



JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR
COUNTY OF EL DORADO
STATE OF CALIFORNIA

REPLY TO:

HEADQUARTERS
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PLACERVILLE
CA 95667
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FAX 626-8091

JAIL DIVISION
300 FORNI ROAD
PLACERVILLE
CA 95667
530 621-6000
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TAHOE PATROL
1360 JOHNSON BLVD., SUITE 100
SOUTH LAKE TAHOE
CA 96150
530 573-3000
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TAHOE JAIL
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July 30, 2015

The Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd.
South Lake Tahoe, CA 96150

RE: Report No. GJ 14-02 JAIL INSPECTIONS

The Honorable Suzanne N. Kingsbury,

This office has received and reviewed a report by the 2014-2015 Grand Jury relating to the facility inspection of the Placerville and South Lake Tahoe Jails. Please find the below responses to those findings and recommendations relevant to the Sheriff's Office.

Sheriff's Response to Specific Findings

1. The Sheriff agrees with the findings
2. The Sheriff agrees with the findings
3. The Sheriff agrees with the findings
4. The Sheriff agrees with the findings
5. The Sheriff agrees with the findings

Sheriff's Response to the Grand Jury Recommendations

FINDINGS

1. Staff believe AB 109 inmates continue to negatively impact jail operations.

The respondent agrees with finding. Due to longer sentences, the average age of the inmate population has increased, impacting acute and long-term medical care needs. The sophistication (i.e. incarcerated for more violent crimes) of inmates has grown, gang affiliation, and defiance of custody rules has increased, all requiring more attention to cell assignment and Jail staff safety training.

2. Staff believe Inmates with mental health issues, as well as older and homeless inmates are an ongoing problem.

The respondent agrees with finding. The Sheriff's Office, The District Attorney's Office, Public Defender's Office, the Department of Health and Human Services, the Probation Department, and the Courts are working together to identify those individuals to provide appropriate treatment and incarceration needs.

3. Additional space is needed where inmates can meet with their attorneys.

The respondent agrees with finding. Management has identified possible locations within the facilities for additional visitation to include contact and video visitation. Costs and funding sources are being researched.

4. Vendors may not have always been paid in a timely manner.

The respondent agrees with the findings although vendor's terms of payment are not known by the respondent. To prevent any future cancellations or delay of deliveries, food deliveries were scheduled to occur earlier in the week to provide respondent an opportunity to work with fiscal and vendors.

5. More security cameras and intercoms are needed.

The respondent agrees with finding. Additional cameras and server storage have been requested in the 15/16 budget. Intercoms were reconditioned during a recent control panel upgrade.

Sincerely,



JOHN D'AGOSTINI
Sheriff ~ Coroner
Public Administrator

Ron "MIK" Mikulaco
Supervisor District 1
County of El Dorado

August 18, 2015

The Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd.
South Lake Tahoe, California 96150

RE: 2014-15 Grand Jury Report #GJ 14-13

The Honorable Suzanne N. Kingsbury,

A Final Report of the Grand Jury was released Tuesday, June 30, 2015. The Final Report included an inquiry regarding my position as County Supervisor (Case No. GJ-14-13). This report contained incorrect information as a result of what I can only assume was a lack of proper investigative procedure. I was only interviewed by a four member sub-committee in regards to the content of the report and, unfortunately, they failed to ask me some fundamental questions. This failure apparently resulted in the sub-committee coming to some incorrect conclusions regarding some very important findings. The responsibility of the Grand Jury is to oversee government operations and to offer constructive suggestions to improve local government. If incorrect information is the basis of Grand Jury "findings", it is impossible for the Grand Jury to effectively do their work and make valid recommendations regarding the subject of their investigation.

My response to each finding and recommendation is below:

Findings:

1. The head of the Human Resources Department agreed with those filing Grand Jury complaints; a complaint would be made public and fear of reprisal was warranted.

- Disagree in part. It has never been communicated to me, by any member of Human Resources, that the head of the Human Resources Department agreed with any complaint filed against me, nor was an issue of the fear of reprisal communicated to me. I will also point out that there has never been any complaint filed against me, that I am aware of.

2. The county is indeed paying thousands of dollars to an independent company for executive coaching in an attempt to modify Supervisor Mikulaco's behavior.

- Disagree in part. The county did offer the services of an executive management consultant to educate myself, other elected officials and department heads. I welcomed this opportunity. The county is no longer paying a consultant for executive coaching for me, and was not for nearly a year before the Grand Jury investigated this matter. Coaching, educating, and mentoring Supervisors, other elected officials and department heads, to allow them to do the best job possible to serve their constituents is not only a smart practice but is practical and is offered to all elected officials, which includes attending CSAC classes and more. I was not the only elected official, department head or employee receiving this helpful training and will not be the last. It is not a waste of taxpayer money to educate decision makers to help them improve their skill sets as we come from all walks of life and sometimes need fine tuning to make the best-educated critical decisions for thousands of constituents who depend on their leaders to do an effective job.

