

96-194

MARIPOSA COUNTY
BOARD OF SUPERVISORS
DEPARTMENT: Administration

AGENDA
ACTION FORM
BY: Mike Coffield

DATE: 5-7-96
AGENDA ITEM NO.: 14
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

Submission of deferred responses to 1994-95 Grand Jury report. **Recommended response - The Willis and Walsh audit report sheds no new light on the legitimacy of the Clean Water Grants nor on their management. Recommendations on enhanced controls over County projects and funds have been made and responded to in the past. Prior Board of Supervisor's responses to similar accusations and County Counsel's exhaustive repudiation of all charges of impropriety in contract provisions remain unchallenged by the audits findings.**

BACKGROUND AND HISTORY OF BOARD ACTIONS: On October 24, 1995 the Board submitted its responses to most findings and recommendations in the 1994-95 Grand Jury report. Responses to the following items were deferred until the Willis and Walsh audit report could be reviewed. The Audit was received on October 19, 1995. Findings #1, #2, #3 - The application for Clean Water Grants (CWG) was inappropriate, the contracts with Harris & Associates and Community Concepts contained improper provisions and lacked adequate controls, and, the losses of Clean Water Grant funds were the result of gross mismanagement at the highest level of County government. Conclusions #1, #2, #3 - The justification for obtaining CWG funding was misrepresented, the responsibility for the misrepresentation rests with the past Board, CAO and County Counsel, with the exception of Supervisor Taber. The response suggested above addresses these deferred items.

Obviously, this report is not being filed within 90 days of receiving the audit as specified in Penal Code Section 933 for responses by the Board to the Presiding Judge of the Superior Court. The reason for this delay is the time devoted to responding to the 1995-96 Grand Jury on two other allegations in the 1994-95 Grand Jury's report, namely, that the County should sue two CWG vendors because the Willis and Walsh audit documented that "improper" payments had been made to them and that County staff had understated the loss of County funds in prior reports on CWG fiscal status.

As the Board can see, I found no evidence that the County understated the losses from the Clean Water Grants, and I found no evidence that any improper payments were made to vendors, with the exceptions noted in my letter. I believe, based on my review of the audit, that these allegations, which are, in fact, disproved by the very audit on which they are ostensibly based.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board could direct that an exhaustive and duplicative response be prepared at greater expense to the accusations.

COSTS: (X) Not Applicable A. Budgeted Current FY \$ B. Total Anticipated Costs \$ C. Required Additional Funding \$ D. Internal Transfers \$		SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:
CLERKS USE ONLY: Res. No. <u>96-194</u> Ord. No. _____ Vote - Ayes: <u>4</u> Noes: _____ Absent: <u>Taber</u> 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: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> For Policy Determination <input type="checkbox"/> Submitted with Comment <input type="checkbox"/> Returned for Further Action Comment: _____ CAO's Initials: <u>[Signature]</u>

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE COFFIELD, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: SUBMISSION OF DEFERRED RESPONSES TO 1994-95
GRAND JURY REPORT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on May 7, 1996

ACTION AND VOTE:

Submission of Deferred Responses to 1994-95 Grand Jury Report
(County Administrative Officer)

BOARD ACTION: Discussion was held. Mike Coffield/County Administrative Officer, advised that he forwarded a draft of the response to Community Concepts, Harris and Associates, and the auditing firm for review and comment. The following responses were received: Harris and Associates returned a check for the questioned overpayment; Community Concepts returned a check for a portion of the questioned overpayment and needs more information on the overhead calculations; and no comment was received from the auditing firm. Board concurred with change in the action form and with not including the letter to the 1995-96 Grand Jury Foreman from the County Administrative Officer in the response. (M)Parker, (S)Stewart, Res. 96-194 adopted approving submission of the responses with the changes as noted/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

cc: File