law, they raise ethical concerns and seriously impacted employee morale throughout the county. The majority of those we interviewed thought that there was a “pervasive feeling” amongst county employees that favoritism was rampant in the hiring and promotion processes. Two of the former or current Board members we spoke with also supported this opinion.

When questioned about these types of incidents, most of the Board members acknowledged, albeit indifferently, that they were aware of the allegations of nepotism, cronyism, and favoritism circulating within the organization. However, because the actions were within the authority of Senior County Administration, they dismissed the complaints as mere expressions of dissatisfaction or personality conflicts. One Board member did say that they had confronted Senior County Administration concerning unethical personnel

decisions but was rebuked and told that the actions would continue despite the member's objection.

The Board failed to publicly acknowledge this series of incidents and their impact on employee morale and turnover as a legitimate concern. Favoring a candidate with insufficient experience over a qualified individual has led to employee dissatisfaction and increased turnover, as evidenced by the departure of several highly qualified employees.

Oversight of Other Personnel Issues

Additionally, the Grand Jury identified two other, specific instances where the Board failed to exercise proper oversight concerning the implementation and impact of programs and directives.

HPO – High Performance Organization: HPO is a personnel management framework that organizations use to improve their performance and achieve sustainable success with input from employees at all levels. Tuolumne County has authorized its use, paid for numerous training courses, and touted its practice for many years. During interviews, the Board demonstrated an understanding of the basic principles of HPO and confirmed their approval for its implementation. However, this approval was granted without a clear understanding of the costs associated with the program. Every single Board member admitted that they have never followed up on the cost of the HPO program nor have they quantified its effectiveness. The Board has never investigated their return on investment in this program and yet continues to fund it.

ECU - Executive Confidential Unit: This employee classification is intended for individuals who are involved in, or have the potential of influencing, labor negotiations or employer-employee relations as outlined in the California Department of Human Resources Memorandum, Confidential Designations 2016-003, January 25, 2016. According to the Dills Act, a "Confidential employee" is defined as "any employee who is required to develop or present management positions regarding employer-employee relations or whose duties typically require access to confidential information that significantly contributes to the development of management (bargaining) positions."

The Grand Jury's investigation revealed that the Board appeared negligent in overseeing which employees are assigned to the ECU. Alarming, not a single current or former Board member was able to accurately identify the correct definition and purpose of the ECU. This lack of awareness extended to the growth of the ECU itself, as the Board seemed oblivious to both its expansion and the associated costs, even though all positions within the ECU had been approved by the Board.

Furthermore, the Board failed to address the management of the ECU, even after receiving numerous complaints from constituents and employees regarding the unit's minimum qualifications and hiring practices. This lack of oversight suggests a troubling indifference to the perceptions of unfairness felt by both the public and employees.

This served as a prime example of the Board approving initiatives without fully understanding their implications. It also highlighted a concerning trend of the Board losing sight of the bigger picture, and the cumulative effects of their decisions. This lack of diligence raises significant questions about the Board's commitment to effective governance.

Inability for Staff to Report Improper Behavior

Several Board members have raised concerns about the unprofessional conduct of a seemingly privileged Department Head, whose actions have gone unchecked. This behavior has eroded the Board's authority and threatens to further weaken accountability. It appears that senior county administration manipulated relationships between Board members and staff, not only undermining Department Head accountability, but also damaging the overall governance structure. Effective oversight depends on consistent enforcement of professional standards. When exceptions are made for certain individuals, the entire organization suffers.

Several County employees, including Department Heads, told the Grand Jury that employees felt it was difficult to report improper hiring and promotion practices if they were occurring in the CAO's office, because all complaints went through the CAO's Office. To improve transparency and accountability, the Board of Supervisors could establish a direct reporting relationship between the Board and the Human Resources and Risk Management Department. This would ensure the Board receives timely updates on personnel matters, including performance reviews and reports of unprofessional conduct. With this system in place, the Board can take informed action when necessary, holding all employees—regardless of position—to the same standards and safeguarding the organization's integrity.

The Board of Supervisors has failed to fulfill its duties in several significant ways. First and foremost, Board members demonstrated a lack of understanding of the documents and guidelines that direct their governance of the County. The Board failed to properly evaluate the CAO and Department Heads. They failed to provide appropriate oversight and supervision of senior county management, including the CAO and Department Heads, further exacerbating the situation. The Board took no action to correct the public's perception of misconduct regarding personnel decisions, leaving a cloud of doubt lingering over their governance. The apathy toward the declining employee morale illustrated a troubling complacency that has significant ramifications.

Collectively, these failures undermine the public's trust in our County government, raising serious concerns about its effectiveness and integrity.

Additionally, the Board approved programs and expenditures without ensuring they fully understood the implications of their decisions. The Board did not hold the CAO or Department Heads accountable for implementing the directives issued by the Board, nor did they follow up to verify whether the initiatives they approved were functioning as intended.

FINDINGS

F1

The Board of Supervisors failed to provide sufficient transparency, nor honest and effective communication to staff and the community regarding board decisions, goals, and financial liabilities. This lack of transparency eroded public trust in the Board of Supervisors.

F2

The Board of Supervisors failed to comply with the provisions and intent of the Brown Act, further contributing to mistrust of the Board by both the public and county staff.

F3

The Board of Supervisors failed to exercise adequate direction and oversight over the CAO and non-elected Department Heads to ensure proper personnel policies and procedures were followed. This failure fostered a widespread perception among county employees and the public, that favoritism influenced hiring and promotions, and that policies and procedures were implemented inequitably.

RECOMMENDATIONS

R1

The Board of Supervisors should develop and implement a comprehensive public information program by January 1, 2026, utilizing both digital and traditional media platforms to proactively communicate the Board's priorities and objectives, with particular emphasis on public safety initiatives and fiscal accountability measures.

R2

The Board of Supervisors should develop and implement formal procedures - no later than January 1, 2026 - authorizing a Public Information Officer or other designated representative to serve as the Board's official spokesperson under clearly defined circumstances.

R3

The Board of Supervisors should strictly and immediately comply with the Brown Act, upholding its provisions with the utmost diligence and adhering to County Counsel's guidance on compliance.

R4

The Board of Supervisors should immediately and consistently evaluate its Brown Act actions through the lens of public perception, recognizing that even the appearance of impropriety can be as damaging as actual misconduct.

R5

The Board of Supervisors should establish and implement a formal annual performance evaluation process for all non-elected Department Heads and the CAO by January 1, 2026. This process must ensure full compliance with all applicable county personnel policies and procedures.

R6

The Board of Supervisors should modify the existing reporting structure to require the Director of Human Resources and Risk Management to report directly to the Board of Supervisors rather than through the CAO, with this change implemented no later than January 1, 2026.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the following responses are required:

The **Tuolumne County Board of Supervisors** is required to respond to Findings **F1-F3** and Recommendations **R1-R6** within 90 days of receipt of this report.