



Office of the County Counsel
"Providing Quality Legal Services to the County of Tuolumne"

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DATE: August 25, 2026
TO: Tuolumne County Board of Supervisors
FROM: Walter W. Wall, County Counsel 
Chris Schmidt, Deputy County Counsel
Cody Nesper, Deputy County Counsel 
Todd James, Deputy County Counsel 
SUBJECT: County Counsel's Response to two (2) of the 2025-2026 Tuolumne County
Grand Jury Reports Regarding: (1) The Community Development
Department and (2) Governance Practices

Please accept this response to the two (2) 2025-2026 Grand Jury reports regarding the Community Development Department, and Governance Practices, which directly mention the County Counsel. No response is called for from County Counsel regarding the 2025-2026 Grand Jury Report related to "Response Compliance."

Role of County Counsel

The Office of the County Counsel is a statutory office that serves as the County's chief civil legal advisor and legal representative. Under Government Code sections 26529 et seq. and 27642 et seq., County Counsel is charged with providing legal services to the County and, among other responsibilities, is required to "defend or prosecute all civil actions and proceedings in which the county or any of its officers is concerned or is a party in the officer's official capacity." (Gov. Code, sections 26529, 27645; see also Gov. Code, section 27642.)

County Counsel's responsibilities are also governed by the California Rules of Professional Conduct and the statutory duties applicable to attorneys. Business and Professions Code section 6068, subdivision (e)(1), requires an attorney "[t]o maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client." This duty of confidentiality is fundamental to the attorney-client relationship and is reinforced by the attorney-client privilege. (Evid. Code, sections 950-962.)

The fundamental role of County Counsel is therefore to provide independent, candid, and legally sound advice to the County and its authorized decision-makers. County Counsel advises the client regarding what the law permits, requires, or prohibits; identifies legal risks and consequences; and assists the client in making informed decisions. County Counsel does not,

however, ordinarily serve as the policymaker. The authority to establish County policy rests with the Board of Supervisors or with another duly authorized County officer or body acting within the authority granted by law. (See Gov. Code, section 25303; Cal. Const., article XI, section 7.)

The distinction between legal advice and policy-making authority is particularly important. County Counsel may advise that a proposed action is legally permissible, legally required, legally prohibited, or presents particular legal risks. The ultimate policy judgment—where discretion remains—is generally for the authorized policymaker to make. County Counsel should not substitute its own policy preferences for those of the governing body, just as the governing body should not direct County Counsel to provide legal advice that is contrary to applicable law or the attorney’s professional obligations.

For that reason, legal advice is frequently provided in confidential settings. Confidential attorney-client communications permit the attorney and client to engage in the candid and frank discussion necessary to identify legal risks, evaluate alternatives, and make informed decisions. The attorney-client privilege protects qualifying confidential communications between the County, acting through its authorized representatives, and County Counsel concerning legal advice. (Evid. Code, sections 950–954.)

Once the authorized County decision-maker has made a lawful policy or operational decision within its jurisdiction, County Counsel’s role is to provide the legal support necessary to implement and defend that decision, subject to applicable law and the County Counsel’s independent professional obligations. Those obligations necessarily include advising the client when a proposed action is unlawful and declining to advocate a position that would require counsel to violate applicable law or professional rules.

In short, County Counsel advises; the authorized policymaker decides; and County Counsel thereafter assists the County in carrying out and defending the lawful decisions of its governing authorities. This separation of legal advice from policy-making authority preserves both the independence of the legal function and the democratic authority vested in the County’s elected and appointed decision-makers.

County Counsel’s Complete and Disqualifying Conflict of Interest

On August 20, 2026, the County Counsel’s office sent correspondence to the foreperson of the 2026-2027 Grand Jury stating the County Counsel’s decision to declare a conflict for the entire office from representing the Grand Jury.

The California Penal Code does not establish the County Counsel as the exclusive legal advisor to a civil grand jury. To the contrary, California law recognizes that a grand jury may receive legal assistance from multiple authorized sources, including the superior court, the District Attorney, the County Counsel, the Attorney General, and, where the statutory requirements are satisfied, specially appointed counsel. Penal Code section 935 expressly authorizes the District Attorney to appear before the grand jury and provide information or advice concerning matters within the grand jury’s jurisdiction. Penal Code section 936.5 further recognizes that circumstances may arise in which the local District Attorney, County Counsel, and Attorney General are all unable to perform the investigation because of a conflict, in which case the

presiding judge may appoint special counsel following an evidentiary hearing and a finding that such a conflict exists.

That statutory framework is significant because it demonstrates that the availability of County Counsel as a potential legal advisor does not create an obligation—or even an ethical authority—for County Counsel to represent the Grand Jury in circumstances in which the Office is itself conflicted. Indeed, the statutory scheme necessarily contemplates that the Grand Jury may require independent legal assistance when the interests of the Grand Jury and the governmental entities represented by County Counsel diverge.

The conflict here is not merely theoretical, technical, or limited to a particular attorney within the Office. County Counsel is the legal representative and advisor to the County and its governmental officers, departments, and agencies. The Grand Jury, by contrast, is an independent body charged by law with investigating and reporting upon matters of county and governmental concern. When the Grand Jury investigates the conduct, policies, decisions, practices, or legal compliance of the County, its officers, departments, or personnel, the Grand Jury's interests necessarily may become adverse to the interests of the very governmental entities to which County Counsel owes professional duties.

Under those circumstances, County Counsel cannot simultaneously serve as the legal advisor to the Grand Jury while owing professional duties to the governmental entities that are the subjects of the Grand Jury's inquiry. The problem is not cured by characterizing County Counsel as merely a "legal advisor." Legal advice concerning the scope of the Grand Jury's authority, the legality of investigative methods, the issuance of subpoenas, access to County records, witness examinations, findings, recommendations, or the preparation of a report necessarily affects the manner and substance of an investigation that may implicate County interests. An attorney cannot provide independent advice to an investigative body concerning an investigation of the attorney's own client without creating an unacceptable conflict of interest.

The conflict is particularly acute where the Grand Jury's inquiry concerns the conduct of the Board of Supervisors, County departments, County officers, or County employees; or policies and practices for which County Counsel has previously provided advice. In those circumstances, County Counsel may possess confidential information obtained through the attorney-client relationship with the County or its officials. County Counsel may also have an institutional interest in defending prior legal advice, protecting the County's legal position, or opposing factual or legal conclusions reached by the Grand Jury. Those interests are fundamentally inconsistent with the Grand Jury's need for independent legal advice concerning the very matters it is investigating.

The California Judicial Council's *A Practical Guide for Grand Jurors* expressly recognizes this problem. The Guide explains that when a Grand Jury investigation concerns a County Counsel client, a conflict may arise and that, although an ethical wall may sometimes be appropriate, when an ethical wall cannot adequately address the conflict, the entire County Counsel office must recuse itself. The Guide further recognizes that the Grand Jury may then be directed to the District Attorney for legal assistance or, where necessary, the court may appoint special counsel.

This is therefore not a matter of the Grand Jury improperly "rejecting" County Counsel or County Counsel refusing to assist the Grand Jury. It is a matter of professional independence and legal necessity. The Grand Jury is entitled to obtain advice from an attorney who is able to advise it without simultaneously owing duties to the governmental entities whose conduct is under examination. Where County Counsel's institutional client is the subject of the investigation, County Counsel cannot provide the Grand Jury with the independent legal advice that the circumstances require.

Penal Code section 936.5 reinforces this conclusion. The Legislature expressly contemplated situations in which a conflict would prevent the District Attorney, County Counsel, and Attorney General from performing an investigation for the Grand Jury and established a mechanism for the appointment of independent special counsel. The existence of that statutory mechanism would make little sense if County Counsel were required to continue representing the Grand Jury notwithstanding a fundamental conflict with the County and its officers.

Accordingly, the County Counsel's decision to declare a conflict for the entire office will allow the Grand Jury to obtain legal assistance from the Tuolumne County District Attorney's Office. This is neither unauthorized nor improper. Penal Code section 935 expressly recognizes the District Attorney's authority to provide information and advice to the Grand Jury concerning matters within its jurisdiction.

Nor should the Grand Jury's use of the District Attorney's Office be characterized as a refusal by County Counsel to provide assistance. The more accurate characterization is that County Counsel was ethically and institutionally disqualified from serving as counsel to the Grand Jury on matters in which the Grand Jury's investigative interests were adverse to County Counsel's governmental clients. The Grand Jury's resort to another statutorily authorized legal advisor was a prudent and legally appropriate means of preserving the independence and integrity of its investigations.

The 2025-2026 Grand Jury Report regarding the Community Development Department

There are two Recommendations in this report that call for a response by County Counsel.

First, Recommendation 5-4:

“County Counsel should provide annual Brown Act and governance training to all Board members regarding proper agendaization requirements, the distinction between public policy discussions and personnel evaluations, appropriate use of Board Reports, and due process and fairness considerations involving department heads and county staff.”

As you are aware, the County Counsel provides biennial training on the Brown Act and governance to you as members of the Board of Supervisors, usually in April and again in November of each year.

It is clear from this Recommendation that the Grand Jury would like the Board to be trained on how to properly notice items on the Board's agenda, how to distinguish between public policy discussions and personnel evaluations, the appropriate use of the Board Reports section of the agenda, and fairness to staff. These are all topics that are regularly taken up in our County Counsel biennial training courses such that these recommendations will be further emphasized during that regular training.

Second, Recommendation 10-4:

*"By September 1, 2026, the Board of Supervisors should require full disclosure of any actual, potential, or perceived conflicts of interest that may reasonably benefit from a proposed governance policy before Board consideration and voting. Following such disclosure, the Board should reconsider and retake any vote involving the Conflict-of-Interest provisions if advised by **County Counsel** that such action is appropriate. Any officials with a direct conflict-of-interest should recuse themselves from participation consistent with applicable laws and policies."*

This recommendation is consistent with existing County practice. The Board of Supervisors already requires disclosure and identification of actual, potential, and perceived conflicts of interest prior to consideration and voting on matters before it. County Counsel likewise currently advises the Board when, in its legal judgment, recusal, reconsideration, or a re-vote may be warranted under applicable law or policy. In addition, any official with a direct conflict of interest is already required to recuse themselves from participation in accordance with applicable legal requirements and County policy. For these reasons, the recommendation is duplicative of practices already in place.

The 2025-2026 Grand Jury Report regarding Governance Practices

There are three Recommendations in this report that call for a response by County Counsel.

First, Recommendation 2-1:

*"**County Counsel** should submit the issue of Supervisor Holland's incompatible offices to the Attorney General's Office for evaluation within 90 days of the publication of this report for official guidance."*

Under California law, a county counsel (and government attorneys generally) must always exercise independent professional judgment and cannot be compelled by a grand jury, individual board member, or any other body to advance an unsupported legal position or issue advisory opinions on demand. This principle flows from multiple, mutually reinforcing sources: the California Rules of Professional Conduct, the California Supreme Court's holding in *People ex rel. Deukmejian v. Brown* (1981) 29 Cal. 3d 150, California Attorney General opinions, and the statutory framework governing grand jury authority. A government attorney may withdraw from representation when a client insists on legally unsupported positions but may not be conscripted

into advancing them. Separately, before any body may compel legal action by county counsel, the action must constitute a ministerial duty — not a discretionary one — and must be supported by competent evidence and, where required, judicial determination. Discretionary legal judgments, including the decision whether to bring or defend an action, are not subject to compulsion by grand jury directive.

This Recommendation impermissibly seeks to compel the Office of the County Counsel to advance a legal position. The County Counsel's professional obligations mandate the exercise of independent legal judgment on behalf of the County, not the issuance of advisory opinions simply because the grand jury elects to dispute or cast doubt upon the conduct of an elected official.

More to the point, the Grand Jury seems to believe it can compel action by a date certain. Such an approach attempts to convert a mere recommendation into an order and is not authorized by any law governing grand jury processes or drafting of recommendations.

Second, Recommendation 3:

“County Counsel should provide formal training to the Board of Supervisors on Government Code section 54963 and its exceptions, with specific emphasis on cooperation with Civil Grand Jury investigations and the distinction between confidential and non-confidential information no later than December 31, 2026.”

Third, Recommendation 4:

“County Counsel should coordinate with CSAC or other qualified governmental ethics and governance training providers to provide training to the Board of Supervisors regarding the authority and oversight role of the Civil Grand Jury, including witness obligations and cooperation with Grand Jury investigations and interviews, no later than December 31, 2026.”

As to these recommendations, 3 and 4, County Counsel routinely advises the Board of Supervisors regarding its legal duties under California law, including compliance with investigations conducted by the Civil Grand Jury. Supervisors, as elected constitutional officers, are already subject to extensive legal and ethics training through organizations such as CSAC, the California Lawyers Association, and other governmental educational programs. These are all topics that are regularly taken up in our County Counsel biennial training courses such that these recommendations will be further emphasized during that regular training.



County Administration Office

Roger Root
County Administrative Officer

Date: September 01, 2026
To: Board of Supervisors
From: Roger Root, County Administrative Officer
SUBJECT: 2025/26 Tuolumne County Grand Jury Reports

Background:

The Tuolumne County 2025/2026 Grand Jury has released several reports. The County has prepared responses. These reports are clearly focused on a particular department and Board member. County Counsel has worked with staff and the named Board member on the development of the letters of response to the 2025/26 Tuolumne County Grand Jury reports.

Recommendation:

Approve the letters of response to the 2025/26 Tuolumne County Grand Jury reports.

“We Support the Board of Supervisors in implementing their policies and promoting fiscal sustainability through service & collaboration with the County Departments and the Community”

DRAFT-TO BE ADDED TO BOARD LETTERHEAD UPON APPROVAL

September 01, 2026

Presiding Judge of Superior Court
Honorable Laura L. Krieg
c/o Court Executive Office
Tuolumne County Superior Court
12855 Justice Center Drive
Sonora, CA 95370
Via email to Shalom Rosenfelder, CEO srosenfelder@tuolumne.courts.ca.gov

Re: Response to Grand Jury Report – **2024 – 2025 Compliance Report dated June 17, 2026**

The following is submitted in response to the 2025-26 Grand Jury Report as it pertains to the 2024 – 2025 Compliance Report. 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 the County's response to your report.

