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**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

Michael Holland, *First District*
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July 11, 2025

Presiding Judge of Superior Court
Honorable Kevin M. Seibert
c/o Court Executive Office
Tuolumne County Superior Court
12855 Justice Center Drive
Sonora, CA 95370

Re: Response to Grand Jury Report – **Differential Treatment and Hiring Practices dated April 30, 2025**

The following is submitted in response to the 2024-25 Grand Jury Report as it pertains to the Differential Treatment and Hiring Practices. The Tuolumne County Board of Supervisors wish to extend their gratitude to the Grand Jury members for their time in preparing the final Grand Jury reports. Please accept this as our response to your carefully prepared report.

The County acknowledges the serious nature of the Grand Jury's investigation and the importance of transparently addressing its findings. We recognize the impact these issues have had on County operations, staff morale, and public trust. Upholding our operational and ethical responsibilities is not optional—it is foundational. Therefore, the County is fully committed to addressing areas requiring accountability and corrective action, while also providing accurate information to dispel misunderstandings and misinformation.

Regarding the Grand Jury's assertion that subpoenas were necessary to secure witness interviews and documents, the Board of Supervisors respectfully disagrees. To the Board's knowledge and County Administration, every County official and employee voluntarily cooperated with interview requests, many participating multiple times, and produced all records legally available for public disclosure. The Grand Jury's request for confidential records, which are protected by law, required the County to rightfully assert its legal obligation to safeguard such information.

The Grand Jury referenced an investigation into allegations of a hostile work environment involving a member of the Board of Supervisors, citing an alleged cost of \$70,000. This figure is incorrect. The County is legally mandated to investigate such claims, and in keeping with best practices followed by many public agencies, retained an independent, third-party investigator to ensure an impartial and unbiased review. The actual cost of this investigation was less than \$10,000. This process was not only legally required but essential to maintaining transparency, fairness, and integrity in addressing workplace concerns involving elected officials.

Some of the responses will be difficult to agree or disagree with due to lack of factual information supporting the finding or recommendation. The County remains steadfast in its commitment to continuous improvement, accountability, and fostering public confidence through accurate, responsible governance.

Findings

1. Differential Treatment by Senior County Administration

Finding 1-1 There is an overall belief and feeling by Tuolumne County Employees that “friends” of those highly placed in Tuolumne County Administration were given pay raises hidden from the public, and possibly the Board of Supervisors on the consent calendar.

F 1-1 Response: The Board of Supervisors partially agrees with this finding. The Board understands that certain County employees held beliefs and feelings regarding this matter. However, the Board disagrees that placing agenda items on the consent calendar is “hidden from the public and possibly the Board.” Consent agenda items are public items, such as staff reports with recommendations. The consent agenda is never hidden from the public or the Board. The matters on the consent agenda are public documents that are posted at the same time as the other items on the agenda, which for regular meetings is at least 72 hours in advance of the meeting. Any member of the public, including County staff, may comment on these items during the Board meeting or communicate directly with Board members regarding matters of concern. Any member of the Board may pull an item from the consent agenda for more robust discussion or questions. Additionally, while the Government Code requires certain personnel matters not to be placed on the consent agenda, it allows the Board discretion as to where other items are placed.

Finding 1-2 There is an overall belief and feeling by Tuolumne County Department Heads that some Department Heads were not given the necessary access and time by Tuolumne County Administration and/or Board of Supervisors. Another significant issue in this finding is that many of those interviewed told your Grand Jury that the Tuolumne County Administration policy is to meet with each Department Head at least once per month. Unfortunately, the reality was that the policy was not followed for a multitude of reasons. Sometimes the Department Head held the belief that the meetings were not productive. Sometimes the Department Heads held the belief that Senior County Administration did not support the Department Head’s positions. Sometimes the Department Head held the belief that Senior County Administration actively attempted to hinder the Department Head.

F 1-2 Response: The Board of Supervisors agrees with this finding in that the goal of Tuolumne County Administration was to meet monthly with Department Heads, and that did not always occur. The Board acknowledges the feelings of certain Department Heads regarding these meetings. The Board recommends that County Administration should meet with Department Heads at regular intervals that work for both parties.

Finding 1-3 Some Tuolumne County employees felt that Senior County Administration was spreading rumors about poor work by Senior Department employees, including Department Heads. Your Grand Jury found through a great many interviews that these rumors, according to other Department Heads, were frequently false and spread for reasons to support “friends.”

F 1-3 Response: The Board of Supervisors agrees with this finding.

