

2025-2026 Tuolumne County Civil Grand Jury Report

Governance Practices Impacting Public Trust

June 26, 2026



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Summary

This Grand Jury investigation identified concerns regarding governance practices, ethical conduct, oversight, transparency, and accountability within Tuolumne County government. The investigation revealed issues related to elected officials participating in matters affecting their financial interests, potential incompatible offices creating divided loyalties, inconsistent understanding of legal obligations concerning closed-session confidentiality, resistance to Grand Jury oversight, and deficiencies in public records retention and accessibility.

Public trust in local government depends upon ethical leadership, transparency, accountability, and cooperation with lawful oversight. Greater attention to these principles is necessary to maintain confidence in county government.

Glossary

AG: California Attorney General

BOS: Board of Supervisors, in this report, always refers to Tuolumne County's BOS.

CAO: Chief Administrative Officer

CDD: Community Development Department.

CPRA: California Public Records Act CGJA

CGJA: Civil Grand Jury Association, in this report, the CGJA of California, specifically.

PRA: Public Records Act

TPPA: Tuolumne Public Power Agency

MHPRCO: Mobile Home Park Rent Control Ordinance

COLA: Social Security Department determined Cost of Living Adjustment

Methodology

The Grand Jury spent six months conducting dozens of interviews, reviewing documents, recordings, notes, and transcripts, and sent hundreds of follow-up emails to compile this report in a fair and balanced manner.

Sources

Jurors reviewed the Tuolumne County Governance Manual ¹ and the relevant and other related policies and procedures. Jurors reviewed California State law for county public officials, and relevant rulings and opinions by the state Attorney General², including opinions, and public official ethics guidance. Jurors watched all the available public recordings of the Board of Supervisors meetings from 2023 through 2026. The Grand Jury reviewed County governance and conflict of interest policies around the state for county public officials, and relevant rulings and opinions by the state Attorney General, including opinions, and public official ethics guidance.

Interviews

The Grand Jury completed interviews of the following individuals:

- Subject matter experts from multiple departments
- Members of the public with relevant knowledge
- All members of the Board of Supervisors

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

¹ https://www.tuolumnecounty.ca.gov/DocumentCenter/View/29315/Updated-2025-Governance-Manual?utm_source=

² https://oag.ca.gov/system/files/opinions/pdfs/20-102_2.pdf

Background

The Grand Jury initially received complaints involving county operations. During interviews and document review, broader concerns emerged regarding governance practices and public accountability. As a result, the Grand Jury examined issues involving ethics, oversight, transparency, and compliance with state law governing elected officials.

Discussion

Ethical Behavior

The Conflicts-of-Interest provision under the Political Reform Act Section 87100 of the Act, states that “[a] public official at any level of state or local government shall not make, participate in making or in any way attempt to use the official’s position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest.”

There are 5 economic interests which disqualify a public official from participating in public debate, three which apply here:

- Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more (Section 87103(a)) ; or in which the public official is a director, officer, partner, trustee, employee, or holds any position of management. (Section 87103(d).
- Any real property which the public official has a direct or indirect interest worth \$2,000 or more. (Section 87103(b)
- Any source of income, aggregating \$500 or more in value provided or promised to, received by the public official within 12 months prior to the time when the decision is made. (Section 87103(c)

Board of Supervisor’s member Holland owns spaces within a mobile home park located within Tuolumne County, called Hill Haven, along with a mobile home located there which, he leases out. This is real property worth \$2,000 or more in the mobile home park and can generate income greater than \$500 per year from the mobile home spaces he rents/leases to others.

Tuolumne County's Mobile Home Park Rent Control Ordinance (MHPRCO)³ limits how much covered mobile home park owners can raise space rent, generally tying annual increases to the Social Security Cost of Living Adjustment (COLA) unless the park owner goes through a county process to justify a higher "fair rate of return" increase; it also regulates vacancy increases, pass-through charges, disclosures, and enforcement. The county assesses an annual fee for administering this ordinance. Hill Haven leases are over 12 months in duration, so the mobile home park spaces are subject to the Mobile Home Rent Control Ordinance. The MHPRCO limits the circumstances under which park owners may increase rents or pass additional costs directly to tenants under MHPRCO. As a result, any increases by Tuolumne County in regulatory fees, permitting costs, or other project-related expenses may not be readily recoverable from tenants and could instead reduce the park owner's profits. Any new county fees or increases in existing fees; therefore, would not easily be able to be passed along to tenants and would be paid by the owner, eroding the owner's profits, in this case, a direct cost to Supervisor Holland.