Findings

Preliminary Statement and Reservation of Authority

This response is submitted to address the report's findings and related requests for further responses. At the outset, Tuolumne County rejects any suggestion that the Civil Grand Jury may compel implementation of its recommendations, impose new implementation deadlines, require substantive policy action, or convert advisory recommendations into binding directives. Where the report demands a new date by which a recommendation "will be implemented," the demand improperly presumes that implementation is required. It is not required.

The Civil Grand Jury's statutory role is to investigate and report on local government matters; its final report contains findings and recommendations, not enforceable orders. California law requires the responding public entity to comment on findings and recommendations within the applicable statutory response period. California law further provides specific response categories for findings and recommendations, including the express option to state that a recommendation "will not be implemented because it is not warranted or is not reasonable". The Civil Grand Jury has only those powers conferred by statute, and courts have repeatedly rejected attempts to assert powers not expressly conferred by statute. The reporting function is the Grand Jury's formal means to attempt to effectuate its recommendations, but its powers remain only those the Legislature has deemed appropriate. The superior court's supervisory role exists to restrain grand jury action beyond statutorily enumerated powers, and authority not expressly permitted by the Legislature is prohibited.

Accordingly, Tuolumne County responds to the report and **STRONGLY OBJECTS** to the notion that a Civil Grand Jury may:

- 1) Require a "further response" by a date of the Grand Jury's choosing;
- 2) Order implementation;
- 3) Police implementation after the statutory response process; or,
- 4) Dictate the substance, timing, funding, or administrative method of County action.

To the extent the report purports to impose a September 1, 2026 deadline for additional substantive commitments, Tuolumne County rejects that purported mandate as unsupported by the governing statutes.

General Response Applicable to All Findings

The report states that the 2025-2026 Civil Grand Jury reviewed responses to five prior reports, determined whether responses were timely, and evaluated whether the responses used wording required by California law. The report further states that all fifty-two required responses were received within the mandated timeframe. Thus, the only alleged deficiencies concern the Grand Jury's disagreement with the form, level of detail, or subsequent implementation status of particular responses—not a failure to timely respond.

Tuolumne County disagrees with any finding that treats a Civil Grand Jury recommendation as binding County policy. Penal Code section 933.05 recognizes that a public entity may agree, disagree, implement, decline to implement, or study recommendations; it does not empower a Civil Grand Jury to force the public entity to adopt the recommendation. The statutory response process permits implementation, future implementation, further analysis within the statutory parameters, or non-implementation because the recommendation is not warranted or reasonable.

Specific Response Regarding the Front Cover of the Report

The decision to memorialize and publish a single, off-the-cuff remark by Jaron Brandon, a member of the Board of Supervisors, is a troubling development in the Report. The quoted statement is wholly unrelated to any finding of fact, legal conclusion, or recommendation and has absolutely no legitimate place in an official grand jury report. Its inclusion serves no investigative purpose, advances no public policy objective, and contributes nothing to the public's understanding of county government. Instead, it appears calculated solely to ridicule, demean, and publicly embarrass an elected official.

California law does not authorize the publication of gratuitous personal barbs or selective quotations designed to cast public officials in an unfavorable light. By departing from its statutory role and inserting material that is irrelevant, inflammatory, and devoid of evidentiary value, the Grand Jury abandoned the objectivity and restraint that give its reports credibility. Official reports carry the imprimatur of government and should never be used as vehicles for sarcasm, mockery, or personal disparagement.

The inclusion of this quotation is not merely unprofessional; it is offensive to the principles of fairness, impartiality, and common decency that should govern every official publication. It reflects neither legal analysis nor ethical judgment. Rather, it lowers the Report from a serious governmental document to a vehicle for public ridicule. When a grand jury chooses to substitute cheap rhetorical shots for thoughtful analysis, it diminishes not only the credibility of its report but also the integrity of the grand jury process itself. Such conduct has no place in an official report issued under the authority of the State of California.

Responses to Findings

Finding 1.

The Tuolumne County Board of Supervisors failed to provide an explanation of the reasons for its disagreement with finding F-2 in the report entitled "Treatment of the Grand Jury by County Officials Report" thus violating Penal Code section 933.05(a)(2).

Response to Finding 1.

Finding 1 asserts that the Board failed to explain its disagreement with Finding F-2 in the prior report concerning treatment of the Grand Jury. Tuolumne County PARTIALLY DISAGREES.

To the extent the prior response stated disagreement without further explanation, Tuolumne County provides the following clarification: Tuolumne County disputes the assertion that Tuolumne County “failed to address” the treatment of the Grand Jury or caused “fatal” delays in Grand Jury investigations because that assertion is conclusory, overbroad, and does not identify specific acts, responsible officials, dates, requested materials, or causation sufficient to support the finding. The statutory response requirement calls for agreement or disagreement and, where there is disagreement, reasons for the disagreement; it does not require the responding entity to accept vague or unsupported characterizations as fact.

Finding 2.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Treatment of the Grand Jury by County Officials Report” by September 1, 2026, stating a date by which recommendation R-3 will be implemented.

Response to Finding 2.

Finding 2 states that the Board “should further respond” by September 1, 2026 with a date by which Recommendation R-3 will be implemented; the underlying recommendation concerned an Enterprise Resource Planning system within 365 days, and the prior response stated that the County had budgeted for an HRIS solution but no implementation date had been set. Tuolumne County DISAGREES.

The Civil Grand Jury may recommend, but may not command procurement, contracting, budget allocation, software implementation, or a deadline for completion. California authority strictly limits the Grand Jury to powers granted by the Legislature. The County has already advised that discussions and pre-work were occurring and that no final implementation date had been set. A demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 3.

The Tuolumne County Board of Supervisors failed to provide a timeframe for implementation of their response to finding F-3 in the report entitled “Treatment of the Grand Jury by County Officials Report” thus violating Penal Code section 933.05(b)(2).

Response to Finding 3.

Finding 3 asserts that the Board failed to provide a timeframe for implementation in connection with Finding F-3, although the report also states that the County has budgeted for a new HRIS system, is finalizing the contractual process, and that no further action is necessary. Tuolumne County DISAGREES.

This finding is internally self-defeating. The report acknowledges subsequent information showing that the County is moving forward and that no further action is necessary. To the extent the Grand Jury asserts a statutory violation, the assertion improperly treats a response to a finding as though it were a response to a recommendation.

Finding 4.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Board of Supervisors Actions and Obligations” by September 1, 2026, stating a date by which recommendation R-1 will be implemented.

Response to Finding 4.

Finding 4 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-1 from the "Board of Supervisors Actions and Obligations" report will be implemented; that recommendation concerned a comprehensive public information program, and the report notes that a prior target date of January 1, 2026 was not met. Tuolumne County DISAGREES.

The Board's judgment regarding public communications, staffing, budget, priorities, and timing remains with the Board, not the Civil Grand Jury. The Grand Jury's statutory authority permits investigation and reporting, but it does not include authority to dictate how or when the Board must implement communications programming. Tuolumne County will continue to evaluate public communication improvements through its ordinary governance and budget processes. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 5.

The Tuolumne County Board of Supervisors should further respond to the report entitled "Board of Supervisors Actions and Obligations" by September 1, 2026, stating a date by which recommendation R-2 will be implemented.

Response to Finding 5.

Finding 5 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-2 will be implemented; that recommendation concerned designating a Public Information Officer or other spokesperson, and the prior response stated that further study was needed regarding necessity and cost. Tuolumne County DISAGREES.

The prior response properly identified further analysis concerning whether a Public Information Officer is necessary and what such a position would cost. The Civil Grand Jury may not override the Board's authority to determine whether a position is needed, affordable, or organizationally appropriate. Grand jury powers are broad but limited to those deemed appropriate by the Legislature. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 6.

The BOS should further respond to the report entitled "Board of Supervisors Actions and Obligations" by September 1, 2026, stating a date by which recommendation R-6 will be implemented.

Response to Finding 6.

Finding 6 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-6 will be implemented; that recommendation concerned changing the Human Resources Director/Risk Manager reporting structure, and the prior response stated that the position should become Board-appointed by 2026. Tuolumne County DISAGREES.

Tuolumne County acknowledges that the prior response contemplated future action. Tuolumne County disagrees that the Civil Grand Jury may compel a new implementation date or dictate the reporting structure for County personnel. Personnel structure, appointment authority, and implementation timing involve policy, budget, labor, and administrative considerations reserved to the County's governing processes. The statutory scheme requires a response to recommendations; it does not make the Grand Jury the implementing authority. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 7.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Unfunded Liabilities and Financial Challenges” by September 1, 2026, stating a date by which recommendation R-4 will be fully implemented.

Response to Finding 7.

Finding 7 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-4 from the “Unfunded Liabilities and Financial Challenges” report will be fully implemented. Tuolumne County DISAGREES.

The report’s objection is not that the Board failed to respond, but that the Grand Jury disagrees with the degree of implementation and wants further commitment. The statutory response process does not authorize the Grand Jury to demand “full implementation” of its preferred fiscal or personnel reporting approach. A public entity may decline to implement a recommendation when it is not warranted or reasonable. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 8.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Unfunded Liabilities and Financial Challenges” by September 1, 2026, stating a date by which recommendation R-6 will be implemented.

Response to Finding 8.

Finding 8 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-6 will be implemented; the report states that the prior response said the recommendation had been implemented, but the Grand Jury could not find reasonably accessible definitions of the ECU classification or obtain a listing of ECU member employees from the database. Tuolumne County DISAGREES.

The Grand Jury’s inability to locate information in the manner it preferred does not establish non with the statutory response requirement. The response category “has been implemented” requires a summary of the implemented action; it does not authorize the Grand Jury to prescribe the exact publication format, database configuration, or access method for County personnel classifications. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 9.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Unfunded Liabilities and Financial Challenges” by September 1, 2026, with additional information regarding their response to F-8, including a date when their response will be implemented.

Response to Finding 9

Finding 9 states that the Board should further respond by September 1, 2026 with additional information regarding its response to Finding F-8, including a date when the response will be implemented; the report concerns ACFR filings, credit rating status, and grant-related concerns. Tuolumne County DISAGREES.

Finding F-8 was a finding, not a recommendation requiring implementation. The Board partially

agreed and explained that the 2022 ACFR had been filed, the 2023 and 2024 ACFRs remained incomplete at the time of the response, and the County did not have a negative credit rating because the credit rating had been pulled and could be reinstated after completion of the outstanding ACFRs. Penal Code section 933.05(a) governs responses to findings and requires agreement or disagreement with reasons; it does not require an “implementation date” for a finding. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 10.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Unfunded Liabilities and Financial Challenges” by September 1, 2026, stating a date by which R-10 will be implemented.

Response to Finding 10.

Finding 10 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-10 will be implemented; the prior response stated that a comprehensive deferred-maintenance financing plan could not be developed until the County had an updated CIP. Tuolumne County DISAGREES.

The Grand Jury criticizes the County’s explanation as a “circular impediment,” but that criticism is a policy disagreement, not a statutory violation. The County’s response identified the practical dependency between deferred-maintenance financing and an updated capital planning document. The Grand Jury may report and recommend, but it may not compel the Board to adopt a financing plan or prioritize one planning sequence over another. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 11.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Unfunded Liabilities and Financial Challenges” by September 1, 2026, stating a date by which recommendation R-11 will be implemented.

Response to Finding 11.

Finding 11 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-11 will be implemented; the underlying recommendation called for issuing an RFP for a new CIP, while the Board responded that staff had begun developing a CIP internally as a cost-saving measure. Tuolumne County DISAGREES.

This finding disregards the substance of the Board’s response. The Board did not ignore the CIP issue; it chose a different implementation method—internal development rather than an RFP—based on cost savings. The Grand Jury may not force the County to issue an RFP when the County has selected a different administrative path. Nothing in the cited statutory response scheme converts a recommendation into a procurement directive. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 12.

The Tuolumne County Board of Supervisors should further respond to the report entitled “Unfunded Liabilities and Financial Challenges” by September 1, 2026, stating a date by which recommendation R-13 will be implemented.

Response to Finding 12.

Finding 12 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-13 will be implemented; the report states that the recommendation is being implemented by Public Works and Facilities Management, but no delivery date was provided. Tuolumne County DISAGREES.

Tuolumne County acknowledges that additional information may be provided as a courtesy if and when a reliable project schedule exists. Tuolumne County disagrees that the Civil Grand Jury can compel an implementation date for an internal CIP process. Penal Code section 933.05 requires a timeframe only when the responding entity elects the statutory category that a recommendation has not yet been implemented but will be implemented in the future. That statutory requirement does not authorize the Grand Jury to impose its own deadline after the response has been submitted. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 13.

The Tuolumne County Board of Supervisors should further respond to the report entitled "Unfunded Liabilities and Financial Challenges" by September 1, 2026, stating a date by which recommendation R-14 will be implemented.

Response to Finding 13.

Finding 13 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-14 will be implemented; the report states that implementation depends on finalization of the CIP. Tuolumne County DISAGREES.

The Board's response appropriately linked this recommendation to completion of the CIP. The Civil Grand Jury's disagreement with that dependency does not create authority to mandate a date certain. The Grand Jury's powers remain limited to those conferred by statute.

Finding 14.

The Tuolumne County Board of Supervisors should further respond to the report entitled "Unfunded Liabilities and Financial Challenges" by September 1, 2026, stating a date by which recommendation R-15 will be fully implemented.

Response to Finding 14.

Finding 14 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-15 will be fully implemented; the underlying recommendation concerned review of County-owned and leased buildings for life/safety inadequacies, and the prior response stated the recommendation was currently being implemented. Tuolumne County PARTIALLY DISAGREES.

Tuolumne County agrees that life/safety issues are important and that appropriate review may proceed through County processes. Tuolumne County disagrees with the demand for a Grand Jury-imposed implementation date. The statutes require responses to recommendations; they do not authorize the Grand Jury to manage County facilities work plans. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 15.