Finding 1-4 Tuolumne County has used the practice of posting job positions only internally and for very limited durations. While some jobs do not require highly specialized training or education, other jobs do require such training or education. It appears from interviews that management level jobs, the ones that require the most specialization and experience, were the same jobs that were only posted internally and only for the minimum time. We find that obtaining the best candidate for high level positions, including Department Heads, is not done by limiting the number of applicants or only posting those positions for a limited time.

F 1-4 Response: *The Board of Supervisors agrees with this finding. The County Personnel Rules address County recruitment and provide a level of flexibility regarding a Department's need to fill a vacancy. The County's recruitment practices have varied over time, depending on circumstances at the time of a recruitment, such as hard-to-recruit positions, skill level needed, etc. The County must maintain discretion to use the tools authorized in the Personnel Rules to meet the needs of each Department and the organization. The Board of Supervisors would also like to ensure the Grand Jury understands these rules were negotiated between the County and the employee bargaining associations. Further, the Board does not believe any laws were violated, but agrees some of the recruitments did not adhere to best practices and has directed staff to comply with the Personnel Rules.*

Finding 1-5 There was differential treatment between the "in crowd" and the "out crowd" in how reclassifications were done.

F 1-5 Response: *The Board of Supervisors partially agrees with this finding, because there was a perception regarding the "in crowd" and the "out crowd." The Board is taking action to address reclassifications.*

2. Retribution by Superiors for Legitimate Action or Opinions

Finding 2-1 The current reporting structure for complaints creates concerns when the complaint is about someone in the chain of command for the complainant. Your Grand Jury has interviewed multiple employees who have received backlash for making valid complaints.

F 2-1 Response: *The Board of Supervisors agrees with this finding and has directed the position of Human Resources Director/Risk Manager be made a Board appointed position, rather than report to the CAO as that should create a pathway for complaints to be made outside of the chain of command for those who report to the Senior County Administration.*

3. Treatment of the Board of Supervisors by County Employees

Finding 3-1 Senior County Administration did not behave in a professional manner regarding at Least one member of the Board of Supervisors.

F 3-1 Response: *The Board of Supervisors agrees with this finding.*

4. Misrepresentation of Information to and from the Board of Supervisors

Finding 4-1 Your Grand Jury heard from several witnesses that the Board of Supervisors appeared to allow Senior County Administration to function with little or no oversight.

F 4-1 Response: The Board of Supervisors agrees with this finding.

Finding 4-2 Your Grand Jury heard from several witnesses that Senior County Administration misled the Board of Supervisors during Board meetings by misrepresenting the total amount of specific employees' raises and if Grant funded positions were impacting the General Fund.

F 4-2 Response: The Board of Supervisors agrees with this finding.

Finding 4-3 Your Grand Jury learned that Senior County Administration caused confusion and mistrust among the individual Board of Supervisor members by misleading them as to the opinions of individual Board members on pertinent issues to be voted on.

F 4-3 Response: The Board of Supervisors agrees with this finding. Any pertinent issues will be agendized for the Board.

Finding 4-4 Your Grand Jury learned that Senior County Administration misrepresented instructions from the Board of Supervisors to Department Heads. This caused misalignment of direction for County Employees.

F 4-4 Response: The Board of Supervisors agrees with this finding that the Department Heads received conflicting information. This could have caused misalignment of direction for the County Employees.

5. Growth of the Executive Confidential Unit

Finding 5-1 Your Grand Jury finds that the Tuolumne County government does not consistently interpret and apply the definition given in the Executive Confidential Unit Compensation Plan when hiring and reclassifying for an Executive Confidential position.

F 5-1 Response: The Board of Supervisors agrees with this finding. Pursuant to the Employer-Employee Relations Resolution, a "confidential employee" is defined as "an employee who could reasonably have access to information that could affect employer-employee relations," and there are employees whose classifications do not meet that definition who have been inappropriately assigned to the Executive and Confidential unit (EXE). The Board has directed the CAO and Human Resources to reassign positions that were incorrectly placed into the Executive & Confidential plan into the appropriate bargaining unit.

6. Undue Control by Senior County Administration

Finding 6-1 Your Grand Jury has found that there is inconsistency in Senior County Administration's support for department heads, leading to concerns about fairness and transparency.

F 6-1 Response: The Board of Supervisors partially agrees with this finding.

Finding 6-2 Your Grand Jury found a breakdown in communication between Senior County Administration and department heads, leading to significant tension and distrust.

F 6-2 Response: The Board of Supervisors agrees with this finding. The Board has directed a multi-faceted approach to restoring professional relationships and rebuilding trust amongst the County's executive leaders, including a review of areas where communication and transparency were lacking and where department heads felt excluded; inclusive, structured dialogue that allows all department heads to express their concerns and suggestions in a respectful environment, actionable plans, including enhanced policies and equitable meeting times with senior county administration, and the provision of enhanced oversight with Department Heads.