The Grand Jury reviewed the Fair Political Practices Commission laws in California for county public officials; and the Grand Jurors watched the available public recording⁴ of the Board of Supervisor meeting on May 6, 2025. During that BOS meeting on May 6, 2025, Supervisor Holland participated in the debate regarding an increase in mobile home park fees.⁵ This fee is set annually by the board in order to cover the CDD costs to defend the MHPRCO. The fee can be split between the mobile home park owner and the tenant 50%/50%, if the owner chooses to pass along the cost.

Supervisor Holland started the discussion by saying, "Yeah, I just don't think we should raise the fees on some of the most fiscally challenging people we have here in our communities, that live in mobile home parks. 50% of that fee gets passed on to them, um, to pay for an ordinance that we (BOS) have created that we want to defend. I don't know if I agree with the (MHPRCO) ordinance in general, but I don't think we should pass that fee on to them. I don't think it's fair, especially with financial challenges that everyone is having on a daily basis. Um, and a 50% increase seems like quite a big amount to go from, well a 50% increase. That is my stance on it. I just don't want to pass that fee onto people that may or may not be able to afford it in our community."

³ <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/308/Chapter-528---Mobile-Home-Rent-Increase?bidId=>

⁴ <https://citizenportal.ai/source/3317637/board-of-supervisors-amended-may-6-2025>

⁵ https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3302082/mhrc_25-26_fee.staff_report.BOS.pdf

Supervisor Brendan and the Clerk then reiterated that the topic is the fee to defend the MHPRCO, not rent control in general, and this annual fee adjustment is based on a staff memo estimating their costs.

Supervisor Brandon clarified that the current fee was \$14. It would be increased to \$21, with a maximum of 50% of the \$7 difference: an additional \$3.50 per year going to mobile home park residents if the resolution passed.

Supervisor Kirk questioned why we have the MHPRCO at all when there are some state rent control protections already.

Without the MHPRCO, Tuolumne County mobile home park residents would still be protected by California's Mobile home Residency Law, including 90-day rent-increase notice, limits on termination of tenancy, and park closure/conversion protections.

But they would not generally have a meaningful state-law cap on how much space rent can increase. The statewide cap in Civil Code §798.30.5 is narrow and applies to parks spanning two or more incorporated cities, which would not ordinarily describe Tuolumne County mobile home parks.

Staff and County Council tried to explain saying "If we don't have rent control, it could be subject to market (rates)."

Supervisor Kirk replied, "I don't want to go above and beyond what the state is doing for rent control. You just confused me by saying half of what you said, so I'd like some more information. Typical Attorneys."

Supervisor Brendon reminded the board that this item wasn't about whether or not to have a MHPRCO, but about the fee to administer the defense of the ordinance already on the books.

Supervisor Campbell pointed out "If our goal is to help people in the mobile home parks assuming they are lower income and need more support in terms of a predictable and reasonable cost to their housing, then this ordinance supports that. So the additional \$3.50 they could potentially pay (if the owner passes it along) is very small versus the market rate they would pay (for rent) without a rent control ordinance."

Supervisor Holland replied, "Campbell, my point wasn't that one way was more or less but that we (BOS) created an ordinance. Now we are asking people to pay to defend an

ordinance that we created. I think it should be on us to come up with how to pay for it, not asking them to pay for it.”

Supervisor Campbell argued that mobile home park residents were the ones to benefit, so perhaps they should be the ones to foot the bill and not absorb the cost throughout the county, as the ordinance is written.

Supervisor Kirk again stated he didn’t want to have a rent control ordinance at all, which was more than the state provides, if that was sufficient. He requested the staff and county council to provide more information about rent control in general, and table the discussion until then. Supervisor Brendon suggested tabling the discussion, keeping the current fees in place, foregoing the \$6,000 the new fees would raise. County Council confirmed the research could be completed and presented to the board in June.

The CDD Director then pointed out that annual fee notices are required by July 1st. Questioning if any tabled discussion could occur within the time limit. Supervisor Campbell noted that the \$6,000 would come out of the CDD budget, if the fee was not passed in time.

Supervisor Kirk indicated he did not wish to vote without more information saying, “I don’t like adding more layers to the cake if I don’t have to, that’s my hang up.” While Campbell expressed reluctance to expand the debate beyond the fee to rent control in general.

The CDD Director then raised the concern that her department could not absorb another \$6,000 from their budget, which would represent their entire training budget for the year. They discussed ways of moving the budget around, and the Clerk reminded them that the budget is a different discussion item and would require a 4/5 vote.

