

## GOVERNMENT & ADMINISTRATION COMMITTEE

### *Communication of Board of Supervisors' Directives*

#### **Reason for the Report**

During the course of its various inquiries, members of the Grand Jury ascertained that, with some frequency, county employees (and sometimes even department heads) were unaware of Resolutions and other directives made by the Board of Supervisors (Board) which impacted their duties and responsibilities. This fact sometimes resulted in the communication to the public, by those employees, of incorrect information. One example of this situation is discussed below.

Because this information came to the Grand Jury late in its term, this Grand Jury was unable to undertake anything more than a preliminary investigation of the problem, which is potentially widespread. Accordingly, this Grand Jury recommends that its successor undertake a full investigation on the problem.

#### **Scope of the Investigation**

The County Registrar of Voters was interviewed.

The following documents were reviewed:

- Memoranda to the 2001/2002 Grand Jury Members from the Office of the Registrar, signed by the County's Registrar of Voters and dated June 27, 2001 and March 1, 2002;
- Resolution No. 25-98 and the attached Conflict of Interest Code adopted on February 24, 1998, and signed by the Chairman of the County Board of Supervisors (Board);
- Resolution No. 036-2001 and the attached amended Conflict of Interest Code adopted on February 27, 2001, and signed by the Chairman of the Board; and
- The County Ordinance Code published on the County's website at [www.co.el-dorado.ca.gov](http://www.co.el-dorado.ca.gov).

#### **Findings**

F1: Members of the Grand Jury received written memoranda in June 2001 and April 2002 from the Registrar of Voters in El Dorado County (County) with instructions for filing "conflict of interest" disclosure forms. Reference was made in the memoranda to Board Resolution #25-98 as the County's "Conflict of Interest Code." The members assumed that the information which had been given to them was correct, that Resolution #25-98 was currently operative, and that they were required by that Conflict of Interest Code to file Form 700 -- Statement of Economic Interest. That information was not correct.

- F2: Board Resolution #25-98 was adopted in February 1998. It identified the position of Grand Juror as a "designated position," requiring the filing with the County by Grand Jurors of Conflict of Interest disclosure forms.
- F3: Board Resolution #25-98 was superseded in February 2001 by Board Resolution #036-2001. Board Resolution #036-2001 deleted all reference to the position of Grand Juror, and thus abolished the County's requirement that Grand Jurors file Conflict of Interest disclosure forms.
- F4: The Grand Jury is informed and believes that the reason for that deletion was the County's recognition of the transfer of jurisdiction over the Courts from County control to State control, pursuant to the Trial Court Funding Act of 1997, which became effective on January 1, 2001.
- F5: Nevertheless, for reasons unknown to this Grand Jury, the members of this Grand Jury were advised by the Registrar of Voters, in June 2001 and again in April 2002, that they were required to file Conflict of Interest disclosure forms with the County.
- F6: After the transfer of authority over the Courts from County jurisdiction to State jurisdiction, there does not appear to have been any corresponding state legislation or regulation requiring the filing of Conflict of Interest disclosure forms or statements by members of Grand Juries.
- F7: This Grand Jury has not received any instruction from the Superior Court on the subject of whether Grand Jurors are or are not required to file Conflict of Interest disclosure statements, and if so, on what forms and with whom.
- F8: Because of the shortness of time, this Grand Jury has not investigated the policy and practice of communicating Resolutions to the affected departments heads, recipients, and the public.
- F9: The County's Conflict of Interest Code is not published on the County's website, [www.co.el-dorado.ca.gov](http://www.co.el-dorado.ca.gov). That website contains the County's Ordinance Codes, but does not contain the Resolutions adopted by the Board if they do not adopt or amend specific Ordinances, even though some and perhaps many of those Resolutions contain information that impose requirements and directives upon county employees and members of the public.
- F10: The County's Ordinance Code, as it appears on the County's website, is not updated on an ongoing basis. Frequently, it has not been updated for periods in excess of a year; it was last updated on January 23, 2001. This fact causes members of the public who rely upon the County's website for information to be misinformed with regard to any county rules, regulations and requirements which may have been adopted subsequent to the updating of the website.