Finding 6-3 Your Grand Jury found systemic discouragement of staff and department heads for speaking out that suggests a culture of fear within the organization.

F 6-3 Response: The Board of Supervisors agrees with this finding that some department heads experienced discouragement upon expressing concerns. As noted above, the board has directed the Human Resources-Risk Management department be moved out of the purview of the Senior County Administration to be an independent department, thereby creating a path for reporting and resolution of employee concerns and complaints.

Finding 6-4 Your Grand Jury found an inability to gain consensus on urgent issues with employees' reluctance to speak out for fear of reprisals.

F 6-4 Response: The Board of Supervisors agrees with this finding.

7. High Performance Organization as a Framework Used by County Management

Finding 7-1 Your Grand Jury found that Senior Leadership at the County did not practice High Performance Organizations methodology.

F 7-1 Response: The Board of Supervisors partially disagrees, as there are many senior leaders in the County, and while some may not have employed the HPO methodology, this is not reflective of senior leadership as a whole.

Finding 7-2 Your Grand Jury found that implementation of the High Performance Organizations methodology was not uniform across county departments for whom this would be appropriate.

F 7-2 Response: The Board of Supervisors agrees with this finding. However, steps were taken to begin rolling it out, including determining the skills and competencies the County would use as a metric for leadership positions and introducing the skills and competency models for interview and selection, and performance evaluations.

Finding 7-3 Your Grand Jury found that no effort has been made to evaluate the effectiveness and benefit of High Performance Organizations.

F 7-3 Response: The Board of Supervisors agrees with this finding. The Board of Supervisors has since included the HPO framework into performance evaluations of Department Heads.

Finding 7-4 Your Grand Jury found that no effort has been made to determine how much has been spent on High Performance Organizations implementation in the county. Your Grand Jury has estimated the cost was over \$100,000.

F 7-4 Response: The Board of Supervisors agrees with this finding.

8. Hiring Irregularities

Finding 8-1 Your Grand Jury has uncovered credible allegations of nepotism and favoritism in hiring for the county of Tuolumne. This includes many examples of relatives and friends of relatives leading to a profound appearance of improprieties. This also included hirings completed against recommendations for hiring panels.

F 8-1 Response: *The Board of Supervisors agrees that allegations have been made about nepotism and favoritism. The County has used a protocol to address this in the past. The County also implemented a formal process for recruitment in 2024, which includes increased oversight by HR and a broader Nepotism policy in the updated personnel policies that more explicitly outlines conflicts of interest. In a small county, there will be family members and friends who may be employed/applicants across the organization. This policy will address that those related should not be within the chain of command of a relative.*

Recommendations

1. Differential Treatment by Senior County Administration

Recommendation 1-1 The Tuolumne County Board of Supervisors should consider eliminating all pay raises on the consent calendar. While this could lengthen some Board of Supervisors' meetings, there would be a significant benefit to Tuolumne County Employee morale.

R 1-1 Response: *The Board of Supervisors agrees with this and has since taken action to ensure pay raises and personnel actions include detailed information and are not on consent.*

Recommendation 1-2 Your Grand Jury knows that there is no easy answer to Finding 1-2. The greatest limitation to Grand Jury Investigations and Recommendations is the one-year time frame. Your Grand Jury had enough time to investigate this problem with morale but did not have enough time to provide answers, even suggested answers. The best we can do is request the Board of Supervisors conduct interviews through annual evaluations themselves or by a hired consultant to better understand the issue of Department Heads feeling they are being hindered by Senior County Administration. Because this is such a large undertaking, your Grand Jury requests this be accomplished within 12 months of publication of this report.

R 1-2 Response: *This recommendation has been implemented in that the Board has begun thorough annual evaluations of its Board-appointed department heads with increased resulting documentation and will continue with these evaluations throughout this calendar year.*

Recommendation 1-3 No recommendation

Recommendation 1-4 Your Grand Jury recommends that the Board of Supervisors create a policy that all management level positions be posted internally and externally and increase the minimum time those positions are posted to three weeks. Your Grand Jury requests that this policy be created and enacted within 90 days of the publication of this report.

R 1-4 Response: This recommendation requires further analysis, because the County is required to meet and confer with its labor unions regarding a change in practice and the Personnel Rules. This review is anticipated to begin this fiscal year.

Recommendation 1-5 Your Grand Jury recommends that the Board of Supervisors create a reclassification policy that must be followed by all employees. This policy should be created by November 2025.

R 1-5 Response: This recommendation has not yet been implemented, but will be in the future as the County is currently revising its Personnel Rules and Regulations. However, the County is required by law to meet and confer with its employee associations regarding revisions to the Personnel Rules and Regulations, and this process may result in implementation taking longer than November 2025.