Holland said, “I think we should vote on this (fee). This is what we are here to do, so make a motion.” Brandon made the motion, and Campbell seconded it.

The vote had Supervisors Brandon and Campbell voting in favor, Supervisor Holland voting against, Supervisor Kirk abstaining, and Supervisor Griefer absent from the meeting. The result was that the motion was not passed by a 3/5 majority and was directed to be sent back to staff.

The fee to defend the MHPRCO was brought before the board again on May 20, 2025. When the item was called, Supervisor Holland announced that he was a mobile home park owner and as such, had to recuse himself from the discussion and final vote that day. This recusal was used after the conflict had already arisen; it was effectively futile, considering

Supervisor Holland had already made his argument against the increase, and MHPRCO in general, at the May 6 BOS meeting. He fully participated in the prior debate without any recognition of his conflict of interest and voted on the item on May 6. Such blatant failures to act on conflicts-of-interest undermine public confidence in the integrity of the decision-making process and could have resulted in the loss of revenue for the County to defend the mobile home park rent control ordinance, which protects some of our most impoverished citizens.

Additionally, several Supervisors interviewed by the Grand Jury indicated that they could envision few circumstances requiring recusal from Board votes, suggesting a limited understanding of applicable conflict-of-interest requirements and recusal obligations. Two Supervisors admitted to never having read the governance manual, which includes guidance on conflicts of interest. Based on the Jury's questions, none were very familiar with the manual. The manual states that if a Supervisor becomes aware of a potential ethical issue, they should promptly seek advice from County Counsel, the FPPC⁶, or a private attorney before taking action that could violate ethics laws.

Clash of Duties or Loyalties

The Grand Jury received a copy of a complaint made to the FPPC questioning whether an elected official, in this case Board of Supervisors member Mr. Holland, can serve on a school board and a county board of supervisors at the same time. The Grand Jury reviewed the law of incompatible offices in California Government Code section 1099⁷, which states that one person may not simultaneously hold two public offices if either office could audit, supervise, remove, or significantly affect the other, or if there is a "significant clash of duties or loyalties" between the two offices. Additionally, the Grand Jury reviewed California Attorney General's (AG) opinions on the issue of incompatible offices to evaluate and identify if a significant clash of duties or loyalties exists in the conduct of public officials in similar situations. The AG opinions have repeatedly found school-related offices incompatible when the two bodies have overlapping jurisdiction, oversight, appeals, site approval, or service/provider relationships.

⁶https://www.fppc.ca.gov/siteassets/documents/tad/fact_sheets/coi_section_1090/conflicts_of_interest_overview_final.pdf

⁷https://www.fppc.ca.gov/siteassets/documents/tad/fact_sheets/coi_section_1090/conflicts_of_interest_overview_final.pdf

Some examples of why this law exists:

- **Budgets:** The supervisor may vote on county funding, fees, grants, facilities, safety programs, roads, public health, or youth services that directly benefit or burden the school district where they also serve as trustees. A school trustee may advocate for school funding, while a supervisor may have a duty to weigh countywide tax burden, competing county services, and ballot strategy.
- **Land use:** The county may approve general plan amendments, zoning, roads, traffic mitigation, development fees, environmental review, or permits affecting school property, future school sites, or student safety. The official could owe fiduciary loyalty to the district while also judging countywide planning interests. A supervisor may support housing or commercial projects for county economic development while the school board must be concerned about classroom capacity, transportation, or facilities impacts.
- **Interagency agreements:** Supervisors fund sheriff, probation, behavioral health, and juvenile justice systems; school boards may contract for school resource officers, diversion programs, campus safety, or truancy coordination. Schools are also often used as evacuation centers during fire, snow, flood, or power outages. A supervisor may vote on county emergency plans while the school board must protect district facilities, staff, liability, and instructional continuity.
- **Litigation:** The official cannot be loyal to both sides when one public entity may seek contribution, indemnity, or damages from the other. The official could hear confidential attorney-client strategy from both sides and would know each entity's weaknesses, risk tolerance, settlement authority, and legal strategy.

Here, the Grand Jury found that Supervisor Holland may be seated in two incompatible offices under Government Code section 1099 as a member of the Board of Supervisors and as a Sonora High School District Trustee.

In fact, Tuolumne County Superior Court Case No CV64763 of Jane Doe 7033 vs Sonora Union High School District, et. Al. Names both Sonora Union High School District and the County of Tuolumne as defendants. This case is still active, as a clear example of a litigation conflict.

The County Board of Supervisors' role and the Sonora Union High School District Trustee role have enough overlapping powers, contracts, land-use decisions, funding, or supervisory

interactions to create a significant clash of duties or loyalties under section 1099⁸.