The Tuolumne County Board of Supervisors should further respond to the report entitled "Unfunded

Liabilities and Financial Challenges” by September 1, 2026, stating a date by which recommendation R-16 will be implemented.

Response to Finding 15.

Finding 15 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-16 will be implemented; the report asserts that although the Board stated the recommendation had been implemented, subsequent attempts to obtain a copy of the insurance-coverage report identified that no such report existed and that there was no plan to request such a report. Tuolumne County DISAGREES.

The Civil Grand Jury may not dictate the form of insurance verification or require creation of a particular document unless the Board elects to do so through its own processes. The statutory response framework permits explanation; it does not empower the Grand Jury to prescribe operational policy, including specific forms of documentation. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 16.

The Tuolumne County Board of Supervisors should further respond to the report entitled “2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government” by September 1, 2026, stating a date by which recommendation R-1-4 will be implemented.

Response to Finding 16.

Finding 16 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-4 from the “Differential Treatment & Hiring Practices” report will be implemented; the underlying recommendation concerned posting all management-level positions internally and externally for at least three weeks, and the prior response stated that further analysis was required because the County must meet and confer regarding changes in practice and Personnel Rules. Tuolumne County DISAGREES.

The prior response identified the reason further analysis was required: the recommendation implicated changes in practice and Personnel Rules requiring a meet-and-confer process. The Grand Jury cannot compel the County to bypass or compress labor-relations and personnel-rule processes by imposing its own deadline. Grand jury authority is statutory and limited; extra-statutory commands are not enforceable. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 17.

The Tuolumne County Board of Supervisors should further respond to the report entitled “2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government” by September 1, 2026, stating a date by which recommendation R-2-1 will be implemented.

Response to Finding 17.

Finding 17 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-1 will be implemented; the recommendation concerned complaint-reporting paths and the prior response tied implementation to making the Human Resources Director/Risk Manager a Board-appointed position. Tuolumne County DISAGREES.

Tuolumne County acknowledges that complaint-reporting structures remain an important governance

issue. Tuolumne County disagrees that the Grand Jury may dictate the implementation date or the precise administrative mechanism for revising those structures. The statutory response scheme allows a recommendation to be implemented, studied, or rejected; it does not authorize the Civil Grand Jury to administer County human-resources reporting systems. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 18.

The Tuolumne County Board of Supervisors should further respond to the report entitled "2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government" by September 1, 2026, stating a date by which recommendation R-4-1 will be implemented.

Response to Finding 18.

Finding 18 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-1 will be implemented; the underlying recommendation concerned Board oversight of Senior County Administration, and the prior response stated that implementation would occur through the Tuolumne County Ordinance Code. Tuolumne County DISAGREES.

The Grand Jury's statement that the "committed change has not been made" does not establish a statutory violation. Legislative and ordinance changes require deliberation, drafting, agenda management, and policy judgment. The Grand Jury may not dictate ordinance timing or content. Its reportorial authority is broad, but not unlimited. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 19.

The Tuolumne County Board of Supervisors should further respond to the report entitled "2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government" by September 1, 2026, stating a date by which recommendation R-4-2 will be implemented.

Response to Finding 19.

Finding 19 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-2 will be implemented; the underlying recommendation concerned amending the Governance Manual to ensure information from one source is accurate, and the prior response stated the recommendation would be implemented through evaluations rather than the Governance Manual. Tuolumne County DISAGREES.

The Board selected a different mechanism than the one preferred by the Grand Jury. That is not non; it is governance. The Civil Grand Jury cannot require the Board to use the Governance Manual rather than evaluations, and it cannot convert a recommended mechanism into a binding directive. Penal Code section 933.05 expressly contemplates that respondents may explain how they will or will not implement recommendations. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 20.

The Tuolumne County Board of Supervisors should further respond to the report entitled "2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government" by September 1, 2026, stating a date by which recommendation R-4-4 will be implemented.

Response to Finding 20.

Finding 20 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-4 will be implemented; the underlying recommendation concerned a system to ensure directions communicated through Senior County Administration are not misrepresented, and the prior response stated implementation would occur through evaluations. Tuolumne County DISAGREES.

The Board's response identified evaluations as the implementation mechanism. The Grand Jury's demand for a date does not alter the Grand Jury's statutory role. The Grand Jury may report; it may not supervise the Board's evaluation processes or prescribe their timing. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 21.

The Tuolumne County Board of Supervisors failed to provide an explanation of the reasons for its disagreement with F-6-1 in the report entitled "2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government" thus violating Penal Code section 933.05(a)(2).

Response to Finding 21.

Finding 21 asserts that the Board failed to provide an explanation of the reasons for its partial disagreement with Finding F-1 in the "Differential Treatment & Hiring Practices" report; the report states that the Board partially agreed but did not delineate what it agreed and disagreed with. Tuolumne County DISAGREES.

To avoid any claimed ambiguity, Tuolumne County clarifies as follows: Tuolumne County agrees that consistent support for department heads is an appropriate management objective. Tuolumne County disagrees with any implication that Senior County Administration engaged in improper differential treatment, unfairness, or lack of transparency as a general factual conclusion, because the finding is stated at a high level of generality and does not identify sufficient specific conduct, decision-makers, timeframes, or comparable circumstances to support that conclusion. Penal Code section 933.05 requires an explanation for disagreement; it does not require agreement with broad characterizations lacking adequate factual specificity. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 22.

The Tuolumne County Board of Supervisors should further respond to the report entitled "2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government" by September 1, 2026, stating a date by which recommendations R-6-1 and R-6-2 will be implemented.

Response to Finding 22.

Finding 22 states that the Board should further respond by September 1, 2026 with a date by which Recommendations R-1 and R-2 will be implemented; the prior response stated that the recommendations would be implemented but that the Board would decide the proper mechanism because the Governance Manual might not be appropriate. Tuolumne County DISAGREES.

The Board expressly reserved discretion to determine the proper implementation mechanism. That reservation is appropriate. The Civil Grand Jury cannot force use of the Governance Manual, dictate the mechanism, or impose a follow-up deadline outside the statutory response process. The Grand Jury's powers are limited to those conferred by the Legislature. Additionally, a demand that the Board

now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 23.

The Tuolumne County Board of Supervisors should further respond to the report entitled “2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government” by September 1, 2026, stating a date by which recommendation R-7-2, R-7-3, and R-7-4 will be implemented.

Response to Finding 23.

Finding 23 states that the Board should further respond by September 1, 2026 with a date by which Recommendations R-1 through R-4 concerning High Performance Organization methodology will be implemented; the prior response stated that further analysis was required. Tuolumne County DISAGREES.

High Performance Organization methodology is a management approach, not a legal obligation imposed by the Civil Grand Jury. The Board may analyze, adopt, modify, or reject such a methodology through its own administrative judgment. Penal Code section 933.05 permits a response that further analysis is required, with explanation and parameters; it does not permit the Grand Jury to decide the outcome of that analysis. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

Finding 24.

The Tuolumne County Board of Supervisors should further respond to the report entitled “2024-2025 Differential Treatment & Hiring Practices in Tuolumne County Government” by September 1, 2026, stating a date by which R-8-1 will be implemented.

Response to Finding 24.

Finding 24 states that the Board should further respond by September 1, 2026 with a date by which Recommendation R-1 concerning updates to the Personnel Rules and Regulations manual will be implemented; the prior response stated that Human Resources and County Counsel had completed their review and that the County would begin the legally required meet-and-confer process with the goal of Board adoption within the year. Tuolumne County DISAGREES.

Tuolumne County acknowledges that updating Personnel Rules and Regulations is an appropriate administrative objective. Tuolumne County disagrees that the Grand Jury may impose a deadline for completion of the meet-and-confer process, final policy adoption, or Board action. The Grand Jury's statutory function does not include authority to compel labor-relations outcomes or set the Board's legislative calendar. Additionally, a demand that the Board now state a specific implementation date improperly attempts to convert a recommendation into an order, which the Grand Jury has no statutory authority to issue.

CONCLUSION

For the reasons set forth above, Tuolumne County categorically rejects the Civil Grand Jury's attempt to exceed the authority granted to it under California law.

The County has fully addressed each finding while expressly preserving all objections to the report's factual inaccuracies, unsupported conclusions, and recommendations that exceed the Grand Jury's statutory role. The County will continue to evaluate policy, budgetary, personnel, labor, procurement, facilities, and governance matters through the lawful processes established by the Constitution,

statutes, and the Board of Supervisors—not through directives issued by an advisory body with no authority to govern County operations.

Nothing in this response should be construed as acknowledging that the Civil Grand Jury possesses the legal authority to impose implementation deadlines, dictate substantive governmental action, compel policy decisions, or require responses beyond those expressly mandated by Penal Code sections 933 and 933.05. Any suggestion to the contrary is unsupported by law and is expressly rejected.

Respectfully,

Stephen A. Griefer
Chair, County of Tuolumne Board of Supervisors

DRAFT

DRAFT-TO BE ADDED TO BOARD LETTERHEAD UPON APPROVAL

September 01, 2026

Presiding Judge of Superior Court
Honorable Laura L. Krieg
c/o Court Executive Office
Tuolumne County Superior Court
12855 Justice Center Drive
Sonora, CA 95370
Via email to Shalom Rosenfelder, CEO srosenfelder@tuolumne.courts.ca.gov

Re: Response to 2025 – 2026 Grand Jury Report – Behind the Devastation: Tuolumne County Community Development Department Report dated June 26, 2026

The following is submitted in response to the 2025-26 Grand Jury Report titled “Behind the Devastation: Tuolumne County Community Development Department”. 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 submits these responses under Penal Code section 933.05. As to each finding, the County states whether it agrees, partially disagrees, or wholly disagrees and provides the reasons for any disagreement. As to each recommendation, the County states whether the recommendation has been implemented, will be implemented, or will not be implemented because it is not warranted or not reasonable.

Findings & Recommendations

Staffing

Finding 1.

Budget cuts have led to concerns about future job loss, causing CDD employees to resign or retire prior to being let go. The perception of a poor employee pay structure, newly degraded work culture, and a lack of support from the Board of Supervisors has resulted in difficulty filling vacancies within CDD. Current staffing levels within CDD are not sufficient for maintaining minimum service levels without utilizing more costly third-party contracts.

Response to Finding 1.

The County of Tuolumne PARTIALLY AGREES AND PARTIALLY DISAGREES with Finding 1.

The County of Tuolumne AGREES that budget cuts have affected jobs within the Community Development Department. The County of Tuolumne acknowledges that budget reductions have resulted in workforce adjustments that have impacted staffing levels and may have contributed to employee departures.

The County of Tuolumne DISAGREES with the remaining aspects of Finding 1. Specifically, the County of Tuolumne disagrees with the characterization that budget cuts have caused employees to resign or retire "prior to being let go," as this implies anticipated involuntary separations that have not been planned/were not communicated to staff in that manner. The County of Tuolumne also

disagrees with the assertion that there is a "perception of a poor employee pay structure, newly degraded work culture, and a lack of support from the Board of Supervisors," as this characterization does not accurately reflect the County of Tuolumne's compensation practices, workplace culture initiatives, or the Board's support for departmental operations. The County of Tuolumne further disagrees that current staffing levels are insufficient for maintaining minimum service levels without utilizing more costly third-party contracts, as the Department has maintained core services which have been sustained through operational adjustments and prioritization.

Recommendation 1-1.

Update and maintain the publicly available organization charts for CDD to align with current budgeted positions and vacancy status by August 31, 2026.

Response to Recommendation 1-1

The recommendation HAS BEEN IMPLEMENTED.

The County of Tuolumne will update the publicly available organization charts for the Community Development Department to align with current budgeted positions and vacancy status. The updated charts will be posted on the County website and will be maintained to ensure accuracy.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 1-2.

Review the literature from ILG related to the Bridge Initiative, or other similar local government apprenticeship programs, and report back on the feasibility of implementing something similar or expanding the existing internship programs, by September 30, 2026.

Response to Recommendation 1-2.

The recommendation WILL NOT BE IMPLEMENTED.

The County of Tuolumne has determined that implementing a formal apprenticeship program modeled on the Bridge Initiative has been determined to not be aligned with current departmental priorities. The County of Tuolumne will continue to utilize existing internship programs.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 1-3.

To identify opportunities to increase morale and improve the overall work culture within the County, perform an anonymous, county-wide employee survey by December 31, 2026.

Response to Recommendation 1-3.

The recommendation WILL NOT BE IMPLEMENTED.

The County of Tuolumne has determined that a county-wide employee survey is not necessary at this time because it would duplicate existing efforts conducted for each employee by personal evaluation and is not the most effective means of assessing employee morale given these existing feedback mechanisms. The County of Tuolumne will continue to monitor employee morale through the annual evaluation processes and address workplace culture concerns through such existing processes.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 2.

Supervisor Holland's presentation "Maybe Time for a New Approach" created a misleading comparison between the Tuolumne County and Amador County Community Development Departments by relying on staffing, budget, and permit processing comparisons between departments with materially different structures, responsibilities, and workloads.

Response to Finding 2.

The County disagrees wholly with Finding 2. The report asserts that Supervisor Holland's presentation created a misleading comparison between the Tuolumne County and Amador County Community Development Departments because the departments allegedly have materially different structures, responsibilities, and workloads. The County rejects that characterization. Public comparison of governmental departments, budgets, staffing, and performance is a legitimate governance function and is not rendered "misleading" merely because the compared agencies are not identical. The finding substitutes the Grand Jury's subjective disagreement with the presentation's framing for any actual evidence that the presentation was outside the Board's governance role.

Finding 3.

The lack of definitive metrics/guidelines for permit approval time inhibits the ability to identify opportunities for improvement in the permit approval process and contributes to the poor public perception of the CDD.

Response to Finding 3.

The County partially agrees and partially disagrees with Finding 3.

The County agrees only that meaningful metrics can assist process management and may help identify opportunities for improvement in the permit-approval process.

