

County of Lassen
BOARD OF SUPERVISORS

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October 6, 2021

The Honorable Tony Mallery
Presiding Judge, Lassen Superior Court
2610 Riverside Dr.
Susanville, CA 96130

Dear Judge Mallery,

Pursuant to Penal Code section 933(c), please accept the Lassen County Board of Supervisors' and County Administrative Officer's combined response to the 2020-2021 Lassen County Grand Jury report. Our response is attached.

While we may or may not be able to implement every recommendation as a result of other limitations, the Board of Supervisors and the County Administrative Officer welcome the constructive criticism offered by the Grand Jury, considers it seriously, and takes to heart the recommendations brought forth. The Board of Supervisors joins the Grand Jury in trying to make local government as efficient and effective as possible.

We would like to take this opportunity to recognize the Court and the 2020-2021 Lassen County Grand Jury for a job well done.

Respectfully,

AARON ALBAUGH, Chairman
Lassen County Board of Supervisors

RICHARD EGAN
County Administrative Officer

Introduction

The California Grand Jurors Association states that the mission of a civil Grand Jury is to “help local government be more accountable and efficient.” They also state that their mission is to “facilitate positive change....” The Lassen County Board of Supervisors applauds this goal and would like to thank the citizens who have given of themselves to serve as Lassen County Grand Jurors. The Lassen County Board of Supervisors recognizes the considerable contribution of time and energy by private citizens for the benefit of Lassen County as a whole.

The Board of Supervisors and the County Administrative Officer welcome the constructive criticism offered by the Grand Jury, considers it seriously, and takes to heart the recommendations brought forth by the Grand Jury. The Board of Supervisors joins the Grand Jury in trying to make local government as efficient and effective as possible.

The Lassen County Board of Supervisors and the County Administrative Officer submit this joint¹ response to this year’s Grand Jury report as follows.

Grand Jury Report:

County of Lassen – Elections Office

Finding Number F1: “The County Clerk is required to ask the County Board of Supervisors for funds regarding every aspect of Elections, whether it is a regular or special election. Election funds come out of the County Budgets general fund, so money not earmarked for a special purpose is available to any County department.”

Response/Comment: The Board of Supervisors agrees with the finding. When the elected County Clerk-Recorder-Registrar of Voters performs elections services for other agencies, he/she has the ability to bill those other agencies for costs associated with running that election.

Finding Number F2: “During election cycles and special elections, overtime is required of all employees to complete assigned tasks. Employee retention is low, causing employee knowledge of elections to be limited. Training specific to Elections is not given to employees.”

Response/Comment: The Board of Supervisors disagrees partially with the finding. Employees receive elections training.

¹ Where the “Board of Supervisors” appears, the response is on behalf of the Board of Supervisors and the County Administrative Officer to the extent a response from the CAO was requested.

Finding Number F3: "Employees not familiar with Ballots or elections are required to do proofreading."

Response/Comment: The Board of Supervisors disagrees partially with the finding. The elected Clerk-Recorder-Registrar of Voters is an elected officer elected by the voters of Lassen County. The Board of Supervisors may not direct or require the elected officer to task only those employees who are familiar with ballots or elections, to do proofreading of ballots and other elections materials, however, the Board of Supervisor encourages the elected officer to do so.

Finding Number F4: "The Registrar of Voters is not given the staff or dollars that are required to ensure a smooth, error free election."

Response/Comment: The Board of Supervisors disagrees with the finding. The elected Clerk-Recorder-Registrar of Voters is an elected officer elected by the voters of Lassen County. The Board of Supervisors has invited the elected officer to participate in the County's annual budget process, which also includes a position allocation table for determining the type and amount of full-time equivalent employees to be assigned to carry out those official functions. The elected officer has submitted a budget and the Board has approved it, generally. The day-to-day management of those resources and budget is the responsibility of the elected official to perform. In addition, the elected official has chosen not to collect payment for conducting required elections for special districts or other agencies apart from the County. The billing and collection of payments from special districts and other government agencies would be a cost savings for the county and augment available financial resources.

Recommendation Number R1: "Setup a budget account line that is earmarked specifically for Elections."

Response/Comment: The recommendation has been implemented. A fund and budget unit were established decades ago to account for elections costs separate from other expenses.

Recommendation Number R2: "Methods for training of employees working with Elections should be explored, online or ZOOM training can be accomplished at a lower cost."

Response/Comment: Recommendation will not be implemented. The elected Clerk-Recorder-Registrar of Voters is an elected officer elected by the voters of Lassen County. The Board of Supervisors can

encourage the elected officer to implement this recommendation, however, the Board of Supervisors does not have the authority to direct or require the elected officer to do so.

Recommendation Number R3: "Proofreading should be done from the original documents before computer input is completed. Proofreading should be done by the person or agency that submitted the information to be included on the ballot."