The Grand Jury found that one of the most direct clashes of duties or loyalties between the two offices relates to their relationships with the Tuolumne Public Power Agency (TPPA)⁹. The TPPA governing documents¹⁰ list Sonora Union High School District as a Tier 1 member agency, while also providing that the TPPA Board of Directors shall be the Tuolumne County Board of Supervisors. The same agreement gives the TPPA Board of Directors authority over TPPA governance, budgets, charges for power, and other agency decisions.

The Flood Control Act of 1962 authorized the construction of the New Melones Project. A provision of that law required that the Counties of Tuolumne and Calaveras be given up to 25% of the power generated from that hydroelectric project. This allows for low-cost electrical power for public agencies located in Tuolumne County, managed by the TPPA.

That means a County Supervisor is not just working near a school district; as a Supervisor, he sits on the governing body of an agency that sets terms affecting that school district as a member. For example, if the county needed to make cuts to the nearly \$3 million-dollar annual operating financials for the TPPA, then rate stabilization funds or infrastructure grants for the Sonora Union High School district would be impacted, which could have significant school budget impacts.

The FPPC complaint that was provided to the Grand Jury was subsequently dismissed because the issue of incompatible offices is not within the FPPC's jurisdiction. Alternatively, the issue may be submitted to the Attorney General's Office for issuance of a legal opinion under Government Code Section 12519 by one of the offices listed in that section. The Grand Jury also found that information concerning the Tuolumne Public Power Agency (TPPA) was not included in the original complaint, despite appearing to present direct potential conflict.

Procedural Understanding

During interviews with individual members of the Board of Supervisor the Civil Grand Jury encountered widely varying interpretations of what information could be disclosed related to and from closed sessions. Some supervisors appeared willing to provide substantive details, while others declined to answer even basic procedural questions, such as

⁸ https://law.justia.com/codes/california/code-gov/title-1/division-4/chapter-1/article-4/section-1099/?utm_source=

⁹ <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/20250/2021-Final-TPPA-JPA-Update>

¹⁰ <https://www.tuolumnecounty.ca.gov/643/Tuolumne-Public-Power-Agency>

identifying who was present or describing general processes followed during closed session.

Per the Brown Act, specifically California Government Code Section 54963 and its exceptions, closed-session confidentiality is limited to “confidential information,” defined as communications directly related to the lawful basis for holding the closed session. Generally, non-confidential information, such as attendance and procedure, is not protected.

Additionally, statutory exceptions permit disclosure to appropriate investigative authorities, including a Civil Grand Jury, in the context of investigating potential illegality. Whistleblower protections under CA Labor Code section 1102.5 further support such disclosures. Despite this guidance, several Board members remained uncertain or reluctant to engage substantively with Grand Jury questioning related to closed sessions.

The evidence reflects a lack of shared understanding between County Counsel, individual Board members, and the Grand Jury regarding the practical application of closed session confidentiality during an active investigation. This disconnect resulted in inconsistent interview responses, with some supervisors declining to answer questions based on their understanding of confidentiality requirements, even though the questions were narrowly tailored to avoid protected communications.

This lack of understanding had a direct and measurable impact on the Grand Jury’s investigation. Specifically, the Grand Jury was unable to reach certain conclusions related to recent staffing concerns due to incomplete information obtained during interviews with both Board members and staff. As a result, the Grand Jury was required to redirect its efforts and expand the scope of this report to address the disclosure issue itself as a formal finding and recommendation, rather than focusing exclusively on the underlying operational concerns.

The Grand Jury estimates that several weeks of investigative time were lost because of this issue. This included time spent seeking legal clarification, re-framing interview questions, re-interviewing witnesses, and attempting to obtain information that should have been accessible within the bounds of lawful disclosure. These delays also resulted in missed opportunities to fully explore the root causes of the staffing concerns while key individuals were available for interview.

Whether based on a misunderstanding or intentional overapplication of confidentiality, both are problematic and undermine public trust. When uncertainty exists, the responsibility to

seek legal clarification rests with the individual official at the time of questioning, rather than defaulting to refusal.

The Grand Jury also identified gaps in institutional guidance. Neither Civil Grand Jurors Association (CGJA)¹¹ training nor the existing Grand Jury handbook provides practical direction on how to approach closed-session inquiries or how elected officials should respond. As a result, both jurors and interviewees expended unnecessary effort navigating legal ambiguity instead of focusing on substantive oversight.