3. The County did sign an agreement with Mansour Properties for the sum of \$19,200 a year plus utilities of roughly \$2400 a year. This does not include the cost of pro-rated landlord expenses, office furniture or supplies to operate this facility.

- Disagree in part. The Constituent Service Center is an outreach office for my constituents in the El Dorado Hills (EDH) area. We received numerous complaints at the County that constituents from EDH do not come to Placerville, are not represented and that we should do community outreach. EDH residents communicated frequently that Placerville is too far for them to drive, effectively putting local government out of their reach. I believe that my constituents should have easy access to me, in person and residents from EDH have been loud and clear in agreement. EDH, like South Lake Tahoe that also has a local constituent service office, is at the outer edge of the large county. To best represent the needs of my constituents, I am happy to go to them or have a facility that accommodates them, given its 20 miles to Placerville. I function within the budget allowed to me, as does another Supervisor who also has a constituent service center. 85% of the furniture at the Constituent Service Center is mine and was not paid for by the County. We operate on a shoestring, do our own cleaning and I buy almost all of our supplies with my personal money. In fact, I have come in under budget every year since being in office and actually returned money back to the County during my time in office.

4. There is a street sign that cost the county \$1,700 to manufacture and install on a public thoroughfare with no record showing how the sign got there.

- Disagree in part. There are many signs that direct constituents to buildings in our area. District 1 ordered the sign through the Facilities Division, who installed it. District 1 employees and myself do not oversee the day to day operations of the Facilities Division and were not made aware of the cost of the sign before it was installed but did pay for it out of the District 1 budget, again remaining under budget for the year.

5. Because of Mikulaco's actions creating a hostile environment, he can no longer serve on various boards, adding to the workload of the other four supervisors.

- Disagree wholly with the finding. This is absolutely incorrect, and is unfounded. It is simply not true that I cannot serve on any boards or committees and that I am creating more work for my fellow Supervisors. This allegation has never been communicated to me by HR, my fellow Supervisors, members of the Grand Jury, or anyone else. I serve on many committees and commissions on behalf of El Dorado County and I am proud to do so. If the Grand Jury sub-committee which was investigating this allegation would have discussed it with me, the facts would have been simple. All that would be required to ascertain the facts would be to read the minutes from the Board meetings, during which appointments to committees, and to represent the County to other organizations, are made, and compare it year by year.

6. There is a general policy allowing a \$250,000 discretionary budget for each supervisor. It is ordinarily used to cover office supplies and one executive assistant. Other supervisors expressed their concern that Supervisor Mikulaco is ignoring this rule and is spending county funds unnecessarily during hard economic times.

- Disagree in part with this finding. As for my second assistant, she is part time working half time or less, as needed. The Grand Jury implied she is full time. She is by far the lowest hourly and yearly paid Supervisor's Assistant taking no benefits or retirement, yet highest educated with a stellar background and resume rivaling our top County officials. Taxpayers are certainly getting good value on her cost of service to the County. I operate, as I always have, well within budget.

7. Mikulaco himself has filed Human Resources complaints of harassment specifically against other Supervisor's assistants and against agency heads in an effort to impede the county Human Resources staff's efforts to address any complaint involving him.

- Disagree wholly with this finding. The grand jury is now speculating on my actions. This appears to be pure speculation regarding my motives, and is incorrect. Every organization has a protocol in regards to addressing inappropriate behavior in the workplace through Human Resources, and this applies to everyone. I am not sure why my attempt to follow this process was singled out as an issue. Also, I have not filed multiple complaints, I have filed one.

8. The satellite office is only scheduled to be open for business two days a week and it has been reported that it is seldom visited.

- Disagree wholly with this finding. This is another instance of inaccurate information, which could have been corrected by discussing it with me. Our Constituent Service Center has posted hours of 2 days a week, 9 to 4 and 6am to 7pm by appointment. However, it is open for scheduling and used much more, including weekends on an as needed basis for those constituents and meetings from the EDH and Sacramento area. It has also been offered and used by other county workers for a needed office space for meetings in EDH. These facts would have been very easy to verify by speaking to my assistant, looking at the sign posted on the door, or requesting our calendar of past or future appointments to see what is actually booked into that office. We see at least 500% more constituents per month in the Constituent Service Center than the Placerville office.

