

Tuolumne County  
Administration Center  
2 South Green Street  
Sonora, CA 95370

Phone: (209) 533-5521  
Fax: (209) 533-6549



Heather Ryan  
Executive Assistant/Deputy Clerk  
of the Board of Supervisors

**BOARD OF SUPERVISORS  
COUNTY OF TUOLUMNE**

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July 11, 2025

Presiding Judge of Superior Court  
Honorable Kevin M. Seibert  
c/o Court Executive Office  
Tuolumne County Superior Court  
12855 Justice Center Drive  
Sonora, CA 95370

Re: Response to Grand Jury Report – **Treatment of the Tuolumne County Civil Grand Jury by Tuolumne County Officials dated June 20, 2025**

The following is submitted in response to the 2024-25 Grand Jury Report as it pertains to the Treatment of the Tuolumne County Civil Grand Jury by Tuolumne County Officials. The Tuolumne County Board of Supervisors wish to extend their gratitude to the Grand Jury members for their time in preparing the final Grand Jury reports. Please accept this as our response to your carefully prepared report.

## Findings

**Finding 1** It is a fact that Tuolumne County has failed to provide adequate office, meeting, and interview space to allow the Grand Jury to conduct confidential investigations and meet in secrecy as required.

**F-1 Response:** *The County disagrees that it is a fact that the County failed to provide adequate office, meeting, and interview space. Most Tuolumne County departments struggle to find adequate space for staff and larger meetings. The Grand Jury had a dedicated office and two dedicated interview rooms. Like many county staff, they had to share large meeting rooms. County staff made every possible effort to accommodate the Grand Jury's need for meeting space. Throughout the year, County staff reached out to several other counties, learning some have dedicated space provided by the county, some have space provided by the courts, and some don't have dedicated space and accommodate the Grand Jury as needed. This next year, the Grand Jury will have a dedicated conference room, office, and two interview rooms. They will also have more flexibility in scheduling larger conference rooms as needed.*

**Finding 2** It is a fact that Tuolumne County has failed to address the treatment of the Grand Jury as identified in the 2022-2023 and the 2023-2024 Grand Juries' Cover Letters which has caused delays, sometimes fatal, for investigations by the Tuolumne County Grand Jury.

**F-2 Response:** *The County disagrees with this finding.*

**Finding 3** It is a fact that Tuolumne County uses a poor Enterprise Resource Planning (ERP) system that does not maintain historical information for employee positions and payments which has caused the inability of the County and Grand Jury from investigating potential issues with employment.

**F-3 Response:** *The County partially agrees with this finding. Tuolumne County acknowledges technical and operational issues with the Enterprise Resource Planning (ERP) system that was implemented several years ago. The County has budgeted for a Human Resources Information Systems (HRIS) solution to address the issue of tracking employee information.*

**Finding 4** It is a fact that Tuolumne County currently uses an unworkable agreement with Calaveras County but has no adequate way to provide independent counsel for the Grand Jury when the Grand Jury is investigating any one of the many departments represented by County Counsel which has caused fatal delays in obtaining information from the County.

**F-4 Response:** *The County disagrees with this finding. The Tuolumne County Counsel is one of the legal advisors for the Grand Jury by statute, as is the District Attorney. The Calaveras County Counsel may serve as a legal advisor based on a memorandum of understanding between the two counties since 2019. Had this Grand Jury requested information about alternative legal counsel, it would have been informed that in such cases which all counsel are conflicted, the Penal Code provides the court may appoint private counsel to represent the Grand Jury. However, the Grand Jury did not seek any assistance from the Tuolumne County Counsel's Office as to the matter, and they were appropriately represented by the Assistant District Attorney, per the Penal Code.*

*Further, the Grand Jury suggested a friendship between the Tuolumne and Calaveras County Counsels influenced the Calaveras Office's decision to decline further representation of the Grand Jury. The report does not connect this serious implication to a factual finding or recommendation, nor did the Grand Jury interview the subjects of this investigation related to this matter, as is required by law. The information gathered from Calaveras was that it did not have the bandwidth to handle litigation on the Grand Jury's behalf, once it became aware that Tuolumne would file a motion to quash 17 subpoenas. The MOU is discretionary and does not mandate either Office to accept representation, nor does it address handling litigation on the Grand Jury's behalf. This is because litigation is time-consuming and resource-intensive. The decision by Calaveras was not based on anything other than workload issues and an inability to handle litigation, but this did not harm the Grand Jury because they used one of their statutory legal advisors, the district attorney, to represent their interests.*

*Because the Grand Jury's report takes the unusual step of identifying the county staff member subject to the investigation, the Tuolumne County Counsel, and the Grand Jury failed to meet with the County Counsel as the subject of this particular investigation topic, the county is concerned the Grand Jury failed to comply with Penal Code §933.05(e) requiring the Grand Jury meet with the subjects of its investigations absent court determination that doing so would be detrimental. The county remains open to provide any information helpful in resolving questions about conflicts or other issues with legal representation.*

**Finding 5** It is a fact that several current and former members of the Tuolumne County Board of Supervisors either has an incomplete understanding of what the Grand Jury does or takes a dismissive attitude toward the work of the Grand Jury which causes morale problems for some Tuolumne County employees.

