

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

**DATE: 8/27/02
AGENDA ITEM NO.: #9**

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Discussion and possible action relative to providing a response to the Judicial Council of California's request for comments on their proposed model for Chief Probation Officer appointment, evaluation, discipline, and removal.

See attached memo from Counsel for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: (X) Not Applicable	
A. Budgeted current FY	\$ _____
B. Total anticipated costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____
SOURCE: () 4/5ths Vote Required	
A. Unanticipated revenues	\$ _____
B. Reserve for contingencies	\$ _____
C. Source description:	_____
Balance in Reserve for Contingencies, if approved: \$	_____

SPECIAL INSTRUCTIONS:
List the attachments and number
the pages consecutively:

CLERK'S USE ONLY:
Res. No.: 02-333 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
() Approved () Denied
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of
the original on file in this office.
Date: _____
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

_____ Recommended
_____ Not Recommended
_____ For Policy Determination
_____ Submitted with Comment
_____ Returned for Further Action

Comment: _____

A.O. Initials: WMA



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

ROBERT C. STEWART, CHAIRMAN
PATTI A. REILLY, VICE-CHAIRMAN
DOUG BALMAIN
GARRY R. PARKER
BOB PICKARD

DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Response to the Judicial Council of CA on Proposed Model for Chief Probation Officer
Resolution No. 02-333

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on August 27, 2002

ACTION AND VOTE:

Discussion and Possible Action Relative to Providing a Response to the Judicial Council of California's Request for Comments on Their Proposed Model for Chief Probation Officer Appointment, Evaluation, Discipline, and Removal (County Counsel)

BOARD ACTION: Discussion was held with Jeff Green, County Counsel. Gail Neal, Chief Probation Officer, and Bryce Johnson, Deputy Chief Probation Officer, provided input relative to the proposed changes. Further discussion was held relative to the proposed model and the way the County has handled this matter. (M)Balmain, (S)Pickard, Res. 02-333 was adopted approving a letter to be sent to the State advising that we do not want a change, that a bifurcated personnel system will not work and will create more problems than our current system where the Presiding Judge deals with the personnel issues of the Chief Probation Officer/Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

cc: Gail Neal, Chief Probation Officer
Judge Walton, Presiding Superior Court Judge
File



Office of the
County Counsel

M E M O R A N D U M

Date: August 14, 2002

To: Board of Supervisors

From: Jeffrey G. Green, County Counsel

Re: Response to the Memo from the Judicial Council Proposing a Collaborative Model for Chief Probation Officer Appointment, Evaluation, Discipline, and Removal

This matter is on for the Board's review and possible action. The Judicial Council of California is requesting comments from boards of supervisors regarding the above matter. At the present time, the Chief Probation Officer is hired, disciplined, and terminated in Mariposa County by the Presiding Judge of the Superior Court. The proposal by the Judicial Council would have those personnel matters shared by the County and Superior Court. As was discussed in my memo of August 9, 2002, which is attached, a meeting was held between Chairman Stewart, Presiding Judge Dana Walton, Court Executive Officer Mike Berest, Chief Probation Officer Gail Neal, and myself relative to this matter. There was unanimous agreement among all of the parties that a bifurcated personnel system will not work and will create more problems than the current system where the Presiding Judge deals with the personnel issues of the Chief Probation Officer even though the Chief Probation Officer is a County employee. The committee concluded that attempting to hire, discipline, evaluate, and fire a Chief Probation Officer through a committee process is simply not a workable personnel procedure.

rs

encl/as stated

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....BOB PICKARD



VACANT
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

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MARIPOSA, CALIFORNIA 95338
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1-800-736-1252

FAX (209) 966-5147

August 28, 2002

Audrey Evje, Esq.
Judicial Council of California
455 Golden Gate Avenue
San Francisco, Ca 94102-3660

Re: Chief Probation Officer Appointment, Evaluation, Discipline, and Removal Model

Dear Ms. Evje:

Pursuant to the request by the Probation Services Task Force, the Mariposa County Board of Supervisors met on Tuesday, August 27, 2002 and discussed the model proposed by the Task Force. The Board of Supervisors has always had and continues to have a very cordial and collaborative working relationship with the Superior Court of Mariposa County. It is the position of the Board of Supervisors of Mariposa County that the Chief Probation Officer appointment, evaluation, discipline, and removal process in Mariposa County has worked well over the years and the Board of Supervisors does not favor making any changes in the status quo at this time. We do not believe that the model is a workable policy from a personnel perspective. It is difficult to believe that there is anyone serving on the Task Force who has practical personnel experience. It is our strong belief that a bifurcated personnel system will not work and will create more problems than the proposed "solution". It is simply not possible to do adequate evaluations and discipline of an employee by committee. The Board of Supervisors of Mariposa County respectfully requests that the proposed model not be recommended for approval. Additionally, the Board of Supervisors requests that if the model is recommended for approval that Mariposa County be excluded from the operation and requirements of the model.

Thank you for the opportunity for the Board of Supervisors of Mariposa County to comment on your proposal.

Very truly yours,

Robert C. Stewart, Chairman
Mariposa County Board of Supervisors

rs

cc: Honorable F. Dana Walton, Superior Court Judge
Board of Supervisors
Jeffrey G. Green, County Counsel
Gail Neal, Chief Probation Officer