9. Mikulaco informed the Grand Jury that because his campaign for re-election is so important he may forego his pro forma turn to chair the Board of Supervisors next year.

- Disagree in part. I have only been called to the Grand Jury to discuss topics other than myself. I don't recall making the comment mentioned above about serving as Chair and campaigning but I will trust that the Grand Jury is accurately reflecting what they believe I said. It is unclear to me, however, how this comment is relevant to the Grand Jury's function.

Recommendations:

1. The Grand Jury believes that the county should avail itself of the early termination clause in the Mansour Property and terminate the District One satellite office.

- I do not support the implementation of the recommendation because it is not warranted or reasonable. I do not believe we should close the Constituent Service Center as it is supportive to constituents to reach out to them in service. I also believe that neither the Grand Jury, nor the County, should impede my ability to communicate with, meet with or serve my constituents in such a manner, nor should we do the same with District 5 who has a similar office. If there was a building for \$1 a month rent in the EDH area, it would be inappropriate for me to accept it, as it would be a gift to an elected official (me), which would create a serious conflict of interest under the California Fair Political Practices rules. I would note that the current space was offered at a reduced rate, but was declined for this reason. The County facilities personnel then negotiated the rent, which is the appropriate process. The Grand Jury recommended that I close our District 1 constituent office based on need and alternative cost effective options. I strongly believe that local residents should always have access to their elected officials in an attempt to address matters of concern. This office has been heavily utilized to support the district outside of the hours of operation mentioned in the report. I have continued to maintain this office expense within the limits of my budget since its inception.

2. If the District One Supervisor deems it necessary to have a satellite office he should pay for it out of his own pocket. The Grand Jury is concerned that Mikulaco's office could set a precedent for other supervisors to want satellite offices, which would result in more unnecessary expenditures.

- I do not support the implementation of this recommendation. There is a cost to serving our constituents, the District 1 Constituent Service Center is operated on a shoestring and provides invaluable service especially to our large elderly community, some of whom cannot afford the time or money to drive over an hour round trip to see me. I don't believe it would be a wise decision to close off easy and in person access to myself or my office. I fundamentally believe that the people should have easy and direct access to their local government. The costs of this office have been wildly exaggerated by the Grand Jury and are about \$2000 per month. This seems like a reasonable value for what I offer my constituents who are happy with the service.

3. Mikulaco should reimburse the county for his executive coaching.

- I do not support the implementation of this recommendation. Are we going to ask all elected officials to reimburse the county for education, classes, and coaching? This is absurd. Doing so, may discourage elected officials from seeking needed further education which they rely on in knowing how to do their jobs to the best of their ability, or to do the job better. This is a bad idea on many levels. Elected officials need access to education to better themselves and should be encouraged to do so. For the Grand Jury to recommend otherwise is neither wise nor prudent.

4. The county needs to have a strong Human Resources department.

- This recommendation has been implemented. The County does need a strong Human Resource department and, in my opinion, has one. Recently, our HR Director was also Interim CAO. She has returned to full time HR Director only in order to focus on that position.

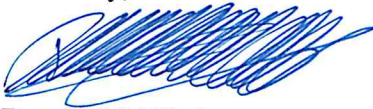
5. Mikulaco does not properly perform all the required duties of a Supervisor. We suggest that the Board of Supervisors consider censuring Supervisor Mikulaco because of his unacceptable behavior.

- I do not support the implementation of this recommendation. First, I am extremely knowledgeable and have a very complete understanding of the county, its functions, my role, the role of the board I serve on as well as the communities I represent. Censuring me for something unfounded is ridiculous. My colleagues, I have worked with for years, acknowledge that the findings are unfounded. I can assure you no one is turning a blind eye to any claims of harassment to include but not limited to my colleagues.

Thoughts in general:

- The report indicates that I have harassed women in the county. This is absolutely incorrect, and I vehemently object to the Grand Jury slandering my good name. I am shocked that the Grand Jury apparently received some allegations from disgruntled former employees and did not give me the opportunity to respond. Further, they apparently did not interview, or even contact, my current female employees, one of whom has worked for me from the day I was elected.
- It is evident that persons responsible for the content of this report have crossed the line and entered into political territory which is both beneath the dignity of the Grand Jury and oversteps the legal guidelines and scope which they have the authority to investigate. I am extremely proud of the successful grassroots campaign I ran. I was elected on strong messaging and my desire to truly represent the people of El Dorado Hills to the best of my ability, my loyalty beholden to the constituents I represent. I have accomplished this with a very limited budget, without large contributions from developers and other special interests; I owe my votes, decisions, and loyalty solely to the people of District 1.

Sincerely,



Ron "Mik" Mikulaco
Supervisor, District 1
County of El Dorado