**F-5 Response:** *The Board of Supervisors disagrees with this finding. There is insufficient*

evidence in the report to support the finding.

**Finding 6** In the Differential Treatment and Hiring Practices in Tuolumne County Government report issued on April 30, 2025, your 2024-2025 Grand Jury described retribution tactics and rumors being used to disparage employees and that behavior seems to exist regarding criticizing the integrity of members of the Grand Jury. It is a fact that those same tactics are still present in Senior Tuolumne County government even after the departure of the recent CAO in January 2025 and after the publication of the April 30, 2025, report. This is a condemnation on the credibility of all Grand Jury reports and continues the morale problems by Tuolumne County employees.

**F-6 Response:** The Board disagrees with this finding in that there is insufficient evidence in the report for the Board to agree or disagree. The Grand Jury asserts continuing retribution tactics and rumors by "high levels of Tuolumne County" regarding criticizing the integrity of members of the Grand Jury, referring back to the report section entitled "Criticisms regarding the integrity of individual Grand Jurors". This section of the report describes an accusation of bias of Grand Jurors, Clint Parish and Deb Esque. However, the Grand Jury report did not fully describe the referral of this concern to the Grand Jury or accurately characterize its intended purpose.

A Deputy County Counsel representing the County was aware of Ms. Esque's past employment with the County and Mr. Parish's past role as a county contracted criminal defense counsel, as well as his participation in public meetings opposing the county administrator's recommendation to bring those Public Defender services in-house. The Deputy County Counsel informed the Assistant District Attorney representing the Grand Jury generally of these past roles. The referral did not include a request that either member be disqualified in any particular investigation, nor was there an accusation of bias in any particular investigation. However, if any facts that may give rise to a conflict, appearance of conflict, or bias, the Office of the County Counsel, as a matter of course in any operation involving the County, refers the matter to the affected staff, official, or their counsel, to consider. Here, the matter was brought to the attention of the Grand Jury's counsel as a courtesy and precaution to ensure the matter was considered and in furtherance of maintaining the integrity and credibility of its investigations and reports. As apparent from the report, the information provided was already known to the Grand Jury and considered. The referrals were, however, interpreted and characterized as an act to impugn the credibility of Grand Jury members and elevated to a report topic without seeking information from the County Counsel's Office. The County disagrees with the Grand Jury's characterization of the referrals and remains available in the future to provide information to assist the Grand Jury.

**Finding 7** It is a fact that Tuolumne County has failed to provide sufficient written guidance on reimbursement procedures as well as tools for the Grand Jury Treasury Committee to adequately track reimbursement breakdowns. County Counsel made a point at the May 6, 2025, Board of Supervisor's meeting that the Grand Jury needs more guidance on this topic. This failure has caused the Grand Jury to be unable to understand the budget process and resulted in the 2024-2025 Grand Jury to go over budget.

**F-7 Response:** The County partially agrees with this finding. The County acknowledges challenges with explaining the total budget to the Grand Jury treasury committee and is refining the sharing of the budget with future Grand Juries.

**Finding 8** It is a fact that although the former CAO no longer works for Tuolumne County, the county still appears to be under the influence of her 'confidants' who continue to use the same practices of intimidation and Differential Treatment used before she vacated the County. It is a fact that these kinds



of 'confidants' have a negative impact on the morale of Tuolumne County employees.

**F-8 Response:** The Board disagrees with this finding in that there is insufficient evidence in the report for the Board to agree or disagree.

The Tuolumne County Ordinance Code Section 2.12.080 states, "the county administrator shall administer the budget and exercise continuous expenditure control...[H]e/she shall supervise expenditures of all county offices, departments and institutions, including those departments in which the department head is an elected or appointed officer." The Tuolumne County Administrator's Office divides expenditure control responsibilities of the county's budget between the Deputy County Administrator and the Acting/Assistant County Administrator. As noted in the report, the Acting County Administrator is currently the County's liaison to the Grand Jury, which includes exercising the "continuous expenditure control" of the Grand Jury's budget and expenditures. Also, as noted in the report, the Acting County Administrator met with the Grand Jury regularly and was exercising that necessary expenditure control. Furthermore, regular communication was taking place between the Acting County Administrator and the Deputy County Administrator regarding the Grand Jury's budget and expenditures to ensure any needed budget adjustments would be brought to the Board of Supervisors for approval. The statements referenced in the Grand Jury report from county staff on the May 6<sup>th</sup> Board of Supervisors meeting regarding the Grand Jury's budget are consistent with the same standards all county departments are held to, and the Grand Jury was not unfairly or specifically targeted.

## Recommendations

**Recommendation 1** The Tuolumne County Board of Supervisors should assign the CAO to find and provide an adequate and consistent meeting and interview space for future Grand Juries so that they may meet and interview in secrecy. This should be done immediately so the 2025-2026 Grand Jury may use it.