Cooperation with Oversight

A California grand juror does not have to be free of all political opinions. The legal standard¹² is whether the juror is qualified and capable of being impartial in the matter before the Grand Jury. Under California Penal Code section 893, a person is competent to act as a grand juror if they are a qualified resident and possess “sound judgment” and “fair character.” The statute also lists disqualifications, such as recent Grand Jury service, certain criminal convictions, and serving as an elected public officer. It does not list political party affiliation as a disqualification.

On March 27, 2026, Supervisor Holland conditioned his Grand Jury testimony on the removal of two specific Jurors from the panel of interviewers. Supervisor Holland alleged that his review of social media and conversations with acquaintances created concerns regarding the neutrality of the two Jurors. There was no statutory or perception-based need for juror recusal based on Supervisor Holland’s complaint. However, instead of pursuing this refusal to be treated as contempt under California Penal Code section 1331, the Grand Jury accommodated Supervisor Holland in good faith by removing those two jurors from the interview panel. Moreover, the Grand Jury initiated a procedural check to re-confirm juror impartiality in the investigation. Utilizing California Penal Code § 893 as a framework, the Grand Jury analyzed the actions and interactions of the two jurors regarding Supervisor Holland. After analyzing all relevant evidence, the Grand Jury reaffirmed that both jurors were impartial in respect to Supervisor Holland and maintained the “fair character” required to serve as a Grand Juror.

A conflict-of-interest is not the same thing as having beliefs or viewpoints. In California law and ethics rules, a conflict-of-interest generally means a person has a personal stake in the outcome, especially a financial one. As detailed above, the California FPPC explains that a

¹¹ https://courts.ca.gov/system/files/2024-08/Jury_Handbook.pdf

¹² https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=893

public official – including a grand juror - has a disqualifying conflict-of-interest¹³ when it is foreseeable that a governmental decision will have a financial impact on the official's personal finances or other financial interests.

Every Grand Juror swore, under oath, to a Tuolumne County Superior Court Judge that they had no financial incentive, no family relationship, no employment relationship, and no other direct personal stake in the outcome of their jury service and as such, could perform their duties without bias. Having political beliefs is not the same as having a personal interest in the outcome that constitutes a conflict of interest. The conflict-of-interest framework is aimed at preventing biased decision-making driven by private interests, not excluding citizens simply because they hold political views.

California jury practice also reflects this distinction. Jurors are screened and sworn to decide matters fairly and impartially. The California Jury Handbook explains that jurors are questioned to determine whether they can be fair and impartial. In the case of an unexpected conflict, there is also an existing method for Jurors to recuse themselves. There was no conflict in this, or any other, investigation. Witnesses never have the right to remove jurors.

Transparency and Accountability

Under the California Public Records Act (CPRA)¹⁴ (Government Code §7920.000 et seq.), California County Boards of Supervisors are required to provide public access to records relating to the conduct of public business, subject to specific exemptions.

The California Public Records Act (PRA) gives every person the right to access public records unless the records are exempt from disclosure by law. (Government Code section [7920.000 et seq.](#)).

Public records are any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the Secretary of State, regardless of physical form or characteristics. (Government Code section [7920.530\(a\)](#)).

Public records represent “any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any

¹³ https://www.fppc.ca.gov/learn/conflicts-of-interest-rules/?utm_source=chatgpt.com

¹⁴ <https://law.justia.com/codes/california/code-gov/title-3/division-2/part-2/chapter-13/section-26202/>

record thereby created, regardless of the manner in which the record has been stored.” (Government Code section 7920.545.). The public can request records such as correspondence, emails, documents, photos, reports, videos, and other records.

The PRA does not specify a retention timeline¹⁵, however it gives guidance to being able to extend beyond two-years on a county-by-county basis, implying 2-years is the minimum duration.

The Grand Jury experienced significant limitations in its investigation due to a lack of available documentation. On several occasions, members of the Board of Supervisors, CAO, and other County employees were unable to produce requested documents, which was largely attributed to a 90-day email retention policy that dictates the automatic deletion of emails from inboxes. This unquestionably results in the automatic destruction of potential evidence. The County IT policy mandates deletion of emails after 90 days from county email inbox servers automatically. This appears to conflict with state law suggesting retention of public documents for a minimum of two years. Transitory, duplicate, non-record, or convenience-copy emails can be deleted on a shorter schedule where the official record is preserved elsewhere per Government Code section 26202. However, Tuolumne County applies the 90-day deletion¹⁶ automatically, placing the burden on officials to manually save emails which may qualify as public records under the Public Records Act¹⁷. This is done in a limited capacity and at their own discretion, creating non-compliance with the County’s mandate that it be able to provide official records in the cases of litigation, investigation, subpoena, audit, or other obligations.