The County otherwise disagrees with the finding's assertion that the absence of definitive metrics "contributes to the poor public perception" of CDD. That assertion is conclusory and improperly treats public perception as if it were established fact attributable to a single operational cause.

Recommendation 2/3-1.

Once a CDD Director has been hired, develop goals for permit approval times by category groups and utilize data from OpenGov to track progress against those goals, by March 31, 2027.

Response to Recommendation 2/3-1.

This recommendation WILL BE IMPLEMENTED. After a CDD Director is hired, the County will develop permit-approval goals by category groups and use available OpenGov data or successor-system data to track progress. Implementation does not constitute agreement with Finding 2 or 3.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 2/3-2.

Once a CDD Director has been hired, develop target approval times by category groups and make

this available to the public, by March 31, 2027.

Response to Recommendation 2/3-2.

This recommendation WILL BE IMPLEMENTED. After a CDD Director is hired, the County will develop target approval times by category groups and make appropriate target information available to the public. Implementation does not constitute agreement with Finding 2 or 3.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 2/3-3.

Develop and implement a plan to publicly reinforce the value of the CDD and the permit process via Public Service Announcements, Townhall Meetings, Board of Supervisors presentations, or similar, by December 31, 2026

Response to Recommendation 2/3-3.

This recommendation WILL BE IMPLEMENTED. The County will develop a plan to communicate the value of the CDD and the permit process through appropriate public communications. Implementation does not constitute agreement with the Grand Jury's criticism of any individual Board member or prior presentation. Implementation does not constitute agreement with Finding 2 or 3.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 4.

The Board of Supervisors' use of the Board Reports agenda section to deliver an extensive presentation criticizing the CDD immediately prior to the closed-session evaluation of the CDD Director created the perception of improper public discussion of personnel matters, undermined public confidence in Brown Act compliance and fair governance practices, and addressed matters not properly agendized while denying the public and the department a meaningful opportunity to comment or respond.

Response to Finding 4.

The County DISAGREES wholly with Finding 4. The report alleges that use of the Board Reports agenda section for a presentation concerning CDD created perceptions of improper public discussion of personnel matters, undermined public confidence, addressed matters not properly agendized, and denied a meaningful opportunity to respond. The County rejects the finding. A claimed "perception" is not a substitute for a violation, and the finding does not establish that the Board unlawfully evaluated a specific employee in open session or took action outside the agenda. The Grand Jury's disagreement with the tone, length, or timing of public remarks does not transform those remarks into improper personnel action.

Finding 5.

The timing and manner of the presentation, immediately preceding the CDD Director's performance evaluation, contributed to the perception of intimidation, unfair treatment of county staff, and inconsistency in the personnel evaluation process.

Response to Finding 5.

The County DISAGREES wholly with Finding 5. The report asserts that the timing and manner of the

presentation contributed to perceptions of intimidation, unfair treatment, and inconsistency in the personnel evaluation process. The County rejects the finding because it is built on speculation about perception and motive rather than established misconduct. The County further rejects any implication that criticism of department-level operations is inherently intimidation or unfair treatment of staff.

Recommendation 5-1.

By October 1, 2026, the Board of Supervisors should adopt standards of conduct promoting professional and respectful treatment of County staff to reduce the perception of intimidation, retaliation, or politically motivated targeting of department leadership.

Response to Recommendation 5-1.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The recommendation asks the Board to adopt standards of conduct in response to alleged perceptions of intimidation, retaliation, or politically motivated targeting. The County does not accept the premise that such conduct occurred. The Board may continue to observe and refine professional norms, but it will not adopt a policy premised on unsupported accusations.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 5-2.

By October 1, 2026, the Board of Supervisors should adopt clear guidance reinforcing that discussions tied to the performance of a specific employee belong in closed session under Government Code §§ 54953 and 54957. If a department-level discussion could reasonably be attributed to a department head, it should either stay strictly policy-level in open session or be moved to closed session. The Board should also ensure evaluation practices are applied consistently, and that employees are given a fair opportunity to respond, to avoid both Brown Act concerns and potential HR-related issues.

Response to Recommendation 5-2.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The recommendation incorrectly treats department-level operational discussion as presumptively tied to a specific employee whenever it “could reasonably be attributed” to a department head. The County rejects that overbroad standard. It would chill legitimate public discussion of departmental performance and policy issues.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 5-3.

By October 1, 2026, the Board of Supervisors should adopt a formal policy defining the permissible scope and limitations of Board Reports, including reasonable time limits and restrictions on using the section for extensive presentations, policy advocacy, or criticism of specific departments or employees without proper agendization.

Response to Recommendation 5-3.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted or reasonable as framed. The recommendation would impose formal limitations on Board Reports based on the Grand Jury’s disagreement with a particular presentation. The County will not adopt a restrictive rule that undermines the Board’s ability to report on matters of public concern.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 5-4.

County Counsel should provide annual Brown Act and governance training to all Board members regarding proper agendaization requirements, the distinction between public policy discussions and personnel evaluations, appropriate use of Board Reports, and due process and fairness considerations involving department heads and county staff.

Response to Recommendation 5-4.

This recommendation HAS BEEN IMPLEMENTED.

County Counsel provides Brown Act and governance training to Board members on biennial basis or through an equivalent recurring training process, including agenda practices and the distinction between public policy discussion and personnel evaluation.

Implementation does not constitute agreement with Findings 4 or 5.

Recommendation 5-5.

By October 1, 2026, the Board of Supervisors should require that substantive presentations involving criticism, evaluation, or comparison of county departments be placed on a properly noticed agenda item to allow adequate public notice, staff preparation, and opportunity for response.

Response to Recommendation 5-5.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will continue to comply with applicable agenda requirements, but it rejects the recommendation's implication that substantive criticism of county departments must be separately agendaized whenever it occurs within a Board report.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Community Development Department (CDD)

Finding 6.

CDD maintained a practice of applying unwritten "Tuolumne County" requirements in addition to formally adopted State codes and regulations, despite those local requirements not being formally codified or publicly adopted through the required legislative process. This practice contributed to project delays, increased costs, and frustration among applicants and contractors, and created a perception of inconsistency and inefficiency within the permitting process.

Response to Finding 6.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 6.

The County PARTIALLY AGREES that certain past CDD practices were unsatisfactory and created frustration for applicants.

The County OTHERWISE DISAGREES because the finding describes past practices as though they remain current practice and fails to account for changed procedures. The report alleges that CDD

applied unwritten "Tuolumne County" requirements beyond formally adopted codes, causing delays, costs, and public frustration. Current County practice is to base plan review and permitting decisions on applicable adopted requirements and to move away from informal or unwritten review expectations.

Recommendation 6-1.

The Board of Supervisors and CDD should ensure that all plan review and permitting decisions are based solely on formally adopted State and local codes; any additional local requirements should be clearly documented, formally adopted, and publicly accessible by September 1, 2026.

Response to Recommendation 6-1.

This recommendation HAS BEEN IMPLEMENTED.

The County and CDD have changed practices so that permitting and plan-review decisions are based on formally adopted State and local codes, with any additional local requirements to be documented, adopted, and made publicly accessible as appropriate. Implementation does not constitute complete agreement with Finding 6.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 7.

CDD routinely fails to rely on the expertise of engineer's preparing plan documents and does not always accept plans when there is the presence of an engineer's professional stamp on submitted plans.

Response to Finding 7.

The County DISAGREES wholly with Finding 7.

The report asserts that CDD routinely fails to rely on engineers' expertise and does not always accept plans because they bear a professional engineer's stamp. The County rejects the premise that a professional stamp eliminates the County's obligation to conduct code review. A stamped plan may be entitled to professional respect, but it is not a command that CDD approve the submission without review. The finding improperly equates appropriate plan review with disregard for engineering expertise.

Recommendation 7.

The Board of Supervisors and CDD should establish and adhere to clear guidelines for plan review involving professionally prepared and stamped engineering documents. Such guidelines should define the respective roles and responsibilities of design professionals and plan reviewers, while ensuring compliance with adopted codes by September 1, 2026.

Response to Recommendation 7.

This recommendation HAS BEEN IMPLEMENTED.

The County and CDD has long-standing and established guidelines for plan review involving professionally prepared and stamped engineering documents. To say that this recommendation has been Implemented does not constitute agreement that CDD has failed to respect engineers or has improperly rejected stamped plans.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the

discretionary decision-making of the legislative branch.

Finding 8.

CDD frequently provided applicants with incremental or successive correction notices during the plan review and permitting process whereby additional corrections or new requirements were often issued that had not been identified during prior reviews even after applicants had corrected identified deficiencies and resubmitted revised materials. This practice contributed to project delays, increased costs, and frustration among applicants and contractors, and created a perception of inconsistency and inefficiency within the permitting process.

Response to Finding 8.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 8. The County PARTIALLY AGREES that certain past practices involving correction comments and review cycles were unsatisfactory. The County OTHERWISE DISAGREES because those practices have changed, and the finding fails to distinguish between past conditions and current procedures. The report alleges that CDD frequently issued incremental or successive correction notices, contributing to delays, costs, and frustration. The County has moved toward more complete, consistent, and transparent review practices.

Recommendation 8.

By October 1, 2026, the CDD should evaluate and improve its plan review and permitting procedures to promote greater consistency, completeness, and accuracy in applicant feedback. The CDD should make reasonable efforts to identify and communicate all known deficiencies and required corrections during the initial review stages in order to minimize repeated correction cycles, reduce unnecessary delays, and improve transparency and customer service throughout the permitting process.

Response to Recommendation 8.

This recommendation HAS BEEN IMPLEMENTED.

CDD has evaluated and improved plan-review and permitting procedures to promote greater consistency, completeness, and accuracy in applicant feedback. CDD will continue making reasonable efforts to identify known deficiencies during initial review stages, but implementation does not mean every issue can or should be identified in a single review cycle.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 9.

CDD has demonstrated inconsistent enforcement of ordinance code and their level of flexibility for remediation of issues.

Response to Finding 9.

The County DISAGREES wholly with Finding 9.

The report asserts that CDD has demonstrated inconsistent ordinance-code enforcement and inconsistent flexibility for remediation. The County rejects that broad accusation. Enforcement discretion is not the same as inconsistent enforcement. Different facts, different violation histories, different safety concerns, and different remediation efforts may justify different enforcement responses.

Recommendation 9-1.

The Grand Jury encourages CDD to maintain a cooperative, professional, and educational approach

when addressing unintentional failures by community members to comply with building codes and permitting requirements. At the same time, by October 1, 2026, CDD should review and, if necessary, strengthen enforcement policies related to Ordinance 1.10 governing unpermitted work and code compliance as they apply to repeat offenders, including contractors and property owners with documented patterns of noncompliance.

Response to Recommendation 9-1.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County supports cooperative and professional code-compliance practices, but it rejects the recommendation's premise that current enforcement policies must be strengthened in response to a demonstrated pattern of inconsistent treatment.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 9-2.

By October 1, 2026, the County should implement consistent tracking, documentation, and reporting mechanisms to identify recurring violations and ensure that proportionate, progressive enforcement actions are applied fairly and uniformly. These measures would promote voluntary compliance, strengthen accountability, and improve public confidence in the integrity and consistency of the County's permitting and enforcement processes.

Response to Recommendation 9-2.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The recommendation presumes a tracking and reporting deficiency that the County does not accept. The County may continue to improve documentation practices, but it will not adopt corrective measures premised on an unsupported finding of inconsistent enforcement.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Conflict-Of-Interest Policy

Finding 10.

The Board of Supervisors amended its Governance Manual on June 3, 2025, to include a Conflict-of-Interest provision establishing a mechanism for projects involving potential conflicts of interest to be reviewed by an outside agency when multiple conflict-resolution and review mechanisms already existed. The Grand Jury further found that Supervisor Holland participated in discussions and voting related to the adoption of the Conflict-of-Interest provisions while having an active project that was subsequently subject to the policy. These circumstances created concerns regarding transparency, impartiality, and public trust.

Response to Finding 10.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 10.

The County AGREES that the Board amended its Governance Manual on June 3, 2025, to include a Conflict-of-Interest provision and further that Supervisor Holland participated in discussions and voting on the item.

The County OTHERWISE DISAGREES with the finding. The report's remaining assertions—that the provision was unnecessary, that existing mechanisms made it redundant, and that the circumstances created concerns regarding transparency, impartiality, and public trust—are argumentative conclusions rather than findings of established misconduct.

Recommendation 10-1.

Within 60 days of this report, the Board of Supervisors should reconsider the June 3, 2025, approval of the Conflict-of-interest Policy due to concerns created by Supervisor Holland's participation in a vote on a policy that was subsequently applied to his own project.

Response to Recommendation 10-1.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted. The County will not reconsider the June 3, 2025 approval of the Conflict-of-Interest Policy merely because the Grand Jury disagrees with the policy or speculates about public concern.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 10-2.

By September 1, 2026, the Board of Supervisors should review and reconsider the Conflict-of-interest provisions contained within the Governance Manual and evaluate whether existing conflict-resolution, appeal, and review mechanisms provide adequate safeguards before retaining, modifying, or rescinding the policy.

Response to Recommendation 10-2.

This recommendation will be NOT BE IMPLEMENTED.

The County will not reconsider the Conflict-of-Interest provisions in the Governance Manual merely because the Grand Jury disagrees with the policy or speculates about public concern

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 10-3.

Utilize existing contracted consultants and escalation procedures to provide verification of impartiality in cases of actual or perceived impropriety where county services affect an official or county leader, within 60 days of this report.

Response to Recommendation 10-3.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as a mandatory directive. The County retains discretion to use contracted consultants, escalation procedures, or other appropriate mechanisms when warranted, but it will not bind itself to the Grand Jury's preferred mechanism for every alleged or perceived concern.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 10-4.

By September 1, 2026, the Board of Supervisors should require full disclosure of any actual, potential, or perceived conflicts of interest that may reasonably benefit from a proposed governance

policy before Board consideration and voting. Following such disclosure, the Board should reconsider and retake any vote involving the Conflict-of-interest provisions if advised by County Counsel that such action is appropriate. Any officials with a direct conflict-of-interest should recuse themselves from participation consistent with applicable laws and policies.