Response/Comment: Recommendation will not be implemented. The elected Clerk-Recorder-Registrar of Voters is an elected officer elected by the voters of Lassen County. The Board of Supervisors can encourage the elected officer to implement this recommendation, however, the Board cannot require the elected officer to do so. In addition, proofreading of information is the responsibility of the person or agency that submitted the information to the county.

Recommendation Number R4: "Board of Supervisors should ensure that the Registrar of Voters has the necessary funds and staff to properly conduct required elections. Having appropriate staff levels and funding should increase the accuracy resulting in less corrections and/or special elections, a cost savings to the County."

Response/Comment: Recommendation has been implemented. The Board of Supervisors disagrees with the finding. In the fiscal year 2019-2020 and 2020-2021, the Elections budget unit spent approximately 77% and 85%, respectfully, of Board of Supervisors authorized appropriations. The elected Clerk-Recorder-Registrar of Voters is an elected officer elected by the voters of Lassen County. The Board of Supervisors has invited the elected officer to participate in the County's annual budget process, which also includes a position allocation table for determining the type and amount of full-time equivalent employees to be assigned to carry out those official functions. The elected officer has submitted a budget and the Board has approved it, generally. The day-to-day management of those resources and budget is the responsibility of the elected official to perform. In addition, the elected official has chosen not to collect payment for conducting required elections for special districts or other agencies apart from the County. The billing and collection of payments from special districts and other government agencies would be a cost savings for the county and augment available financial resources.

Grand Jury Report:

County of Lassen – Fair Manager

Finding Number F1: “The notification letters sent to non-selected applicants were dated December 3, 2020. Based on Brown Act requirements, the December 8, 2020, agenda must be publicly posted 72 hours (3 days) prior to the December 8, 2020 meeting. Depending where applicant resided, the letters would not arrive before job selection was publicly announced. There is no policy and procedure for non-selected applicant notification.”

Response/Comment: The Board of Supervisors agrees with the finding. For clarification, the Clerk of the Board had announced the posting and availability of the December 8, 2020 Agenda on December 4, 2020, which is more than 72 hours prior to the meeting.

Finding Number F2: “Privacy of applicants was compromised when the names of the interviewees were listed in the December 1, 2020 Board of Supervisors meeting minutes.”

Response/Comment: The Board of Supervisors disagrees wholly with the finding. Applicants arrived to, waited at, and exited from a public place, occupied by the general public and others, that was noticed for having a closed session discussion for public employment of the fair manager. No confidential information was disclosed in that process.

Finding Number F3: “There are no written procedures for determining which applicants are qualified and which applicants will continue in the interview process.”

Response/Comment: The Board of Supervisors disagrees partially with the finding. Lassen County has a written policy that “[i]n order to protect the County of Lassen from potential new-hires that may omit or falsify critical information in the application and selection process, all employees shall be subject to a background investigation check before hire or promotion.” The Lassen County Application for Employment notifies applicants that, “All applicants who meet the minimum qualifications are not guaranteed advancement through any subsequent phase of the selection process, rather, the county reserves the right to determine the number of best qualified applicants that may continue the process. The process may include, but not limited to, one or more of the following: application review, competitive screening, written examination, performance examination and/or oral examination as well as the probationary period.”

Finding Number F4: "Education and experience requirements for the position were not considered equally."

Response/Comment: The Board of Supervisors disagrees wholly with the finding. It is the responsibility of the applicant to describe in the application materials how they meet the minimum qualifications for the position. In addition, applicants are responsible for the quality of their own performance in other phases of the selection process, as described in response to finding number F3, above.

Recommendation Number R1: "Ensure that all non-selection letters be sent timely before the successful applicant is announced."

Response/Comment: The Board of Supervisors disagrees wholly with the finding. This recommendation has the potential to delay and hold back the hiring process and therefore this recommendation could lessen the county's ability to fill vacant positions and provide essential and critical public services.

Recommendation Number R2: "Never list the names of potential candidates in the agenda or minutes of any meetings."

Response/Comment: The Board of Supervisors disagrees wholly with this finding. Recommendation Number R2 may be inconsistent with state law.

Recommendation Number R3: "Create and use a matrix system to fairly determine the qualifications for any/all County jobs. Ensure that there are written policy and procedures, to be followed for all County job announcements."

Response/Comment: The Board of Supervisors disagrees wholly with this finding. See response to Finding Number F3, above.

Recommendation Number R4: "Education requirements for all County jobs should be given the same weight regardless of when education or degree was achieved. Job requirements must be followed specifically as stated and described in the job announcement."

Response/Comment: The Board of Supervisors disagrees wholly with this finding. See response to Finding Number F3, above.

Conclusion

The Board of Supervisors would like to once again take this opportunity to thank those who have served as Grand Jurors for the 2020-2021 year as it is a considerable commitment. This Board of Supervisors wishes to acknowledge our shared interest in making Lassen County a safer, happier and more productive place to live and work. We pledge to continue to work with future Grand Juries in reaching this goal.