



GRAND JURY
COUNTY OF HUMBOLDT

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To: Amy Naiser
JN

August 27, 2008

Loretta Nickolaus
County Administrative Officer
County of Humboldt
825 Fourth Street
Eureka, CA 95501

Dear Ms. Nickolaus:

The 2008-2009 Grand Jury of Humboldt County submits to the Board of Supervisors the attached Interim Report (2009-AF-01) as a clarification to Final Report 2008-AF-02 submitted by the 2007-2008 Grand Jury.

Sincerely,

Alan "Skip" Jorgensen
Foreperson

**GRAND JURY OF HUMBOLDT COUNTY
2008-2009 Final Report**

**Grand Jury Report # 2009-AF-01
Language Clarification in 2007-2008 Grand Jury Report**

Who Shall Respond:

No response required.

Report:

As a result of its independent inquiry and investigation, the 2008-2009 Grand Jury of Humboldt County finds that the former County Counsel, referred to in last year's Grand Jury Final Report (2008-AF-02), did in fact "resign" from the position of County Counsel and was not "dismissed" as stated in that report.

Grand Jury Report # 2008-AF-02
Appointed Department Head Evaluations

Executive Summary:

The Grand Jury reviewed the policy, procedures, and practices of Humboldt County in conducting performance evaluations of appointed department heads. The review was initiated subsequent to the 2006-07 Grand Jury investigation into the 2007 dismissal of County Counsel. At that time, the Grand Jury observed that performance evaluations for department heads were not being conducted on a regular and timely basis.

Who Shall Respond:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- **The Humboldt County Board of Supervisors** shall respond to Findings and Recommendations 1, 2, and 3.

Report:

The following positions are appointed by the Board of Supervisors: Agricultural Commissioner and Sealer of Weights and Measures, County Administrative Officer, Cooperative Extension Director, Child Support Services Director, County Counsel, Personnel Director, Library Services Director, Community Development Services Director, Conflict Counsel, Chief Probation Officer, Public Defender, Public Works Director, and the Health and Human Services Director. State law requires the Agricultural Commissioner/ Sealer of Weights and Measures and the County Counsel receive four-year employment contracts once assigned. The remaining appointed positions serve the county as *at will* employees. Seven elected positions are not the subject of this report as their performances are evaluated by the voters.

The Grand Jury interviewed members of the Board of Supervisors, the Chief Administrative Officer, the assistant to the Chief Administrative Officer, and the head of the Personnel Department. Information was also received from the California State Association of Counties, Santa Barbara County, and Shasta County. In reviewing evaluation practices, the Grand Jury considered current practices and those which may have been in place over the most recent five-year period.

The Board of Supervisors retains ultimate authority for county operations and the performance of county departments. The board appoints department heads, retains authority to hold them accountable, and can dismiss them for any reason or no reason. There is no formal evaluation policy or any regular unwritten or informal practice of evaluating the performance of department heads.

There are adequate job descriptions and procedures for recruiting qualified candidates. Witnesses, interviewed by the jury, expressed concern over difficulty in attracting and retaining qualified managers. Positions sometimes attract no more than three to five qualified applicants or the position may remain open for extended periods due to a lack of qualified applicants. According to testimony, the reasons for this include a general shortage of qualified candidates,

reluctance to serve in positions open to public scrutiny, and the comparatively low pay in rural California counties such as Humboldt.

At the time a department head is employed, there may be a probationary period of six months to one year. During this time, individuals previously employed by the county may be provided the title of *interim* or *acting*. This indicates a trial period during which the Board of Supervisors, as well as the department head, determines the commitment to continue with the designation as a permanent employee. Formal performance evaluations *may* be completed during an employee's probationary period. However, after the probationary period, formal evaluations do not continue.

At times of crisis or commendable performance, department heads may be called before the Board of Supervisors and reprimanded in closed session or provided commendation for outstanding performance. The Board of Supervisors reviews department budgets and significant projects from time to time as part of their regular public meeting agenda. These reviews are not considered performance evaluations.

Fourteen counties in California are *charter* counties and leadership is provided in the form of a Chief Executive Officer (CEO). The CEO assumes direct responsibility for evaluating department heads, with the authority to recommend continued employment or dismissal. Humboldt County is one of forty-four *general law* counties administered by a Chief Administrative Officer (CAO). With the CAO arrangement, certain powers must be specifically assigned to the position by the Board of Supervisors.

In Humboldt County, there is a lack of clear understanding between the CAO and the Board of Supervisors as to when, how, how often, and for what purpose department heads will be evaluated. Subsequently, the CAO is assigned responsibility without commensurate authority. Even though the CAO may be viewed as management, the position carries no official authority to reprimand or recommend the termination of an appointed department head. Additionally, with no formal mechanism in place, there is missed opportunity to build trust, establish common goals, and commend and encourage department leaders. It is not enough to expect a department head or organization will operate at a high level without the benefit of an effective and regular assessment of their skills, personal attributes, and suggestions for improvement by their supervisors.

Evaluators need not be experts, in each area of department responsibility, to provide an effective evaluation. However, they should have expertise in providing direction and leadership. Though there may be roadblocks or reluctance to provide for effective performance evaluations of county department heads, the Grand Jury believes annual written performance evaluations are essential to efficiently manage county business. The Grand Jury recognizes the dedicated public officials committed to the well-being and prosperity of Humboldt County. It is hoped the following findings and recommendations will support their work in leadership positions.

Findings and Recommendations:

Finding 1:

There is no policy or procedure for annual written job performance evaluations for department heads appointed by the Board of Supervisors.

Recommendation 1:

The Board of Supervisors adopts policy and procedure for annual written job performance evaluations for all department heads who report to the Board of Supervisors. Policy to include that such evaluation is kept as part of the employee's permanent personnel file.

Finding 2:

There is a lack of clarity among the Board of Supervisors and subcommittees as to who is responsible for evaluation of appointed department heads.

Recommendation 2:

The Board of Supervisors should either conduct regular performance evaluations through a subcommittee of the board or do what is necessary to direct the Chief Administrative Officer to conduct performance evaluations, with the authority necessary to make the process timely and effective. Such direction to include making the evaluations part of the employee's personnel file.

Finding 3:

No evaluation of the Chief Administrative Officer is conducted by the Board of Supervisors on a regular basis.

Recommendation 3:

Conduct an annual evaluation of the Chief Administrative Officer, at which time goals consistent with the priorities of the board can be established.