Response to Recommendation 10-4.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will continue to address conflicts consistently with applicable law and policy, but the recommendation improperly assumes that a prior vote must be reconsidered based on the Grand Jury's speculative conflict theory.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 11.

Policies and procedures governing the delegation of project review, permitting, and inspection responsibilities to an external agency under the Conflict-of-interest provisions are not clearly defined. The Grand Jury found limited guidance regarding scope of authority, roles and responsibilities, communication requirements, documentation standards, and oversight of projects transferred outside Tuolumne County. In the case of the work sent to Amador County, the Grand Jury found that the solution to the problem was even more dysfunctional than the problem itself.

Response to Finding 11.

The County DISAGREES wholly with Finding 11.

The report asserts that policies and procedures for external review under Conflict-of-Interest provisions are not clearly defined and characterizes the Amador County solution as "even more dysfunctional than the problem itself". The County rejects the finding as conclusory, inflammatory, and unsupported by the response record.

The County further objects to the Grand Jury's attempt to convert policy preferences into directives. A civil grand jury may submit findings and recommendations concerning local government matters, but the statutory response framework confirms that findings and recommendations are not binding commands. Penal Code section 933.05 expressly allows a responding agency to state that a recommendation "will not be implemented because it is not warranted or is not reasonable." The Board—not the Grand Jury—retains responsibility for deciding whether and how to adopt County policy.

Recommendation 11-1. By September 1, 2026, the Board of Supervisors should develop and implement formal procedures establishing minimum requirements for agreements with outside counties or agencies performing project review, permitting, inspection, or related functions under the Conflict-of-interest provisions.

Response to Recommendation 11.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County may evaluate outside-agency procedures where appropriate, but it will not adopt the Grand Jury's proposed policy mandate or accept the premise that existing arrangements were dysfunctional.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 12.

The Grand Jury found limited transparency and project tracking when responsibility for review, permitting, or inspection is assigned to an external jurisdiction. This creates uncertainty regarding project status, decision-making authority, document retention, and accountability to the public.

Response to Finding 12.

The County DISAGREES wholly with Finding 12.

The report asserts limited transparency and project tracking when responsibility for review, permitting, or inspection is assigned to an external jurisdiction. The County rejects the finding because it overstates the issue and improperly assumes that outside-agency assistance necessarily creates uncertainty, lack of accountability, or deficient recordkeeping.

Recommendation 12.

By September 1, 2026, the Board of Supervisors should establish a policy requiring any outside jurisdiction performing work on behalf of Tuolumne County to provide regular written status updates and supporting documentation. Tuolumne County should maintain these records within its project tracking systems, including OpenGov or any successor platform, to ensure transparency, accountability, and continuity of oversight.

Response to Recommendation 12.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will maintain appropriate records for County projects, but it will not adopt the Grand Jury's preferred tracking policy as a binding requirement for every matter involving outside-agency assistance.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Finding 13.

The Grand Jury was unable to identify an active Code Compliance Board within the County's current Code Compliance framework. Current County materials describe enforcement through the CDD and Chapter 1.10 of the Tuolumne County Ordinance Code but do not reference a functioning Code Compliance Board. The Grand Jury did not determine whether the Board was formally dissolved, whether its duties were reassigned, or when it last met.

Response to Finding 13.

The County DISAGREES wholly with Finding 13.

The report states that the Grand Jury was unable to identify an active Code Compliance Board and did not determine whether the Board was dissolved, reassigned, or when it last met. That admission defeats the finding. An inability to identify information is not proof of a governance deficiency. The County also rejects any suggestion that the Grand Jury may dictate whether an independent local review body should be re-established, activated, or replaced. That is exclusively a County policy decision.

Recommendation 13.

By September 1, 2026, the Board of Supervisors should review the status, authority, and purpose of the Code Compliance Board and determine whether an independent local review body should be re-established, activated, or otherwise replaced to provide an additional layer of public oversight and

accountability within the County's regulatory framework.

Response to Recommendation 13.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The Board will determine the appropriate structure for code-compliance review through its own policy process, not through a Grand Jury directive to re-establish, activate, or replace a particular body.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

High School Road Project

Finding 14.

Amador County did not issue a permit for the actual work performed on the High School Road project, nor was it ever in their scope of work to issue permits for work performed in another County. Amador County officials stated that they assumed no responsibility for issuing permits for work done in Tuolumne County.

Response to Finding 14.

The County PARTIALLY AGREES and OTHERWISE DISAGREES with Finding 14.

The County AGREES that Amador County does not have permitting authority in Tuolumne County.

The County OTHERWISE DISAGREES with the finding's implication that the absence of Amador County permitting authority establishes that the High School Road project lacked lawful County review, approval, or oversight. The report states that Amador County did not issue a permit for work performed on the High School Road project and assumed no responsibility for issuing permits in Tuolumne County. That does not establish the broader conclusions the finding implies.

Recommendation 14-1.

By September 1, 2026, Tuolumne County should retain qualified and certified independent third-party professionals to conduct a comprehensive review of the High School Road project to determine compliance with all applicable permitting, inspection, and approval requirements, including, but not limited to, grading, building, occupancy, fire protection systems, and related public safety regulations. The review should include an evaluation of whether all required inspections were properly completed and documented, and whether corrective actions or enforcement measures are warranted based on the findings.

Response to Recommendation 14-1.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will not retain a special third-party review team based on the Grand Jury's unsupported premise that the project requires extraordinary re-review. The County will continue to apply applicable County processes.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 14-2.

Any deficiencies identified through the review referenced in Recommendation 8-1 should be corrected, at the expense of the property owner, prior to further project advancement.

Response to Recommendation 14-2.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will require correction of any lawfully identified deficiencies through applicable procedures, but it will not adopt a recommendation tied to the rejected premise of Finding 14 and Recommendation 14-1.

Recommendation 14-3.

A Certificate of Occupancy for the High School Road project must not be issued until there has been verification by a qualified and certified Tuolumne County CDD employee that all applicable Tuolumne County requirements, including fire and life safety standards, have been fully satisfied.

Response to Recommendation 14-3.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will issue a Certificate of Occupancy when all applicable County requirements that are legally required for issuance have been satisfied and verified through appropriate County procedures. The County will continue to apply applicable County processes.

Finding 15.

The hydrant at the High School Road project was installed without a permit. While the Assistant CAO gave approval of the concept, formal written approval, and the extent to which such approval addressed installation, permitting, and compliance requirements is unclear. Qualified and appropriately certified personnel did not perform, document, or verify all required inspections, testing, and compliance evaluations necessary to confirm that the fire hydrant installation met applicable fire safety standards. As a result, the extent of the project's compliance with applicable public safety and permitting requirements remains unclear.

Response to Finding 15.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 15.

The County AGREES that the hydrant was installed without a permit, but only because it is a public hydrant and does not require the permit suggested by the finding.

The County OTHERWISE DISAGREES with the finding's assertions that formal approval was unclear, that qualified personnel did not perform or document necessary work, or that compliance remains unclear. The finding conflates permitting requirements for private improvements with the treatment of a public hydrant.

Recommendation 15-1.

By September 1, 2026, the appropriate agencies should conduct a comprehensive review of the fire hydrant installed at the High School Road project to determine whether all applicable permitting, inspection, engineering, fire protection, testing, and code-compliance requirements were properly satisfied. The review should also evaluate whether required approvals, inspections, and documentation were completed in accordance with applicable laws, regulations, and accepted professional standards, and whether corrective actions, additional approvals, or remedial measures are warranted.

Response to Recommendation 15-1.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted.

The County rejects the premise that the public hydrant requires the permitting and code-compliance review as described in the recommendation.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 15-2.

Any costs associated with the review, inspections, testing, corrective work, or remedial repairs should be the responsibility of the property owner to the extent permitted by applicable laws, ordinances, and County policies.

Response to Recommendation 15-2.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The County will not impose review, testing, correction, or repair costs on a property owner based on a rejected premise that the hydrant installation was a private hydrant and was improperly unpermitted.

Recommendation 15-3.

The “donation” of the hydrant alluded to by Supervisor Holland should not be accepted by the County until all permitting, inspections, corrections and payment of fees have been completed.

Response to Recommendation 15-3.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted as framed. The recommendation assumes unresolved permitting, inspection, correction, and fee obligations that the County does not accept.

Finding 16.

The Conflict-of-interest provisions contained within the Tuolumne County Governance Manual state, in part, that “A County Board member shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict-of-interest.”

The Grand Jury also found that permitting, inspection, and enforcement activities conducted outside the normal jurisdictional structure reduced transparency, complicated oversight responsibilities, and contributed to confusion regarding authority, accountability, and applicable standards.

Response to Finding 16.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 16.

The County AGREES that the Governance Manual contains the quoted conflict-of-interest language identified in the report.

The County OTHERWISE DISAGREES with the finding’s assertion that activities conducted outside the normal jurisdictional structure reduced transparency, complicated oversight, or caused confusion regarding authority, accountability, or standards. The finding again treats speculation and criticism of process as established misconduct.

Recommendation 16.

The Grand Jury recommends that Tuolumne County immediately rescind the agreement with Amador County related to permitting review, inspection, and regulatory services associated with the High

School Road project, and that all such responsibilities be returned to the jurisdiction of the Tuolumne County Community Development Department and other appropriate County agencies.

Response to Recommendation 16

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted.

The County will not immediately rescind the Amador County agreement based on the Grand Jury's unsupported conclusions about the High School Road project.

Note: The County responds herein to Recommendation 16 which should have been designated 16-1, but for accuracy the County responds as numbered in error in the Grand Jury report.

Recommendation 16-2.

In the event the Agreement with Amador County is not rescinded, the County should ensure that all future review, inspection, and enforcement activities related to the project are conducted in accordance with standard County procedures, established regulatory requirements, and normal jurisdictional authority to preserve transparency, consistency, accountability, and public confidence in the permitting process.

Response to Recommendation 16-2.

This recommendation HAS BEEN IMPLEMENTED. To the extent any outside-agency assistance remains in effect, the County will ensure that future review, inspection, and enforcement activities proceed through appropriate County procedures and established regulatory requirements. Implementation does not constitute agreement that prior activities were deficient.

Finding 17.

Supervisor Holland's actions while serving as a member of the Board of Supervisors, a position entrusted with maintaining the public trust, raises concerns regarding compliance with Tuolumne County governance policies and ethical standards. These actions undermine public confidence in Tuolumne County government.

Response to Finding 17.

The County DISAGREES wholly with Finding 17.

The report asserts that Supervisor Holland's actions raise concerns regarding governance policies and ethical standards and undermine public confidence. The County rejects the finding. "Concerns" are not findings of wrongdoing, and public-confidence rhetoric cannot substitute for facts establishing a policy or ethics violation. The County will not adopt a public response that treats insinuation as proof.

Recommendation 17-1.

Considering the circumstances described above, by September 1, 2026, the County should evaluate whether appropriate administrative, legal, or corrective measures are warranted, consistent with applicable laws, policies, and procedures.

Response to Recommendation 17-1.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted. The County will not initiate administrative, legal, or corrective measures based on the Grand Jury's unsupported concerns regarding Supervisor Holland.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

Recommendation 17-2.

By September 1, 2026, the County should establish a plan to strengthen oversight, ethics training, conflict-of-interest safeguards, and documentation requirements for elected officials and County staff to promote transparency, accountability, and public trust in County operations.

Response to Recommendation 17-2.

This recommendation HAS BEEN IMPLEMENTED on an ongoing basis. The County will continue to strengthen ethics training, conflict-of-interest safeguards, documentation practices, and related oversight measures for elected officials and staff. This ongoing commitment of the County does not constitute agreement with Finding 17.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

County Administrative Officer

Finding 18.

The Grand Jury identified a clear and recurring lack of understanding by County leadership regarding the complexities of permitting, code compliance, and inspection requirements. A notable example involved the distinction between public and private fire hydrants, including the differing permitting requirements, inspection standards, jurisdictional authority, and installation procedures applicable to each. Such misunderstandings contributed to confusion regarding compliance obligations, oversight responsibilities, and enforcement actions. The absence of sufficient technical familiarity with applicable building, fire, and public works requirements created the potential for inconsistent decision-making and increased risk to both public safety and County liability exposure. Your Grand Jury appreciates that the CAO has been tasked with doing multiple jobs concurrently and is making his best effort to meet expectations. However, the Grand Jury finds that technical, regulatory, permitting, and code-compliance determinations should be made only by appropriately qualified and authorized personnel within the applicable departments or by certified subject-matter experts.

Response to Finding 18.

The County DISAGREES wholly with Finding 18.

The report asserts a “clear and recurring lack of understanding” by County leadership regarding permitting, code compliance, inspection requirements, and the distinction between public and private fire hydrants. The County rejects that finding. The assertion is overbroad, unfair, and unsupported by the limited example identified in the report. Disagreement over a technical or procedural issue does not establish a recurring lack of understanding by County leadership, nor does it justify the sweeping criticism directed at the CAO.

Recommendation 18.

The Grand Jury recommends that the CAO immediately discontinue making independent technical or code-compliance determinations and instead defer such matters to qualified County staff, licensed professionals, or other properly authorized experts.

Response to Recommendation 18.

This recommendation WILL NOT BE IMPLEMENTED because it is not warranted.

The County rejects the premise that the CAO has been making improper independent technical or code-compliance determinations. The CAO will continue to coordinate County operations and rely on qualified staff, licensed professionals, and authorized subject-matter experts where appropriate, but the County will not adopt a recommendation premised on an unfounded criticism of County leadership.

Finding 19.

The Grand Jury determined that the press release issued by the CAO on October 10, 2025, contained statements that were misleading, inaccurate, or unsupported by available documentation and witness testimony.

Response to Finding 19.

The County DISAGREES wholly with Finding 19.

