

Understanding Conflict of Interest and Employee Abstention

In the interest of maintaining integrity and transparency within the County government, it is essential for employees, and/or elected officials, to abstain from certain job functions if they may have a conflict of interest. This means that if an employee's/elected official's personal interests could potentially influence their professional duties, they should voluntarily withdraw from those specific tasks or decisions. However, a formal County policy or procedure for abstention does not exist.

Abstention ensures that all actions and decisions made by County employees and elected officials remain impartial and free from personal bias. By doing so, the County upholds ethical standards and promotes public trust in its operations. Employees and elected officials should be encouraged to identify and disclose any potential conflicts of interest to their supervisors and take the appropriate steps to withdraw from related duties. This practice not only protects the integrity of the County government but also fosters a culture of accountability and ethical behavior.

County employees may need to recuse themselves from a matter if they have a conflict of interest that could compromise their judgment or actions. A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace. For example, a public official may have a disqualifying conflict of interest if a decision they make could financially impact them or their family or if a reasonable person, knowing the situation, would conclude that the public officials may have bias in decision making regarding the situation. A standard test to determine whether a recusal is necessary is to ask if a reasonable person, knowing the situation, would conclude that the employee or elected official has a bias for the project or work at hand.

Recusal is often left up to ethical or moral standard of the employee rather than relying on a written policy. There are no set procedures for ensuring that the work continues if an individual needs to recuse. County employees and elected officials with decision making authority must recognize how not recusing themselves may appear to members of the public. Employees are strongly encouraged to document their recusals in writing to maintain transparency and accountability.

FINDINGS		RESPONSES
F1	Lack of clear, concise policy and procedure regarding recusal and appearance of conflict of interest puts the County at risk for increased complaints, possible legal action, and overall poor appearance for County operations.	
RECOMMENDATIONS		RESPONSES
R1	The County should create a written policy and procedure accurately	

	reflecting when any official or representative of the County must declare recusal.	
--	--	--

The following governing boards are required to respond within 90 days pursuant to Penal Code sections §933 and §933.05:

Board of Supervisors: F1, R1

The following appointed officials are invited to respond within 60 days:

County Counsel: F1, R1

Per Penal Code §933.05(a)(1) and (2), responses must include acceptance, refusal, and/or clarification of the findings, and a commitment to implementing the recommendations, as appropriate, per Penal Code §933.5(b)(1)(2)(3) and (4).

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Rural Disparity in Combination with State Reimbursements

As one of California's six entirely rural counties, Mariposa contends with an unbalanced supply of public service demands and federal/state reimbursement structures. While County leadership cannot fully control these imbalances, there are no reasons for not taking positive action that would have a measurable affect for the County.

For example, Mariposa County relies heavily on the tourism industry. A large percentage of this derives from visitors (4 million per year) to Yosemite National Park. Use of public roads by large number of visitors has an effect on public road conditions. In the past few years, investment in local maintenance of public road surfaces has continued to be a challenge for the County. MCCGJ found that road conditions are consistently the most significant concern for County staff and residents.

In recent years, the Pavement Conditions Index (PCI) for Mariposa County has become "Fair." The Pavement Condition Index (PCI) is a numerical rating that measures the condition of a road's pavement on a scale of 0 to 100. A score of 100 indicates a newly paved road, while 0 is the worst possible condition. The PCI is calculated based on the type and severity of distresses observed on the pavement surface, such as potholes, cracking, spalling, rutting, and scaling. This will not be going away in the near future. In order to maintain a "Fair" rating the State recommendations for Mariposa County are to invest a minimum of \$8,000,000 annually. To be able to reach a higher rating of "Good" it is suggested \$12,000,000 be spent annually.

Review of budgets from the last few years for DPW indicate that it was a challenge to even be able to budget \$4,000,000 per year for this activity. California gas tax is a reimbursement given to local authorities specifically for road maintenance activities. This reimbursement is calculated by registered