This retention policy potentially erodes public trust, accountability, and transparency by automatically making unavailable email communication that is not saved by individual employees. The Grand Jury further notes that two senior County employees expressed the belief that retaining fewer records reduces the County’s liability and requirement to produce documents under the PRA, a perspective that raises concerns regarding the County’s commitment to transparency, accountability, and public trust.

The Grand Jury determined that missing and automatically deleted emails resulted in the inability of County employees and officials to provide requested documents. These are not new issues. The Tuolumne County Grand Jury 2012–2013 report response noted a

¹⁵ <https://law.justia.com/codes/california/code-gov/title-3/division-2/part-2/chapter-13/section-26202/>

¹⁶ https://www.tuolumnecounty.ca.gov/DocumentCenter/View/1939/Email_Retention_Policy-Rev1_-_01Jun06?bidId=

¹⁷ <https://codes.findlaw.com/ca/government-code/gov-sect-26205-1/>

recommendation that document retention be increased to a five-year minimum, and a 2016–2017 response noting that county email backups were kept “at most for one year and for as little as two weeks,” which “may conflict with transparency and data retention requirements.”

Having a document retention policy which defaults to the more stringent 2-year requirement to accommodate public records, and allows manual override for transitory, duplicate, non-record, or convenience-copy emails instead, would be in line with other counties in California.

In addition, this Grand Jury found it difficult to find complete public records of Board meetings in an easily accessible format (often available in video only) and intermittent transcripts on Access Tuolumne. It took approximately 6 additional weeks to review videos compared to a text-based system, where Jurors could use search/find features, summary features, and set up alerts for new instances of applicable issues. Video-only formats also pose concerns for the jury and the community related to the Americans with Disabilities Act (ADA). The public faces the same issues. There are very low-cost, low-lift ways to take transcripts of meetings using AI notetaker features in current county software, allowing the public to see the full discourse of meetings and understand who is participating in the discussion. Utilizing one of these mechanisms would help the public monitor compliance and feel more confident that their representatives are acting within the law.

Findings

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.

Recommendation 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. (F1,F2,F4,F5)

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.

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.

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. (F2, F3)

¹⁸https://www.fppc.ca.gov/siteassets/documents/tad/fact_sheets/coi_section_1090/conflicts_of_interest_o_verview_final.pdf

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.

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.

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.

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.

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.

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.

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.

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.

Responses

Instructions for Respondents California law (PC §933.05) requires that those responding to the Grand Jury Report must prepare responses for individual findings and recommendations within the Grand Jury Report rather than a generalized response to the entire report. Explanations for disagreements must be provided. (PC § 933.05 is included in its entirety at the end of this section.) Please follow the format below when preparing your response.

Response Format:

1. Find the response grid that appears near the end of each Grand Jury report, look for the row with the name of the entity you represent, and then only respond to those Findings and/or Recommendations listed in that row.
2. Provide the title and page number from the Grand Jury report.
3. Provide the date of your response.
4. For Findings
 - a. Provide a copy of the original Finding.
 - b. Respond with one of the following:

- i. AGREE.
 - ii. PARTIALLY AGREE (specify and explain disagreement).
 - iii. PARTIALLY DISAGREE (specify and explain disagreement).
 - iv. DISAGREE (specify and explain disagreement).
- 5. For Recommendations:
 - a. Provide a copy of the original recommendation.
 - b. Respond with one of the following:
 - i. Has been implemented.
 - ii. Has not yet been implemented but will be implemented in the future (specify expected implementation date).
 - iii. Requires further analysis (specify the type of analysis required and the expected completion date, not to exceed six months).
 - iv. Will not be implemented (either because it is not warranted or is unreasonable; please include an explanation).
- 6. If responding to more than one report, respond to each in a separate document or on separate pages of one document.
- 7. Please send all responses as either Microsoft Word or Adobe PDF files.

If you have questions about the response format, please contact the Grand Jury by email: lsimaz@gj.tuolumnecounty.net

Where to Respond:

- 1. Deliver a hard copy of your response to each:

Tuolumne County Superior Court Presiding Judge Laura L. Krieg, and
Judge David C. Beyersdorf
[12855 Justice Center Dr., Sonoma, CA](#)

- 2. Send an electronic version of your response via email to srosenfelder@tuolumne.courts.ca.gov, and tcgjforeperson@tuolumne.courts.ca.gov

Due Dates:

Elected officials or administrators are required to respond within sixty days of the Grand Jury Report's publication; responses by the governing body of any public entity are required within ninety (90) days.