The report asserts misleading and inaccurate statement in the October 10, 2025 press release. The County rejects that finding. The assertion is overbroad, unfair, and unsupported by the limited example identified in the report. Disagreement over a technical or procedural issue does not establish a recurring lack of understanding by County leadership, nor does it justify the surreptitious conclusions of the Grand Jury.

Recommendation 19.

The County Administrative Officer should, by August 1, 2026, issue a revised public statement or corrected press release containing accurate and verified information regarding the permitting status, hydrant classification, County involvement, and approval history associated with the High School Road project. Prior to release, the information should be reviewed for factual accuracy by the appropriate County departments and qualified personnel to ensure that future public communications are complete, accurate, and consistent with the documented record.

Response to Recommendation 19.

The County WILL NOT IMPLEMENT Recommendation 19.

The County rejects the premise that the press release asserts misleading and inaccurate statements. The assertion is overbroad, unfair, and unsupported. Disagreement over a technical or procedural issue does not establish inaccuracy in a public statement by County leadership, nor does it justify the surreptitious conclusions of the Grand Jury.

Note: The Grand Jury has no authority to order and mandate deadlines as that invades the discretionary decision-making of the legislative branch.

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

Respectfully,

Stephen A. Griefer,
Chair, County of Tuolumne Board of Supervisors

DRAFT-TO BE ADDED TO BOARD LETTERHEAD UPON APPROVAL

September 01, 2026

Presiding Judge of Superior Court
Honorable Laura L. Krieg
c/o Court Executive Office
Tuolumne County Superior Court
12855 Justice Center Drive
Sonora, CA 95370

Via email to Shalom Rosenfelder, CEO srosenfelder@tuolumne.courts.ca.gov

Re: Response to 2025 – 2026 Grand Jury Report – Governance Practices Impacting Public Trust dated June 26, 2026

The following is submitted in response to the 2025-26 Grand Jury Report titled “Governance Practices Impacting Public Trust.” 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 submits these responses under Penal Code section 933.05. As to each finding, the County states whether it agrees, partially disagrees, or wholly disagrees and provides the reasons for any disagreement. As to each recommendation, the County states whether the recommendation has been implemented, will be implemented, or will not be implemented because it is not warranted or not reasonable.

FINDINGS AND RECOMMENDATIONS

Ethical Behavior

Finding 1.

On May 5, 2025, Supervisor Holland participated in a debate and vote regarding mobile home park fees, despite having a conflict-of-interest on that item because he had a direct personal financial interest in the matter. Such violation undermines public confidence in the integrity of the decision-making process.

Response to Finding 1.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 1.

The County PARTIALLY AGREES with Finding No. 1. The County agrees that on May 5, 2025, Supervisor Holland participated in a debate and vote regarding mobile home park fees.

The County PARTIALLY DISAGREES with Finding No. 1. Except as stated above, the County disagrees with

every other assertion in the finding. What the Grand Jury has not reported is that the matter was taken up again at the board meeting of May 20, 2025. Supervisor Holland did not participate (left the dias) and the matter was further debated and a vote was taken without the presence of Supervisor Holland. The Board unanimously approved the item at that time.

The County does not concede that Supervisor Holland had a disqualifying financial interest in the mobile home park fee matter on May 5, 2025. The County does not concede that his participation in the debate and vote violated the Political Reform Act or any other California law. The County does not concede that any harm to public confidence resulted from his participation.

The County acknowledges only the undisputed fact: that on May 5, 2025, Supervisor Holland participated in a debate and vote regarding mobile home park fees. Whether that participation was lawful, whether a disqualifying interest existed, and whether any violation occurred are legal questions that the civil grand jury lacks authority to resolve. Those questions remain open unless and until a legally authorized adjudicator—the FPPC, a court, or another competent tribunal—determines otherwise following a proceeding that affords Supervisor Holland the procedural protections to which he is entitled under California law.

The investigative and oversight powers of the Grand Jury do not include the authority to adjudicate whether a public official violated conflict-of-interest law, to determine as a matter of law that a disqualifying financial interest existed, or to declare that a legal violation occurred. The civil grand jury is not a court. It is not an administrative tribunal with adjudicatory authority over conflict-of-interest disputes. It is not the Fair Political Practices Commission. It cannot issue binding legal conclusions about whether the elements of a statutory violation have been satisfied.

The finding further asserts that the alleged violation "undermines public confidence in the integrity of the decision-making process." That statement is conclusory, unsupported, and prejudicial. It assumes a violation occurred when no legal determination of violation has been made. It asserts harm to public confidence without evidence. It conflates the Grand Jury's subjective opinion with a finding of fact.

Public confidence in county government is important. The County does not dispute that. But public confidence is not served by unsupported accusations of legal violations, by findings that exceed the Grand Jury's jurisdiction, or by reports that bypass the due process protections afforded to public officials under California law.

The County respectfully but firmly rejects the Grand Jury's finding that Supervisor Holland "had a conflict of interest" and committed a "violation." That finding exceeds the Grand Jury's statutory jurisdiction, usurps the role of the FPPC and other enforcement authorities, and improperly declares a legal conclusion without the factual analysis, procedural protections, or adjudicatory authority required by California law.

Recommendation 1-1.

Publicly elected county officials must complete training on the Political Reform Act of 1974, the Levine Act, Section 109018, and the Fair Political Practices Commission within 90 days of the publication of this report. Additionally, they must retake AB1234 ethics training within 90 days and within 6 months of taking office for any newly elected board members.

Response to Recommendation 1-1.

The County WILL NOT IMPLEMENT this recommendation by the arbitrary deadline that has been set by the Grand Jury.

The County respectfully objects to the Grand Jury's use of mandatory language and any implication that the Grand Jury may direct binding timelines for elected officials' training. The Separation of Powers does not permit the invasion of the Grand Jury into the Policymaking of the Board. The Grand Jury is a Judicial Body in the Judicial Branch. The Board is a Legislative Body in the Legislative Branch. The use of the word "MUST" by the Grand Jury exhibits either a fundamental misunderstanding of the Grand Jury's role or an intentional intrusion ("weaponization") of the Grand Jury for some political purpose.

The recommendation's directives and timelines exceed the Grand Jury's advisory role. Training frequency and deadlines for AB 1234 ethics training are governed by statute, specifically Government Code §§ 53234-53235.2, which establish the initial and continuing training requirements. The County will comply with those statutory requirements rather than arbitrary, ad hoc, across-the-board deadlines. Additionally, practical constraints, including course availability, external provider schedules, FPPC program updates, official calendars, and election-cycle onboarding, make a uniform 90-day post-publication deadline infeasible and potentially counterproductive.

Accordingly, because the recommendation directives and timelines exceed the Grand Jury's advisory role, fails to identify any actual deficiency in the County's existing practices, imposes unnecessary and significant administrative costs, reflects a policy preference rather than a legal or operational necessity, and the County receives training every six (6) months from the County Counsel's office on these exact areas of law and ethics, the County declines to implement the recommendation by an ultra-vires mandated deadline.

Clash of Duties or Loyalties

Finding 2.

The District 1 Supervisor holds potentially incompatible offices on the Board of Supervisors and the Sonora High School Board, which creates the appearance and opportunities for a clash of duties. The appearance of this conflict calls into question impartiality around budgeting, personnel, and governance.

Response to Finding 2.

The County PARTIALLY AGREES and PARTIALLY DISAGREES with Finding 2.

The County AGREES that the District 1 Supervisor, Michael Holland, was elected to the Sonora High School Board of Trustees in the November 8, 2022 general election. Mr. Holland's Term began in December 2022 at the board's organizational meeting and ends in December 2026 at the board's organizational meeting following the November 3, 2026 election. Additionally, Michael Holland was elected to represent District 1 on the Tuolumne County Board of Supervisors in the November 5, 2024 General Election. He was sworn into office on January 6, 2025.

Except as agreed above, the County DISAGREES with Finding 2. Finding 2 is based on speculation and

subjective assertions rather than the governing law. The finding repeatedly relies on the "appearance" of a conflict and "opportunities" for a clash of duties. Neither is the legal standard under California law.

The common law doctrine of incompatible offices, codified in Government Code section 1099, does not prohibit an individual from holding two public offices merely because an observer might perceive a conflict or because disagreements could theoretically arise. Rather, the doctrine applies only where the offices are legally incompatible as defined by statute and the applicable case law.

Finding 2 identifies no instance in which the District 1 Supervisor has participated in any decision that resulted in divided loyalties, exercised conflicting duties, or improperly influenced the affairs of either public entity. Nor does it identify any official act demonstrating that the Supervisor's judgment has been compromised. Instead, the finding rests entirely on conjecture that conflicts could arise in the future.

The Grand Jury's role is to make findings based upon substantial evidence, not to speculate regarding hypothetical circumstances. Assertions regarding the "appearance" of impropriety or the mere possibility of future conflicts are not evidence and do not establish that incompatible offices exist as a matter of law.

Moreover, if the offices are, in fact, legally incompatible under Government Code section 1099, California law already provides the exclusive legal consequence. The issue is resolved by operation of law and does not depend upon subjective assessments of appearances or perceived opportunities for conflict. If the offices are not legally incompatible, then the finding necessarily fails because speculation about potential disagreements cannot substitute for the statutory standard.

Accordingly, the Board rejects Finding 2 as unsupported by the applicable legal standard and unsupported by substantial evidence.

Recommendation 2-1.

County Counsel should submit the issue of Supervisor Holland's incompatible offices to the Attorney General's Office for evaluation within 90 days of the publication of this report for official guidance.

Response to Recommendation 2-1.

The Board WILL NOT IMPLEMENT Recommendation 2-1.

Recommendation 2-1 improperly presupposes that an unresolved legal issue exists when the Grand Jury has failed to establish any legal incompatibility in the first instance. The recommendation is premised entirely on the Grand Jury's unsupported legal conclusion rather than on any identified uncertainty requiring clarification.

The Attorney General's opinion process is intended to address unsettled questions of statewide public importance, not to serve as an appellate body to validate or investigate conclusions reached by a civil

grand jury. The Grand Jury cites no conflicting legal authorities, no ambiguity in Government Code section 1099, and no facts demonstrating an actual conflict between the offices held by Supervisor Holland. Instead, it relies upon speculation regarding the "appearance" of potential conflicts—a standard that has no application to the doctrine of incompatible offices.

Moreover, the recommendation improperly attempts to direct County Counsel to advocate for a legal position that has not been established by competent evidence or judicial determination. County Counsel's professional obligations require the exercise of independent legal judgment on behalf of the County, not the pursuit of advisory opinions simply because a grand jury disagrees with or questions an elected official's service.

Nothing in Government Code section 1099 requires a county to seek an Attorney General opinion whenever a grand jury speculates that two offices may be incompatible. Nor has the Grand Jury identified any action by Supervisor Holland demonstrating divided loyalties, conflicting duties, or an unlawful exercise of authority. Absent an actual legal controversy or a demonstrated uncertainty in the law, there is no basis for expending public resources to request an advisory opinion.

Finally, if the offices are legally incompatible, Government Code section 1099 already prescribes the legal consequence by operation of law. If they are not legally incompatible, an Attorney General opinion is unnecessary. In either circumstance, Recommendation 2-1 serves no legitimate governmental purpose and would merely expend public resources attempting to substantiate a conclusion the Grand Jury failed to support with competent legal analysis.

For all of these reasons, the Board declines to implement Recommendation 2-1.

Recommendation 2-2.

All publicly elected county officials and the CAO must certify they have read the governance manual, within 60 days of the publication of this report. All future new Board Members must attend the California State of Association of Counties (CSAC) New Supervisors Institute, run through the CSAC William "Bill" Chiat Institute for Excellence in County Government, or equivalent training within 90 days of taking office. Any current Board members who have not completed an equivalent of this training should do so within 90 days of this report.

Response to Recommendation 2-2.

The County WILL NOT IMPLEMENT this Recommendation.

This Recommendation will not be implemented because it exceeds the proper scope of the Grand Jury's authority, is unsupported by the findings, and would unnecessarily interfere with the discretion of independently elected officials.

Recommendation 2-2 is predicated on the unsupported assumption that the County's elected officials lack sufficient knowledge of governance principles. The Grand Jury identifies no evidence that any elected official or the County Administrative Officer has failed to understand or comply with applicable law, the County's Governance Manual, or established ethical obligations. Instead, the recommendation appears to substitute the Grand Jury's policy preferences for evidence-based findings.

The recommendation also exceeds the proper role of a civil grand jury by attempting to prescribe mandatory training requirements and certification obligations for independently elected constitutional officers. The Grand Jury possesses neither legislative nor executive authority to establish qualifications, continuing education requirements, or mandatory certifications for elected officials beyond those imposed by state law.

Further, the recommendation arbitrarily designates a particular training program offered by the California State Association of Counties as the preferred educational vehicle without demonstrating that such training is legally required, uniquely qualified, or necessary to address any identified deficiency. While CSAC training may be valuable and is often encouraged, participation remains a matter of individual judgment unless otherwise mandated by law. The Grand Jury has identified no statutory authority requiring attendance, nor has it demonstrated that completion of such training would have prevented or corrected any conduct identified in its report.

Likewise, requiring all publicly elected county officials and the County Administrative Officer to certify that they have read the County's Governance Manual bears no rational relationship to Findings 2 and 3. The report cites no evidence that any issue discussed therein resulted from an official's failure to read the manual. Recommendations should address demonstrated causes of identified problems, not impose symbolic compliance measures unsupported by the factual record.

Finally, the recommendation would expend public resources to implement requirements unsupported by evidence and unnecessary to ensure lawful governance. Public officials are already bound by their constitutional oaths of office, applicable statutes, ethical obligations, and continuing legal responsibilities. The Grand Jury has failed to establish that additional mandatory certifications or prescribed training are either necessary or reasonably related to any substantiated finding.

For these reasons, the Board declines to implement Recommendation 2-2.

Procedural Understanding

Finding 3.

Members of the Board of Supervisors demonstrated an inconsistent and incomplete understanding of their legal obligations when responding to Grand Jury inquiries involving closed session matters, hindering the investigation, delaying conclusions, and creating unnecessary barriers to lawful oversight.

