



COUNTY ADMINISTRATIVE OFFICE
MANAGEMENT & BUDGET TEAM
COUNTY OF HUMBOLDT

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INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS
FROM: PHILLIP SMITH-HANES, COUNTY ADMINISTRATIVE OFFICER
SUBJECT: RESPONSE TO 2014-15 GRAND JURY REPORT *FLYING AROUND HUMBOLDT AIRPORTS*
DATE: JULY 1, 2015

The 2014-15 Grand Jury has issued report *Flying Around Humboldt Airports* and the Board of Supervisors (BOS) is required to respond to the recommendations. I recommend that the Board respond as follows:

Recommendation R12: *The Humboldt County Grand Jury recommends that the Board of Supervisors (BOS) direct the Humboldt County Airport Advisory Committee to recommend alternatives to the BOS for realignment of the Aviation Division outside of the Humboldt County Department of Public Works.*

This recommendation will be partially implemented.

This recommendation will be partially implemented as part of an aviation division systems review that will be occurring. As part of this systems review the Airport Advisory Committee will be invited to participate.

Recommendation R13: *The Humboldt County Grand Jury recommends that the BOS assign one person with the authority to negotiate a deal for additional airline services and grant the designee a direct line of communication with the BOS.*

This recommendation cannot be implemented.

Pursuant to California law the BOS may delegate authority to an agency or third party to enter into contracts within specific parameters set by the Board. This has been currently done by giving the Aviation Program Coordinator parameters with which to negotiate an airline contract. But a delegation of unrestricted authority is prohibited. Golightly v. Molina, 229 Cal. App.4th 1501 (2014). Any contract amount not specifically authorized by the BOS must come back to the BOS for approval at a properly noticed meeting in that the budget is the sole responsibility of the BOS. If the Grand Jury is recommending that one individual have unrestricted contracting authority that is prohibited.

In addition, any discussion with three or more Board members must be a public noticed meeting per the Ralph M. Brown Act. This requires an agenda to be posted 72 hours prior to the meeting notifying the public of the specific time and place. In addition, under the Brown Act, specifically Government Code section 54952.2, subdivision (b) prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action

to be taken on an item of public business. Contracts for airline service are the public's business and are not exempt from the Brown Act.

Recommendation R14: *The Humboldt County Grand Jury recommends that the BOS direct the County Administrative Officer (CAO) to perform an audit of the internal procedures between the Public Works' Aviation Division and General Services Division to eliminate any duplication of services.*

This recommendation will be partially implemented.

An audit by definition is a systematic and independent examination of books, accounts and documents to ascertain how far the financial statements present a true and fair view of the concern. Audits are provided by a third party. The County Administrative Office (CAO) is not a third party and is therefore not able to perform an audit. However, the CAO is able to conduct a systems review of the processes utilized in both the Aviation Division and General Services Division to possibly identify any duplication of efforts.