**R-1 Response:** The recommendation requires further analysis, because pursuant to Penal Code § 938.4, "The superior court shall arrange for a suitable meeting room and other support as the court determines is necessary for the grand jury. Any costs incurred by the court as a result of this section shall be absorbed by the court or the county from existing resources." The CAO and Court should work collaboratively to locate a meeting space for the Grand Jury as is required by law.

**Recommendation 2** The Tuolumne County Board of Supervisors should create a policy that encourages the Board and requires all senior Tuolumne County employees to read every part of every Grand Jury Report. The purpose of this is so all Board Members, Department Heads, and other senior employees understand the public's view of Tuolumne County government. This should be done within 180 days.

**R-2 Response:** This will not be implemented, however, the County will continue to encourage staff to read grand jury reports.

**Recommendation 3** The Tuolumne County Board of Supervisors should direct County Administration to create/hire/purchase/develop an Enterprise Resource Planning system that keeps

track of historical information for employees including positions and payments. This should be done within 365 days.

**R-3 Response:** *Tuolumne County acknowledges technical and operational issues with the Enterprise Resource Planning (ERP) system that was implemented several years ago. The County has budgeted for a Human Resources Information Systems (HRIS) solution to address the issue of tracking employee information.*

**Recommendation 4** The Tuolumne County Board of Supervisors should instruct County Counsel to find an independent attorney to function as counsel for the Grand Jury when a future Grand Jury investigates an agency or department whose attorney is County Counsel. This should be done within 180 days.

**R-4 Response:** *This recommendation will not be implemented because it is not warranted nor reasonable. Under the California Penal Code, the Grand Jury may seek legal advice from several sources: the County Counsel, the District Attorney, the courts, or the Attorney General. The Grand Jury has discretion to choose which of these authorized legal advisors it wishes to use. If all available legal advisors have a conflict of interest, the Penal Code establishes a formal process under which the presiding judge of the superior court may conduct a hearing and appoint special counsel to advise the Grand Jury.*

*Both the County and the Grand Jury are required to follow this statutory framework. It would be inappropriate—and legally impermissible—for the Board of Supervisors to direct the Office of County Counsel to act outside of the procedures established by law.*

*Additionally, the law is clear that the mere fact County Counsel represents County agencies does not, by itself, create a disqualifying conflict of interest. Legal offices, both public and private, are permitted to establish ethical walls to separate attorneys handling potentially conflicting matters. This ensures the office can continue to meet its responsibilities while maintaining professional and legal standards.*

*Presumably, this is the exact approach used by the District Attorney's Office in this matter. Although the District Attorney was a witness in the Grand Jury's investigation, the Assistant District Attorney acted as the Grand Jury's legal advisor. During the motion to quash proceedings, the Assistant District Attorney informed the Court that she was the only attorney in her office assigned to work with the Grand Jury—demonstrating that their office properly established an ethical wall to separate her advisory role from other individuals involved in the investigation.*

*This is a standard and accepted legal practice that balances the Grand Jury's need for independent legal counsel with the realities of shared resources in public law offices.*

**Recommendation 5** The Tuolumne County Board of Supervisors should create a policy that encourages the Members of the Board and requires the Department Heads to familiarize themselves with the role of the Grand Jury. This should be done before September 1, 2025.

**R-5 Response:** *The Board will not implement this recommendation. However, the Board will continue to encourage all county staff to read the Grand Jury reports.*

**Recommendation 6** The Tuolumne County Board of Supervisors should create a policy for

disciplining Tuolumne County Employees who use retribution and rumors to disparage other employees as well as the Tuolumne County Grand Jury. This should be done within 180 days.

**R-6 Response:** *This recommendation will not be implemented as the County has personnel policies in place. However, the County notes its employees and officials have Constitutional First Amendment rights that the County won't interfere when exercised appropriately and lawfully.*

**Recommendation 7** The Tuolumne County Board of Supervisors should require the Tuolumne County Counsel to provide written and in person guidance regarding reimbursement procedures and budget management including procedures for increasing their budget, as necessary. This guidance should be ongoing and monthly, or as requested by the Grand Jury. This should be done within one month of the Grand Jury beginning their term and monthly and as requested by the Grand Jury.

**R-7 Response:** *This recommendation requires further analysis, because generally, the reason the County Administrator's Office acts as the county liaison to the grand jury is to address such things as budget management and reimbursement. The County Counsel's Office is appropriate to assist in answering legal questions, but unless there are legal matters related to the budget management or reimbursement process, it seems more appropriate for the CAO and/or Auditor's Office to assist the grand jury with these matters.*

**Recommendation 8** The Tuolumne County Board of Supervisors should independently review the employment status of Senior Tuolumne County employees who are participating in Differential Treatment as described in the Grand Jury Report dated April 30, 2025. This should be done on an as needed basis.

**R-8 Response:** *This recommendation has been implemented. The Board of Supervisors began evaluations for all appointed department heads and will continue this process ongoing and annually. The Board does not have appointing authority over non-board appointed positions, but can direct its appointed department heads to ensure their staff do not engage in differential treatment.*

We appreciate the opportunity to respond to the above findings and recommendations.

Sincerely,



Jaron E. Brandon,  
Chair, County of Tuolumne Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

HEATHER D. RYAN  
Board Clerk

By: 