

# **BOARD OF SUPERVISORS' MINUTE ORDERS**

## **REASON FOR INVESTIGATION**

The Nevada County Grand Jury provides oversight to ensure that members of county government carry out their responsibilities to provide for and to protect the citizens of Nevada County. The purpose of this report is to provide data on Board of Supervisors' (BOS) Grand Jury Minute Orders (MO).

## **BACKGROUND**

All references to MO in this report are **Grand Jury Minute Orders** only; not to be confused with other MO issued by the Board. The Board in response to a Grand Jury recommendation initiates a **Grand Jury Minute Order**. It is a directive by the BOS to the County Executive Officer (CEO), a county agency, and/or a county department head. The following indicates the process as evidenced by the attached appendices.

1. The BOS at Board meetings review Grand Jury reports. Directions regarding Board responses are given to the Board Analyst.
1. Approved responses to Grand Jury recommendations are reviewed by the Clerk of the Board (COB) to identify all items requiring action by the Board, county agencies, and county departments.
2. MO are then initiated by the COB listing the required actions and their due dates to the various entities.
3. The COB then prepares a Grand Jury Report MO Schedule. This schedule is updated monthly as to the status of each action item.

## **PROCEDURES FOLLOWED**

The Grand Jury interviewed the County Executive Officer, Clerk of the Board, the Board Analyst, and a member of the Board of Supervisors. Grand Jury Minute Order actions taken by the Board from July 1, 1998, through June 30, 2001, were reviewed.

## **FINDINGS**

1. Some MO are given extended due dates to comply with the actions required.
2. Completed MO are reported to the Board and CEO at regular board meetings.

3. According to information provided by the COB, there were 37 Grand Jury Minute Orders for the following years:
  - a. Eleven in 1998-1999.
  - b. Ten in 1999-2000.
  - c. Sixteen in 2000-2001.

Based on data provided to the Grand Jury, 33 of these MO were completed and complied with by the Board. Four were still pending at the writing of this report.

4. Seven of the sixteen 2000-2001 Grand Jury Minute Orders had due dates of at least 12 months from the issue date of the Grand Jury report.
5. No progress information is shown on overdue or extended responses on the MO Schedule.
6. Many of the MO considered completed and complied with gave no specific action taken by the entities involved.
7. The CEO was not fully aware of the specifics of the Grand Jury Minute Order procedure.
8. The CEO, the Board Analyst, and a member of the BOS have agreed to review the Grand Jury Minute Order implementation procedure.

## **CONCLUSIONS**

1. There appears to be a lack of communication and understanding between the Board and the CEO regarding responsibility for the Grand Jury Minute Order procedure.
2. The completed actions required by Grand Jury Minute Orders are not fully scrutinized by the Board, CEO, or the heads of respective agencies or departments.
3. In the opinion of the Grand Jury, the following MO have not been complied with:
  - a. MO #99-125, 99-128, 99-129, 99-131, 99-132, 99-133, and 99-134.
  - b. MO #00-31, 00-31A, 00-31B, 00-69, and 00-70.
  - c. MO #01-46, 01-47, 01-48, and 01-69.
4. The lengthy time frames and extended due dates granted to comply with some Grand Jury Minute Orders are excessive.

## **RECOMMENDATIONS**

1. The Board and all responsible parties need to be more vigilant in assuring that approved Grand Jury recommendations are complied with fully and adequately.

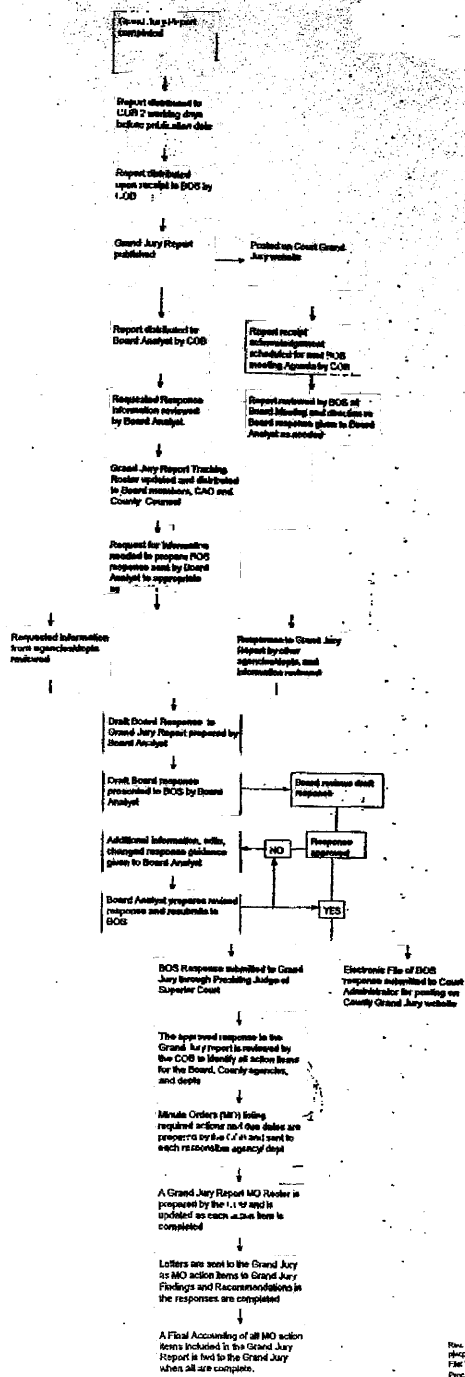
2. The time frames allowed to implement the Grand Jury Minute Orders need to be commensurate with the efforts required by the responsible entity to institute and implement such recommendations.
3. Updates of the Grand Jury Minute Order Schedule to the CEO and BOS on delayed and/or overdue MO should indicate what progress, if any, has been taken by the responsible entity.