2. Retribution by Superiors for Legitimate Action or Opinions

Recommendation 2-1 The Board of Supervisors should review the current complaint reporting structure and update to allow for additional reporting paths. The updated reporting structure, particularly regarding Human Resources, should provide a secure means of reporting complaints or concerns that are outside the control of the chain of command of the complainant. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 2-1 Response: The recommendation has not yet been implemented, but will be implemented in the future, given the Board has directed that the position of Human Resources Director/Risk Manager become a Board-appointed position. This should be implemented by 2026.

3. Retribution by Superiors for Legitimate Action or Opinions

Recommendation 3-1 The Board of Supervisors should discuss during employee evaluations the requirement to act in a professional manner. That direction should include requiring Department Heads to likewise instruct their employees. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 3-1 Response: The recommendation has been implemented, given the Board of Supervisors has begun holding annual performance evaluations of its appointed Department Heads. The skills and competencies that address professionalism, political acumen and composure are expected of leaders at all levels and are incorporated into 360s and Department Head evaluations.

4. Retribution by Superiors for Legitimate Action or Opinions

Recommendation 4-1 The Board of Supervisors should add to the Tuolumne County Board of Supervisor's Governance Manual, that the Board of Supervisors is to maintain oversight of the Senior County Administration. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 4-1 Response: This recommendation will be implemented through the Tuolumne County Ordinance Code.

Recommendation 4-2 The Board of Supervisors should amend the Tuolumne County Board of Supervisors Governance Manual, to ensure that information they are receiving from only one source is accurate. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 4-2 Response: *This recommendation will be implemented through evaluations and not the Governance Manual.*

Recommendation 4-4 The Board of Supervisors should amend the Tuolumne County Board of Supervisors Governance Manual to implement a system to ensure the directions communicated through Senior County Administration to the Department Heads are not being misrepresented. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 4-4 Response: *This recommendation will be implemented through evaluations.*

5. Retribution by Superiors for Legitimate Action or Opinions

Recommendation 5-1 The Board of Supervisors should direct Human Resources and Senior County Administration to consistently interpret and apply the standard for what positions are in the Executive Confidential Unit. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 5-1 Response: *The recommendation will be implemented by July 2025 pending the Board of Supervisors approval.*

6. Retribution by Superiors for Legitimate Action or Opinions

Recommendation 6-1 & 6-2 The Board of Supervisors should update the Tuolumne County Board of Supervisors Governance Manual to develop and communicate clear expectations for Senior County Administration on how to communicate with and support department heads consistently. Your Grand Jury request that this structure be updated within 180 days of the publication of this report.

R 6-1 & 6-2 Response: *This recommendation will be implemented, but the Board of Supervisors will decide the proper mechanism in which to implement this recommendation, as the Governance Manual may not be the appropriate mechanism.*

Recommendation 6-3 The Board of Supervisors should develop a policy that allows staff to voice concerns without fear of retaliation. Your Grand Jury requests that this structure be updated within 90 days of the publication of this report.

R 6-3 Response: *This recommendation has already been implemented as there is a policy in place to address this. However, consistency and time will improve the culture of fear of retaliation.*

7. Retribution by Superiors for Legitimate Action or Opinions

Recommendation 7-1 through 7-4 The Board of Supervisors should determine if Tuolumne County is going to use HPO in some, all or none of the Departments. Then create a policy or procedure that

enacts this position. Your Grand Jury request that this structure be updated within 180 days of the publication of this report.

R 7-1 through 7-4 Response: *This requires further analysis. High Performance Organization is a methodology that embraces quality leadership. Embedding its principles into existing processes and it will look different in each department and leader, and by situation.*

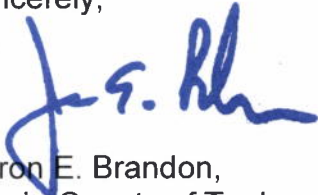
8. Hiring Irregularities

Recommendation 8-1 Update the Tuolumne County Personnel Rules and Regulations manual. This manual has not been updated since 1997. Your Grand Jury requests that this structure be updated within 360 days of the publication of this report.

R 8-1 Response: *The recommendation has not yet been implemented, but will be implemented given that Human Resources and County Counsel have completed their review of the updated Personnel Rules and Regulations. The County will begin its legally required meet and confer process with its employee associations with the goal the Board of Supervisors should adopt the updated policies within the year.*

We appreciate the opportunity to respond to the above findings and recommendations.

Sincerely,



Jaron E. Brandon,
Chair, County of Tuolumne Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

HEATHER D. RYAN
Board Clerk

By: _____