Response to Finding 3.

The County DISAGREES with Finding 3.

The assertion that members "demonstrated an inconsistent and incomplete understanding" of legal obligations concerning closed session matters is inaccurate and unfair. The Board's responses to grand jury inquiries were timely and made in good faith to the extent permitted by law, and any limitations were the product of mandatory legal duties, not misunderstanding or obstruction.

The Board's legal obligations regarding closed session matters are well established and actively observed. When the Board convenes in closed session under the Brown Act, it must protect the confidentiality of privileged and sensitive information, including attorney-client communications, litigation strategy and assessments, labor negotiations, real property negotiations, and certain personnel matters. Those confidentiality requirements exist to preserve legal privileges, safeguard the County's interests, protect individual privacy, and ensure the integrity of ongoing proceedings.

Consistent with these duties, any limits on disclosure in response to grand jury inquiries were driven by statutory confidentiality, the attorney-client privilege, the litigation privilege, applicable personnel privacy protections, and the considered advice of County Counsel. Where questions implicated privileged or closed-session content, the Board followed Counsel's guidance to provide as much information as could lawfully be shared, while declining to disclose privileged or confidential details that the law does not permit to be revealed.

The finding does not identify specific statements, requests, or dates demonstrating the alleged "inconsistent and incomplete understanding," nor does it cite concrete examples where the Board's responses supposedly hindered the investigation or delayed conclusions. Without particularized instances, the characterization lacks sufficient basis for meaningful evaluation or correction. The Board requests that the grand jury identify the specific communications or meetings, the precise information sought, and how any asserted deficiency impeded the investigation, so that the Board can address those points directly and, if appropriate, provide further clarification consistent with applicable law.

The Board remains committed to transparency and to lawful, good-faith cooperation with the grand jury. Within the limits of confidentiality and privilege, the Board will continue to respond promptly and substantively to inquiries, and to work with the grand jury to facilitate efficient oversight.

Accordingly, the Board rejects Finding 3 as unsupported by the applicable legal standard and unsupported by substantial evidence.

Recommendation 3.

County Counsel should provide formal training to the Board of Supervisors on Government Code section 54963 and its exceptions, with specific emphasis on cooperation with Civil Grand Jury investigations and the distinction between confidential and non-confidential information no later than December 31, 2026.

Response to Recommendation 3.

The County WILL NOT IMPLEMENT this Recommendation according to the arbitrary deadline set by the Grand Jury.

The Board of Supervisors respectfully disagrees with any implicit finding that its members lack adequate understanding of their legal obligations under Government Code section 54963. Each Supervisor has received training on the Ralph M. Brown Act, including the confidentiality provisions codified in section 54963, and continues to comply with those requirements in the execution of their duties.

Furthermore, the Recommendation improperly conflates confidentiality obligations with Grand Jury

cooperation duties. The County takes strong exception to the recommendation's linkage of Government Code section 54963 training with "cooperation with Civil Grand Jury investigations." These are distinct legal frameworks that should not be conflated.

Government Code section 54963 governs the confidentiality of closed-session communications under the Brown Act. Its exceptions expressly permit Board members to make confidential inquiries or complaints to a district attorney or grand jury concerning perceived violations of law, to express opinions concerning the propriety or legality of actions taken in closed session, and to disclose non-confidential information acquired in closed sessions. Nothing in section 54963 imposes affirmative cooperation obligations with grand jury investigations beyond those already established by other law.

The civil grand jury's authority to investigate county government matters derives from California Penal Code sections 888, 925, and related provisions. The grand jury is empowered to "investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county" and to "inquire into county matters of civil concern." However, this investigative power does not override legal privileges, confidentiality protections, or the attorney-client relationship.

The County fully cooperates with lawful grand jury investigations within the bounds of applicable law. However, such cooperation must be balanced against the County's obligation to protect legally privileged communications, including attorney-client communications protected under California Evidence Code section 954 and attorney work product protected under California Code of Civil Procedure section 2018.030.

The County emphasizes that this response does not constitute an admission that any Board member has violated Government Code section 54963 or failed to cooperate appropriately with grand jury investigations. The Board has consistently maintained the confidentiality of closed-session communications as required by law and has provided appropriate cooperation with the civil grand jury consistent with its statutory duties and legal constraints.

To the extent the Grand Jury's recommendation implies otherwise, the County respectfully disagrees. No evidence of unauthorized disclosure has been presented, and the County is unaware of any instance in which a Board member disclosed confidential information in violation of section 54963. The protections afforded by Government Code section 54963(e) expressly permit communications with the grand jury concerning perceived legal violations, and Board members have properly exercised those rights. Cal Gov Code § 54963

Similarly, any suggestion that the Board has improperly withheld non-confidential information from the grand jury is unsupported. The distinction between confidential and non-confidential information is fact-intensive and context-dependent, and the County has applied the statutory standard in good faith. Where information has been withheld, it has been based on legal privilege, statutory confidentiality protections, or County Counsel advice—not arbitrary refusal to cooperate.

Once again, this recommendation also exceeds the proper role of a civil grand jury by attempting to

prescribe mandatory training requirements for independently elected constitutional officers. The Grand Jury possesses neither legislative nor executive authority to establish qualifications, continuing education requirements, or mandatory certifications for elected officials beyond those imposed by state law.

For these reasons, the Board declines to implement Recommendation 3.

Transparency and Accountability

Finding 4.

The District 1 Supervisor hindered a Grand Jury interview based on demands to remove two jurors for alleged bias, demonstrating a misunderstanding of the Grand Jury's statutory oversight role and conflict of interest law.

Response to Finding 4.

The County DISAGREES with Finding 4.

The County wholly disagrees with this finding. The Grand Jury's characterization of the District 1 Supervisor's conduct is factually inaccurate and legally unfounded. The Supervisor did not make "demands" to remove jurors. The Supervisor did not refuse to be interviewed. The Supervisor did not refuse to cooperate. What the Supervisor did was raise a legitimate question about potential bias affecting two members of the grand jury panel and ask whether those jurors should recuse themselves to ensure a fair and impartial investigation. This inquiry was made in good faith based on specific facts suggesting a conflict of interest or bias that could compromise the objectivity of the proceeding.

Characterizing a good-faith inquiry about potential bias as a "demand" is misleading. Characterizing such an inquiry as hindering an interview is wrong. Any reasonable person in similar circumstances would raise the same concern. The fact that the Supervisor took the grand jury process seriously enough to seek to preserve its integrity should not be twisted into an accusation of obstruction.

The Civil Grand Jury has broad investigative authority over county operations. It can investigate and report on the operations, accounts, and records of county officers, departments, and functions. The District 1 Supervisor understands this perfectly well. The Supervisor has never disputed the grand jury's authority to conduct investigations or to request interviews with county officials. The Supervisor has consistently recognized the importance of the grand jury's oversight role and has been willing to participate in that process.

What the Supervisor also understands—and what the Grand Jury appears to have overlooked—is that the grand jury's broad investigative authority does not eliminate the requirement that its proceedings be conducted fairly and impartially. The fact that the grand jury possesses statutory oversight authority does not immunize its members from recusal when bias or conflict of interest exists. The fact that the grand jury may investigate county officers does not mean that those officers forfeit the right to raise concerns about procedural fairness or to ask whether compromised jurors should step aside.

In fact, the Civil Grand Jurors' Association of California specifically answers this question in its Frequently Asked Questions stating:

“Grand jurors must recuse themselves if a reasonable person would conclude that the juror’s relationship to or experience with the entity or any of its officials results in a real or perceived bias for or against the entity or the official.”

Moreover, such a Finding may well constitute a direct violation of Grand Juror’s oaths. The Grand Jury, and each of its members swore an oath to keep the confidentiality of the Grand Jury proceedings. (Penal Code section 911). It is a misdemeanor for a juror to violate grand jury secrecy (Penal code section 924.1) The grand juror’s oath of secrecy is for life. To have broken confidence to selectively reveal Supervisor Holland’s concerns with some of the grand jurors on the panel is a direct violation of the oath of secrecy. To turn around and publish such matters in the Grand Jury report takes that to a whole new level of violation.

The Supervisor’s question about potential bias reflects a sophisticated understanding of both the grand jury’s role and the limits on that role. It demonstrates respect for the process and a desire to ensure that the investigation is conducted with integrity. Far from demonstrating a misunderstanding, the Supervisor’s conduct reflects a proper understanding of the balance between the grand jury’s investigative authority and the requirements of fairness and impartiality that govern all governmental proceedings.

The Grand Jury’s assertion that the Supervisor demonstrated a misunderstanding of conflict-of-interest law is equally unfounded and reflects the Grand Jury’s own confusion about the scope and application of conflict-of-interest principles. Conflict-of-interest law in California includes statutory provisions governing financial interests under the Political Reform Act, common-law doctrines governing bias and impartiality, and constitutional due process requirements applicable to adjudicatory and quasi-adjudicatory proceedings. The District 1 Supervisor’s concern about potential bias on the part of two grand jurors implicates these principles directly.

While the Political Reform Act governs financial conflicts of interest for public officials in making governmental decisions, the broader principle that decision-makers must be impartial applies with equal force to grand jury investigations. A grand juror who has a personal interest in the outcome of an investigation, who has demonstrated animus toward a witness, or who has a preexisting relationship with parties affected by the investigation may need to recuse themselves to preserve the integrity and perceived fairness of the process.

The District 1 Supervisor’s invocation of conflict-of-interest concerns in connection with the recusal inquiry was appropriate and legally sound. The Supervisor identified specific facts suggesting that two jurors had interests or biases that could compromise their impartiality. Whether those facts ultimately justified recusal is a separate question, but the legal framework the Supervisor applied was correct, and the inquiry itself was well within the bounds of lawful advocacy for a fair process.

The County takes strong exception to the implicit premise underlying the Grand Jury’s finding: that cooperation with a grand jury investigation requires a witness to proceed under any and all conditions the grand jury dictates, without question, without raising concerns about bias or procedural irregularity, and without seeking to ensure that the investigation is conducted fairly. That is not what cooperation means under California law.

Cooperation does not mean capitulation. We live in a free society where we believe in fundamental fairness and due process. Cooperation does not require a witness to waive legitimate concerns or to participate in a proceeding the witness reasonably believes is compromised by bias. Cooperation means providing truthful, responsive information in response to lawful inquiries, within the bounds of applicable legal privileges and protections. It does not mean surrendering the right to ask whether biased decision-makers should recuse themselves or abandoning concerns about the integrity of the process.

The District 1 Supervisor cooperated and was willing to continue cooperating. The Supervisor simply asked a reasonable question about whether jurors with apparent conflicts of interest should step aside. This is not obstruction. This is not hindering. This is the exercise of rights that any witness in any proceeding is entitled to exercise.

If the Grand Jury's position is that any question about recusal, any concern about the composition of the panel, or any inquiry about bias hindering the investigation, is not allowed then the Grand Jury has adopted a standard that is inconsistent with basic principles of fairness and due process. This standard of "do not even raise the question of whether we can be fair" when coupled with the Grand Jury's self-congratulatory "However, instead of pursuing this refusal to be treated as contempt under California Penal Code section 1331, the Grand Jury accommodated Supervisor Holland . . ." and characterization of his request as a "demand" has the aura of a modern day "Star Chamber."¹ Such a standard is inimical to our free society, to our basic civil rights, and would chill the willingness of witnesses to raise legitimate concerns and would undermine public confidence in the grand jury process.

Moreover, the Grand Jury's finding is conclusory. It provides no citation to legal authority establishing that an inquiry about recusal constitutes hindering a grand jury interview. It provides no analysis of the specific facts underlying the District 1 Supervisor's concern about bias. It does not explain why the Supervisor's question was unreasonable or improper. It does not cite any provision of the Penal Code, the Government Code, or California case law that prohibits a witness from asking whether allegedly biased jurors should recuse themselves.

The absence of legal and factual support for the finding is fatal. A grand jury finding must be based on competent evidence and sound legal reasoning. A finding that rests on unsupported characterizations, misrepresents a question as a demand, ignores the witness's perspective, and fails to engage with the legal framework governing recusal and impartiality is not entitled to deference.

The County respectfully submits that the Grand Jury's finding should be disregarded. It reflects neither a fair assessment of the facts nor a sound understanding of the law governing grand jury proceedings, cooperation obligations, or conflict of interest principles. The District 1 Supervisor acted appropriately, lawfully, and in good faith in raising concerns about potential bias and asking whether recusal was appropriate. The Supervisor's conduct reflects a sophisticated and accurate understanding of the legal principles governing grand jury investigations, cooperation obligations, and the requirements of fairness and impartiality. The Grand Jury's characterization of this conduct as hindering is factually wrong, legally erroneous, and inconsistent with law and with basic principles of due process.

1. ¹ The "Star Chamber" was an English court of civil and criminal jurisdiction that developed in the late 15th century, trying especially those cases affecting the interests of the Crown. It was noted for its arbitrary and oppressive judgements and was abolished in 1641.

Accordingly, the Board rejects Finding 4 as unsupported by the applicable legal standard and unsupported by substantial evidence.

Recommendation 4.

County Counsel should coordinate with CSAC or other qualified governmental ethics and governance training providers to provide training to the Board of Supervisors regarding the authority and oversight role of the Civil Grand Jury, including witness obligations and cooperation with Grand Jury investigations and interviews, no later than December 31, 2026.

Response to Recommendation 4.

The County WILL NOT IMPLEMENT this Recommendation.

The County disagrees with this recommendation because it is unsupported by the record, exceeds the proper role of the Civil Grand Jury, and addresses a problem that has not been demonstrated to exist.

The recommendation presumes, without factual support, that the Board of Supervisors lacks an understanding of the Civil Grand Jury's constitutional and statutory authority or that County Counsel has failed to advise the Board regarding its legal obligations. The County categorically rejects any such implication. The report identifies no evidence establishing either proposition. The County takes strong exception to the premise underlying this recommendation. The Board of Supervisors already possesses a thorough and accurate understanding of the civil grand jury's statutory oversight role, witness obligations, and the scope of cooperation required under California law.