## **RESPONSES**

Board of Supervisors due by September 10, 2002

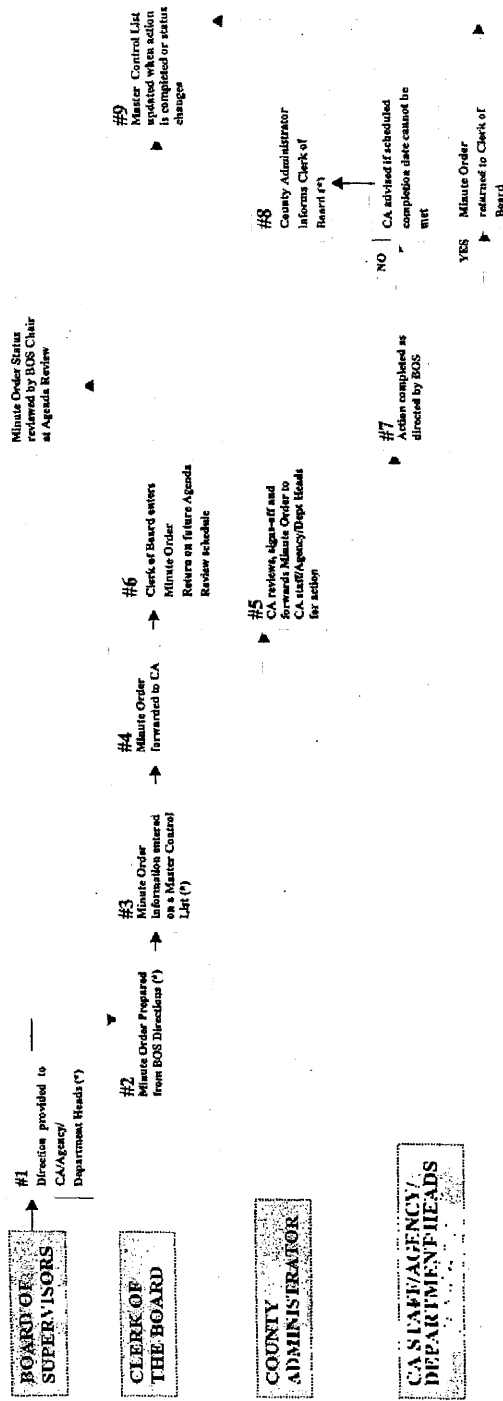
CEO due by August 12, 2002

# Board of Supervisors Grand Jury Response Process



Rev. 01/2011  
 #1020  
 File: W:\Work\Grand Jury\Grand Jury Process - Flow Chart.pdf

# MINUTE ORDER PROCEDURE



(\*) Notes

- #1 I.A. Minute Order (procedure) direction included as part of Board approved motion. This direction will include 1) specific action directed; 2) responsible staff/Agency/person; and 3) requested completion/agenda return date.
- #2 Prepared on standard form.  
 2.A. Minute Order direction information to include: a) Minute Order number; b) to: (County Administrator and Agency/Dir); c) date of direction; d) Narrative direction - one action per Minute Order; e) Completion/Agenda return date.  
 2.B. Minute Order response information to include: a) Direction completed (date); b) Direction not completed (reason, new estimated completion date); c) Signed by responsible Agency/Department Head or County Administrator.  
 2.C. MS Access (or other computer application) database file on LAN Network drive - accessible by all Agencies/departments (L:drive)
- #3 3.A. Minor adjustments to scheduled completion date approved by County Administrator
- #8 8.A. Board of Supervisors informed of major changes, reason for delay, and revised completion/agenda return date through the Agenda process.  
 8.B.