Board of Supervisors must respond to F 1-6 and R 1-6 no later than September 26, 2026.

Bibliography

Ethical Behavior

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4. https://citizenportal.ai/articles/6055602/California/Tuolumne-County/Supervisors-debate-and-table-21-annual-mobile-home-fee-after-public-objections?utm_source=
5. <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/308/Chapter-528---Mobile-Home-Rent-Increase?bidId=>
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7. https://www.fppc.ca.gov/siteassets/documents/tad/fact_sheets/coi_section_1090/conflicts_of_interest_overview_final.pdf
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Clash of Duties or Loyalties

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8. https://law.justia.com/codes/california/code-gov/title-1/division-4/chapter-1/article-4/section-1099/?utm_source=
9. <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/20250/2021-Final-TPPA-JPA-Update>
10. <https://www.tuolumnecounty.ca.gov/643/Tuolumne-Public-Power-Agency>

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Procedural Understanding

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13. <https://www.fppc.ca.gov/learn/conflicts-of-interest-rules/>.
11. https://courts.ca.gov/system/files/2024-08/Jury_Handbook.pdf

Transparency and Accountability

County Policy

14 https://www.tuolumnecounty.ca.gov/DocumentCenter/View/1939/Email_Retention_Policy-Rev1_-01Jun06?bidId=

Tuolumne County Policy of Retention for Email & Voicemail

January 10, 2006
Revised June 1, 2006

5.4 Retention for Email and Voicemail

5.4.1 Purpose

The Email and Voicemail systems installed by the County are tremendous assets that provide expeditious and efficient transmission of electronic communications, but both require proper management and administration. The purpose of this policy, which may also be referred to as the "Email/Voicemail Retention Policy", is to recognize the balance between efficiency of communication and proper administration of those communications for the reduction of liability and maintenance efforts. Several specific points were kept in mind during the development of this policy and must be kept in mind by all users of the County Email and Voicemail systems. These points are listed below in sections 5.4.1.1 through 5.4.1.6

- 5.4.1.1 Both Email and Voicemail may be a Public Record;
- 5.4.1.2 Anything recorded in an Email or Voicemail may be discovered during litigation and or requested by a public records request;
- 5.4.1.3 As an email is written or a Voicemail message dictated, the preparer should imagine that it may one day be read on the front page of the newspaper;
- 5.4.1.4 The regular policy-based destruction of Email and Voicemail messages is a legal and appropriate business practice if no law or other obligation requires retention;
- 5.4.1.5 All emails should be written, transmitted, and stored with the same care and discretion as paper or "hard-copy" communications;
- 5.4.1.6 All Email belongs to the County and may be accessed according to the IT Policy, Section 4.7, "Privacy".

5.4.2. Categories of Email

5.4.2.1. Transitory Email - These are Emails that have limited or transitory value to the County, and might include:

- 5.4.2.1.1. Emails announcing the date and time of a meeting;
- 5.4.2.1.2. Routine communications and announcements;
- 5.4.2.1.3. Preliminary drafts that have been superseded;
- 5.4.2.1.4. Other recent communications that are judged to have no further business significance to the County.

5.4.2.2. Non-Transitory Email - These are Emails that have lasting value to the County. Examples might include emails that:

- 5.4.2.2.1. Memorialize the making of important decisions;
- 5.4.2.2.2. Are connected to specific case files, contract files, or larger records;
- 5.4.2.2.3. Are judged to have further business significance to the County.

5.4.2.3. Non-Business Email – These are emails contain no information relating to the conduct of the County's business, and include unofficial, personal messages.

S:\IT Policy Folder\Email Retention Policy Docs\Final Policy Documentation\Email Retention Policy-Rev 1 -01.Jun.06.doc

5.4.3. Email Retention, Archiving, Storage and Deletion

5.4.3.2. Transitory email should be deleted after its business purpose is served.

5.4.3.3. All Email, whether Transitory or Non-Transitory, will automatically be deleted 90 days after receipt or transmission.

5.4.3.4. Non-Transitory Email is a Public Record and, if retention is required by the County Retention Schedule, must be converted to a paper copy and stored accordingly. Questions about whether an email is a public record should be referred to the County Counsel.

5.4.3.5. Non-Transitory Email that is to be archived or stored electronically must be stored as a single file that removes the email characteristics in a folder on the "Shared Drive" of the County Private Network clearly labeled "STORED EMAIL". The "Shared Drive" is the default network directory that is assigned to department or division employees for shared use when issued access to the County Private Network. Only one "STORED EMAIL" folder is allowed per department or division, but it can contain multiple sub-folders. Note: Archived email is still subject to the County Retention Schedule.