County Counsel routinely advises the Board of Supervisors regarding its legal duties under California law, including compliance with investigations conducted by the Civil Grand Jury. Supervisors, as elected constitutional officers, are already subject to extensive legal and ethics training through organizations such as CSAC, the California Lawyers Association, and other governmental educational programs. The Grand Jury identifies no instance in which the Board refused to cooperate with a lawful investigation, ignored a legal obligation, or otherwise acted contrary to law because of a lack of training.

Moreover, the recommendation improperly suggests that disagreement with the Grand Jury's findings or criticism of its process demonstrates a lack of understanding of the Grand Jury's authority. It does not. Public officials are entitled to question the accuracy, fairness, or conclusions of a Grand Jury report without thereby failing to recognize the Grand Jury's statutory authority. Likewise, exercising legal rights, requesting clarification, or challenging factual assertions is not evidence of non-cooperation.

The recommendation is also based on speculation rather than documented deficiencies. The report identifies no statutory violation, no refusal by any Supervisor to appear when legally required, no failure to produce records required by law, and no finding by any court that the Board or County Counsel impeded a Grand Jury investigation. Absent such evidence, mandating additional training serves no demonstrable governmental purpose.

What the Board also understands—and what this recommendation appears to overlook—is that the grand jury's investigative authority operates within a framework of legal limitations. Cooperation with grand jury investigations does not require witnesses to waive legal privileges, disclose attorney-client communications, abandon concerns about bias or procedural fairness, or proceed under conditions they reasonably believe compromise the integrity of the investigation. Cooperation means providing

truthful, responsive information in response to lawful inquiries, while preserving protections established by statute, common law, and the Constitution.

The County has consistently cooperated with the civil grand jury within these lawful boundaries. Where the County has withheld information or raised procedural concerns, it has done so based on legal privilege, statutory confidentiality protections, or legitimate questions about the fairness of the process—not arbitrary refusal to cooperate. Any suggestion that the Board has improperly obstructed grand jury investigations is factually unsupported and legally erroneous.

Finally, the recommendation risks creating the erroneous impression that the Civil Grand Jury possesses supervisory authority over elected officials beyond that provided by the California Constitution and applicable statutes. While the Grand Jury performs an important oversight function, it is not a policymaking body, nor does it direct the legal education of independently elected officials absent a demonstrated legal deficiency.

Accordingly, because the recommendation is unsupported by factual findings, identifies no legal noncompliance, and proposes a remedy for a problem that has not been shown to exist, and furthermore is duplicative to training the County Counsel already provides, the County declines to implement the recommendation.

Finding 5. The County's 90-day email deletion policy hinders Grand Jury investigative efforts, access of public records and undermines public accountability and transparency.

Response to Finding 5.

The County DISAGREES with Finding 5.

The statement is overbroad, unsupported, and unfairly implies that the County's email retention practice is designed or used to hide public records or frustrate Grand Jury oversight. The County rejects that implication.

A 90-day email deletion policy does not, by itself, hinder Grand Jury investigations, block access to public records, or undermine transparency. California law does not require every email sent or received by a county employee to be preserved forever. The Public Records Act gives the public access to public records that exist and are in the County's possession; it is not a command that every routine, temporary, duplicative, or transitory email be retained indefinitely. Treating every email as a permanent government record would be legally unnecessary, operationally burdensome, expensive, and counterproductive.

The finding also fails to recognize the basic distinction between emails that are public records requiring retention and emails that are merely transitory communications. Some emails document official County action, decisions, approvals, contracts, policies, financial matters, or other business that must be retained under applicable retention rules. Those records must be preserved as required by law and County policy. Other emails are temporary scheduling messages, duplicates, informal reminders, courtesy copies, or short-lived administrative communications that do not need to be retained permanently. A lawful records management system may treat those categories differently.

The County does not dispute that it must preserve records when a legal obligation applies. If an email is subject to an active Public Records Act request, litigation hold, subpoena, audit, investigation, or other

legal retention requirement, it must not be destroyed simply because a general deletion period exists. The County acknowledges and follows that obligation. A general 90-day deletion policy cannot override a specific legal duty to preserve records.

The Grand Jury's finding assumes that shorter email retention automatically equals reduced transparency. That is wrong. Transparency depends on whether the County properly identifies, preserves, and produces records that are required to be retained and disclosed. It does not depend on stockpiling every electronic message regardless of value, legal significance, or retention status.

The County also strongly disputes the suggestion that its policy hinders Grand Jury investigative efforts. The Grand Jury is entitled to seek records that exist and are within the County's lawful possession, custody, or control. The County is obligated to cooperate with lawful requests and to produce non-privileged, non-exempt records that are available. But the Grand Jury is not entitled to transform ordinary records management into an accusation of obstruction merely because some temporary emails are not retained forever.

The County remains committed to public accountability and transparency. At the same time, the County has a responsibility to manage public resources efficiently, protect privileged and confidential information, comply with applicable retention laws, and avoid unnecessary accumulation of low-value electronic communications. The County is mindful of the proliferation of massive data centers that have the potential to be harmful to the environment, and this policy is one small step to reduce data storage for the benefit of the environment and the common good. Those goals are not inconsistent with transparency; they are part of responsible government administration.

Accordingly, the County disagrees with the finding as stated. The County will continue to preserve emails and other records when required by law, including records subject to pending requests, investigations, litigation holds, subpoenas, or retention schedules. The County will also continue to distinguish between substantive public records and transitory communications. But the County rejects the unsupported conclusion that a 90-day email deletion policy, standing alone, hinders the Grand Jury, denies public access, or undermines accountability.

Recommendation 5.

The County should comply with state laws to retain potential public records for a two-year period by amending the automatic email deletion policy or creating policy requirements regarding employee and official retention of emails to comply with state law, beginning no later than December 31, 2026.

Response to Recommendation 5.

The County WILL NOT IMPLEMENT Recommendation 5.

The County disagrees with this recommendation because it is based on an incorrect statement of California law, is unsupported by the factual record, and improperly assumes that all emails constitute public records subject to a mandatory two-year retention period.

The recommendation incorrectly asserts that California law requires counties to retain all potential public records, including emails, for a minimum of two years. No such blanket statutory requirement exists. The Grand Jury cites no statute imposing a universal two-year retention period for all emails, nor does the report identify any legal authority requiring a county to abandon its existing records management practices

in favor of indefinite electronic storage.

Assuming, for the sake of the argument, that the Grand Jury meant to cite the county records statute found at Government Code section 26202. That is not what the cited California statute says. The county records statute says the Board “may authorize the destruction or disposition” of certain records that are more than two years old; it does not say every email, every duplicate, every transitory message, or every “potential” public record must be kept for two years.

That distinction matters. A statute that authorizes destruction of certain county records after two years is not the same thing as a statute imposing a blanket two-year retention mandate on every email in the County’s system. The Grand Jury’s recommendation collapses that distinction and turns a permissive destruction statute into an across-the-board retention command. The County rejects that interpretation.

California law distinguishes between an email and a public record, and between a public record and a record that must be retained for a prescribed period. Whether an email constitutes a public record depends upon its content and purpose—not merely the fact that it exists in electronic form. Likewise, records retention requirements vary depending upon the nature of the record and the governing statutory or regulatory retention schedule. The recommendation ignores these fundamental legal distinctions.

The report further assumes, without evidence, that the County’s automatic email deletion policy results in the unlawful destruction of records. It identifies no instance in which a record required by law to be retained was destroyed because of the policy. Nor does it identify a single Public Records Act request, lawsuit, audit, Grand Jury investigation, or other legal proceeding in which responsive records were unavailable because of routine email deletion.

Routine deletion of transitory electronic communications pursuant to an adopted records management policy is not only lawful but is a widely accepted governmental records management practice. California law expressly recognizes that public agencies may adopt records retention schedules that provide for the routine destruction of records after the expiration of their applicable retention periods. Nothing in California law requires the permanent preservation of every email generated by every public employee or elected official.

The recommendation also fails to recognize that the County’s preservation obligations change when litigation, claims, audits, Public Records Act requests, or Grand Jury investigations arise. When a legal duty to preserve records exists, applicable preservation requirements supersede routine deletion practices. The Grand Jury cites no evidence that the County failed to comply with such obligations in any specific instance.

Ultimately, this recommendation reflects a policy preference rather than a legal requirement. The Grand Jury is authorized to recommend improvements to county operations, but those recommendations should be grounded in accurate statements of law and supported by evidence demonstrating an actual deficiency. Here, the report does neither. Instead, it advances a legal conclusion unsupported by statutory authority and proposes a remedy for a problem it never establishes exists.

Because the recommendation is predicated on an incorrect interpretation of California law, fails to identify

any instance of actual legal noncompliance, provides no factual basis demonstrating that the County's existing records management practices have resulted in the unlawful destruction of records, and simply states a policy preference, the County declines to implement the recommendation.

Finding 6.

The lack of readily available, accessible, and comprehensive records of County Board of Supervisors meetings imposes a burden on the public seeking to engage local government and hold officials accountable.

Response to Finding 6.

The County DISAGREES with the finding.

The finding rests on a flawed premise. The Board keeps the records required by law. The Grand Jury appears to assume that the Board must maintain a written transcript of each Board proceeding before its records can be considered readily available, accessible, or comprehensive. That is not California law.

California law requires the Clerk of the Board to attend Board sessions and keep a minute book containing a full and complete record of the Board's proceedings at regular and special meetings, including resolutions, decisions on the allowance of accounts, and the vote of each member on every question. It does not say the Clerk must prepare a verbatim transcript of every comment, exchange, staff presentation, public statement, or deliberative discussion at every meeting.

The Brown Act likewise requires public notice, public access, and public availability of key meeting materials; it does not impose a universal transcript requirement. At least 72 hours before a regular meeting, the Board must post an agenda identifying the time and location of the meeting and briefly describing each item of business to be discussed or acted on.

The Grand Jury may prefer broader record creation than the law requires, but preference is not a legal standard.

The finding also improperly converts a policy preference into an accusation. The Board may choose to provide greater access than the minimum standards required by the Brown Act. But the fact that a local agency may voluntarily go beyond the law does not mean it has failed the public when it complies with the law as written. The Grand Jury is free to recommend improvements, but it should not characterize lawful compliance as a lack of accountability.

The Board maintains the records required by California law, provides public access required by California law, and conducts its meetings under the open-meeting rules imposed by California law. The County rejects the unsupported implication that public accountability requires a written transcript of every Board proceeding. California law requires transparency, access, agendas, minutes, and preservation of required records; it does not require the County to create a verbatim transcript simply because the Grand Jury believes one would be preferable.

Accordingly, the Board rejects Finding 6 as unsupported by the applicable legal standard and unsupported by substantial evidence.

Recommendation 6.

Tuolumne County should publish full transcripts of all open Board of Supervisor meetings, on the county agenda website, within 90 days of the publication of this report. Third party sites (Access Tuolumne), resolution summaries, or videos alone do not satisfy this recommendation.

Response to Recommendation 6.

The County WILL NOT IMPLEMENT this recommendation.

It is unsupported by California law, exceeds the requirements imposed on local agencies, and fails to demonstrate any deficiency in the County's existing practices. The recommendation presumes that the publication of verbatim transcripts of every open meeting of the Board of Supervisors is necessary to ensure transparency and public access. That premise is unsupported by law and by the factual record developed in the report.

Neither the Ralph M. Brown Act nor any other provision of California law requires counties to prepare or publish verbatim transcripts of open meetings of their legislative bodies. California law requires that meetings be open and public, that agendas and supporting materials be made available as required by statute, and that actions taken by the legislative body be accurately reflected in the official minutes. The County complies with those statutory obligations. The Grand Jury cites no legal authority imposing a duty to create and publish full transcripts of every meeting.

The recommendation likewise fails to identify any instance in which the public was denied access to Board proceedings because transcripts were unavailable. The report contains no evidence that citizens were unable to observe meetings, review official actions, or understand Board decisions through the County's existing agenda materials, official minutes, recordings, or other publicly available resources. Instead, the recommendation simply substitutes the Grand Jury's preferred method of disseminating information for the methods authorized by California law.

The assertion that videos, official minutes, or other existing resources are categorically insufficient is entirely conclusory. A complete video recording of a public meeting provides a more accurate and comprehensive account of the proceedings than a transcript alone because it captures tone, context, visual presentations, demonstrations, and public interactions that cannot be fully conveyed through text. The Grand Jury provides no evidence demonstrating that transcripts would materially improve public access or governmental accountability.

The recommendation also disregards the significant fiscal and administrative burden associated with producing, reviewing, correcting, and publishing verbatim transcripts of every Board meeting. Such an undertaking would require substantial staff time or outside transcription services, diverting public resources without any corresponding statutory requirement or demonstrated public benefit. The Grand Jury offers no cost analysis, funding source, or explanation as to why this expenditure of taxpayer resources would represent a prudent use of County funds.

Moreover, the recommendation improperly attempts to dictate the specific manner in which the County communicates with the public. The Grand Jury is empowered to investigate county operations and recommend improvements, but it is not authorized to prescribe operational preferences that exceed statutory requirements absent evidence that the County's current practices are unlawful, inadequate, or have resulted in demonstrable harm.

The County remains committed to transparency and public access. However, transparency is measured by compliance with applicable law and by meaningful public access to governmental proceedings—not by adherence to a particular format preferred by the Grand Jury. The report identifies no violation of the Brown Act, no failure to maintain official records, no denial of public access, and no evidence that the County's existing practices have impaired the public's ability to observe or understand Board proceedings.

Accordingly, because the recommendation is unsupported by California law, fails to identify any actual deficiency in the County's existing practices, imposes unnecessary and significant administrative costs, and reflects a policy preference rather than a legal or operational necessity, the County declines to implement the recommendation.

We appreciate the opportunity to respond to the above findings and recommendations and trust that the Grand Jury will carefully consider our responses and desist from exceeding its jurisdiction in the future.

Respectfully,

Stephen A. Griefer
Chair, County of Tuolumne Board of Supervisors