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO  
2001-2002 CIVIL GRAND JURY INTERIM REPORT NO. 6  
DATED JUNE 10, 2002  
RE: BOARD OF SUPERVISORS' MINUTE ORDERS**

*Responses to findings and recommendations are based on either personal knowledge,  
examination of official county records, review of the responses by the County Executive  
Officer, or testimony from the board chairman and county staff members.*

**I. GRAND JURY INVESTIGATION:**

**Board of Supervisors' Minute Orders.**

**A. RESPONSE TO FINDINGS & RECOMMENDATIONS:**

**Findings:**

- 1. Some MO are given extended due dates to comply with the actions required.**

Agree

Completion dates established when Minute Orders (MO) are issued can be extended if requested in writing by the County Executive Officer (CEO) and/or the Department/Agency head responsible for completing the requested action. All MO completion date extension requests must also be approved by the Board through the Clerk of the Board.

- 2. Completed MO are reported to the Board and CEO at regular board meetings.**

Agree

- 3. According to information provided by the COB, there were 37 Grand Jury Minute Orders for the following years:**

- a. Eleven in 1998-1999.**
- b. Ten in 1999-2000.**
- c. Sixteen in 2000-2001.**

**Based on data provided to the Grand Jury, 33 of these MO were completed and complied with by the Board. Four were still pending at the writing of this report.**

Partially disagree

At the present time, seven Grand Jury Minute Orders remain open and are overdue. Minute Orders 01-36, 01-37, 01-66, and 01-67 will be addressed at the Board meeting on September 24, 2002. Minute Orders 01-71, 01-72, and 01-73 will be addressed by report to the Board on September 10, 2002.

<b>Minute Orders</b>	<b>Subject</b>	<b>Agency</b>
01-36	Public Health Protection 2000-2001 Grand Jury Report, Interim Report No. 8, Recommendation No. 1	HSA
01-37	Public Health Protection 2000-2001, Grand Jury Report, Interim Report No. 8, Recommendation No. 2	HSA CEO
01-66	Behavioral Health Services 2000-2001, Grand Jury Report, Interim Report No. 12, Recommendation No. 2	HSA CEO
01-67	Nevada County Capital Facilities 2000-2001, Grand Jury Report, Interim Report No. 13, Recommendation No. 1	CEO
01-71	Nevada county Utility Franchise 2000-2001 Grand Jury Report, Interim Report No. 14, Recommendation No. 2	CEO
01-72	Nevada County Utility Franchises 2000-2001, Grand Jury Report, Interim Report No. 14, Recommendation No. 2	CEO
01-73	Nevada County Utility Franchises 2000-2001, Grand Jury Report, Interim Report No. 14, Recommendation No. 2	CEO

4. **Seven of the sixteen 2000-2001 Grand Jury Minute Orders had due dates of at least 12 months from the issue date of the Grand Jury report.**

Agree

Minute Order completion dates are established based on Board direction and in coordination with the CEO and Department/Agency heads regarding available resources and relative priorities of other projects either planned or in progress.

5. **No progress information is shown on overdue or extended responses on the MO Schedule.**

Partially disagree

Documentation regarding current status of overdue Minute Order responses and requests for extension are now filed with each Minute Order. Status reports regarding overdue or extended

Minute Order completion dates are also periodically presented to the Board by the Clerk of the Board.

- 6. Many of the MO considered completed and complied with gave no specific action taken by the entities involved.**

Partially disagree

All Minute Orders reported as complete by the CEO and/or Department/Agency heads are now reviewed by the Clerk of the Board and documentation of specific action taken to close out the MO is filed with the completed Minute Order.

- 7. The CEO was not fully aware of the specifics of the Grand Jury Minute Order procedure.**

Partially disagree

Although the CEO may not have been personally aware of Grand Jury Minute Order procedures, the Assistant CEO and CEO staff have been directly involved in the Minute Order response process and are aware of established procedures.

- 8. The CEO, the Board Analyst, and a member of the BOS have agreed to review the Grand Jury Minute Order implementation procedure.**

Agree

In July 2002, following release of the Grand Jury report in June 2002, the Clerk of the Board accomplished a complete review of Minute Order procedures in coordination with the CEO and the Board Chair. Procedural changes to the process have been made to ensure the CEO, Department/Agency heads, and their staffs fully respond in a timely manner to Board direction in Minute Orders regarding Grand Jury recommendations.