5.4.3.6. Non-Business Email must be deleted immediately.

5.4.4. Other Email guidelines

5.4.4.1. Deleted Email is immediately deleted from all locations in the email system, but may reside on the backup system media for longer periods, (see 5.4.9.1);

5.4.4.2. For email usage, see IT Policy, Section 4, "Policy of Usage".

5.4.4.3. Email shall not be sent to an Internet Service Provider or hosted email service

outside the County Network as a means to circumvent this policy.

5.4.5. Categories of Voicemail

5.4.5.1. Transitory Voicemail - These are Voicemails that have limited or transitory value to the County, and might include:

5.4.5.1.1. Voicemails announcing the date and time of a meeting;

5.4.5.1.2. Routine communications and announcements;

5.4.5.1.3. Requests for a return call with contact information;

5.4.5.1.4. Other recent communications that are judged to have no further business significance to the County.

5.4.5.2. Non-Transitory Voicemail - These are Voicemails that have lasting value to the County. Examples might include emails that:

5.4.5.2.1. Memorialize the making of important decisions;

5.4.5.2.2. Are connected to specific case files, contract files, or larger records;

5.4.5.2.3. Evidence of a crime or criminal activity;

5.4.5.2.4. Are judged to have further business significance to the County.

5.4.6. Non-Business Voicemail – These are Voicemails contain no information relating to the conduct of the County's business, and include unofficial, personal messages.

5.4.7. Voicemail Retention, Archiving, Storage and Deletion

5.4.7.1. Transitory Voicemail should be deleted after its business purpose is served.

5.4.7.2. All Voicemail will automatically be deleted seven (7) days after receipt.

5.4.7.3. Non-Transitory Voicemail is a Public Record and, if retention is required by the County Retention Schedule, must be documented and stored accordingly. Questions about whether a Voicemail is a public record should be referred to the County Counsel. The Board expects that Voicemail will not be used as a substitute for written communication, when such is required to carry out the formal business of the County. To the extent that non-transitory Voicemail does occur, documentation via an appropriate written record must be established, (i.e., confirming memo, letter, etc.).

5.4.7.4. Non-Transitory Voicemail may not be archived or stored electronically. Note: A documented Voicemail is still subject to retention via paper, as described in 5.4.7.3.

5.4.7.5. Non-Business Voicemail must be deleted immediately.

5.4.8. Other Voicemail Guidelines

5.4.8.1. Deleted Voicemail is immediately deleted.

5.4.9. Business Continuity and Backup

5.4.9.1. For Business Continuity purposes only, both individual Emails and the Email Information Store are backed up onto magnetic tape. The Email Information Store is the overall dataset of Email which does not allow retrieval of the individual email.

5.4.9.2. Back up media for both individual Email and the Email Information Store must be deleted, recycled or disposed of after 14 days.

5.4.9.3. Voicemail is not backed up and the messages are subject to loss if the equipment or software comprising the system are damaged or destroyed.

5.4.10 Violations of this policy may result in disciplinary actions.

5.5 Implementation of the Email/Voicemail Retention Policy

5.5.1. Department Heads are responsible for the implementation of this policy.

5.5.2. Each must establish a routine by which compliance can be demonstrated through a periodic audit.

Note: The timeline in the cover memo released when the policy is approved will state: Each Department Head is asked to provide an implementation plan to the CAO by March 31, 2006. Departments shall be in full compliance of this policy by July 1, 2006.

California State Governance

15 <https://law.justia.com/codes/california/code-gov/title-3/division-2/part-2/chapter-13/section-26202/>

Regulation that says hard copies must be kept for and documents must be available for litigation, investigation, subpoena, audit, or other preservation obligations- which has not been the case.

16 https://www.tuolumnecounty.ca.gov/DocumentCenter/View/1939/Email_Retention_Policy-Rev1_-01Jun06?bidId=

17 <https://codes.findlaw.com/ca/government-code/gov-sect-26205-1/>

Title 3. government of counties [23000 - 33205] (title 3 added by stats. 1947, Ch. 424.)

Division 2. officers [24000 - 28085] (division 2 added by stats. 1947, Ch. 424.)

Part 2. Board of supervisors [25000 - 26490] (part 2 added by stats. 1947, Ch. 424.)

CHAPTER 13. Miscellaneous Powers [26200 - 26231] (Chapter 13 added by Stats. 1947, Ch. 424.) 26202.