**Recommendations:**

1. **The Board and all responsible parties need to be more vigilant in assuring that approved Grand Jury recommendations are complied with fully and adequately.**

The recommendation has been implemented.

The Board has directed the CEO, in conjunction with submission of this response, to continue to ensure all Minute Orders with Board direction regarding Grand Jury recommendations be given priority attention by his staff and Department/Agency heads and that their responses are both timely and complete. The CEO will review his procedures for responding to Grand Jury responses and make any necessary changes by October 31, 2002.

2. **The time allowed to implement the Grand Jury Minute Orders need to be commensurate with the efforts required by the responsible entity to institute and implement such recommendations.**

The recommendation has been implemented.

During preparation of the Board responses by staff to Grand Jury Findings and Recommendations in the 2001-2002 Grand Jury report, proposed MO completion dates for actions to be accomplished were coordinated with the CEO and affected Department/Agency Heads. The CEO and Department/Agency heads will also have the opportunity to directly discuss proposed Minute Order action completion dates with the Board during the review and approval of the proposed Grand Jury responses at the Board meeting on September 10, 2002.

During the review of Minute Order procedures in July 2002 (See response to Finding No. 8), the CEO and Clerk of the Board agreed to coordinate on proposed Grand Jury Minute Order action completion dates in order to ensure the proposed dates are realistic and consistent with available resources.

3. **Updates of the Grand Jury Minute Order Schedule to the CEO and BOS on delayed and/or overdue MO should indicate what progress, if any, has been taken by the responsible entity.**

The recommendation has not yet been fully implemented by the CEO but will be by September 24, 2002.

The CEO agreed as a part of the review of Minute Order procedures accomplished in July 2002 (See response to Finding No. 8), to direct his staff and department/agency heads to provide the Board of Supervisors through the Clerk of the Board a current status report and summary of

progress to date when requesting any extension of a date to complete a delayed or overdue Grand Jury Minute Order.

The CEO will provide current status reports and summaries of what progress has been made on the seven overdue Grand Jury Minute Orders listed in the Board response to Finding No. 3 on September 10 and September 24, 2002.

BOARD OF SUPERVISORS' MINUTE ORDERS  
Grand Jury Report  
County Executive Officer Response

FINDINGS

1. Some MO are given extended due dates to comply with the actions required.

*Response: Agree*

2. Completed MO is reported to the Board and CEO at regular board meetings.

*Response: Agree*

3. According to information provided by the COB, there were 37 Grand Jury Minute Orders for the following years:

- a. Eleven in 1998-1999.
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Based on data provided to the Grand Jury, 33 of these MO were completed and complied with by the Board. Four were still pending at the writing of this report.

*Response: Partially disagree*

*The comment above seems in conflict with #3 Conclusion in the Grand Jury's report.*

4. Seven of the sixteen 2000-2001 Grand Jury Minute Orders had due dates of at least 12 months from the issue date of the Grand Jury report.

*Response: Agree*

5. No progress information is shown on overdue or extended responses on the MO Schedule.

*Response: Agree*

6. Many of the MO considered completed and complied with gave no specific action taken by the entities involved.

*Response: Disagree*

7. The CEO was not fully aware of the specifics of the Grand Jury Minute Order procedure.

*Response: Partially Disagree*

8. The CEO, the Board Analyst, and a member of the BOS have agreed to review the Grand Jury Minute Order implementation procedure.

*Response: Agree*

### CONCLUSIONS

1. There appears to be a lack of communication and understanding between the Board and the CEO regarding responsibility for the Grand Jury Minute Order procedure.
2. The completed actions required by the Grand Jury Minute Orders are not fully scrutinized by the Board, CEO or heads of respective agencies or departments.
3. In the opinion of the Grand Jury, the following MO have not been complied with:
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  - c. MO #01-46, 01-47, 01-48, and 01-69.
4. The lengthy time frames and extended due dates granted to comply with some Grand Jury Minute Orders are excessive.

### RECOMMENDATIONS

1. The Board and all responsible parties need to be more vigilant in assuring that approved Grand Jury recommendations are complied with fully and adequately.

*Response: Recommendation has been implemented and will continue to be further refined.*

2. The time frames allowed to implement the Grand Jury Minute Orders need to be commensurate with the efforts required by the responsible entity to institute and implement such recommendations.

*Response: Recommendation has not been implemented and will require further work by County Administration.*

3. Updates of the Grand Jury Minute Order Schedule to the CEO and BOS on delayed and/or overdue MO should indicate what progress, if any, has been taken by the responsible entity.

*Response: Recommendation has not been implemented but will be in the near future as we further develop the first and second recommendations.*