

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No. _____

Censuring Monterey County Sheriff Stephen Bernal)
for failure to faithfully perform his duties by)
allowing inappropriate expenditures of County funds)
during the 2019 California State Sheriff's)
Association convention in Monterey County)

BE IT RESOLVED, by the Board of Supervisors of the County of Monterey as follows:

- A. The Board of Supervisors finds the following:
1. The Monterey County Sheriff's Office hosted the California State Sheriff's Association annual convention in Monterey County in 2019.
 2. Allegations that Sheriff's deputies provided transportation services to convention attendees came to the attention of the Monterey County District Attorney.
 3. The District Attorney caused an investigation into the matter to be performed to determine if violations of Penal Code section 424(a)(1) (misappropriation) occurred.
 4. The District Attorney caused a report to be prepared regarding the investigation, and determined that violations of the Penal Code could not be proved beyond a reasonable doubt.
 5. The District Attorney forwarded the report to the County, and the report has been released to the public.
 6. The report indicates the following:
 - a. seven employees of the Sheriff's Office (two sergeants, four deputies, and a non-sworn custody control specialist) were assigned to transportation duties using vans donated by a rental company;
 - b. primary transportation to events that were part of the convention was by large charter buses donated by a charter bus company, including drivers;
 - c. the transportation duties of the Sheriff's Office employees consisted of providing supplemental, as-needed transportation for convention attendees using the

donated vans;

- d. the Sheriff's Office asserted that the employees were assigned for security purposes; however, the employees asserted they were never informed of their security duties and did not perform any such duties, were not wearing protective gear, and were only told to wear polo shirts, cargo style pants and carry their service revolver;
- e. the employees indicated their duties during the assignment were minimal, and only about twenty-five percent of their time was spent on transportation;
- f. various trips were provided through the use of the vans, including one trip from the San Jose airport to the convention, two trips from the Monterey airport, several trips to pick up clothing items attendees had forgotten, and various trips to and from convention events when attendees missed the charter buses or wanted to return from events early;
- g. the donated vans were fueled from County owned gasoline pumps;
- h. the employees were not given a separate "event code" to which their time should be coded on the assignment, and were told to code their time to their normal duty event code for payroll purposes;
- i. the approximate cost to the County for the time spent by the hourly employees on the assignment was \$21,433.44;
- j. the value of the County's gasoline used for transportation is unknown;
- k. a shooting competition was held during the convention at a private shooting range and approximately 21,000 rounds of County owned ammunition was available to be used during the competition.

B. The Board of Supervisors is concerned that County funds were used to pay for transportation services provided to the convention that were outside the normal duties of Sheriff's Office employees, and believes it was inappropriate to assign employees to such duties with no benefit to the citizens of Monterey County.

C. The Board of Supervisors is also concerned that County owned fuel was used to provide the transportation services without compensation.

D. Finally, the Board of Supervisors is concerned that County ammunition was used during the shooting competition without compensation or benefit to the citizens of Monterey County.

E. Pursuant to its authority set forth in Government Code section 25303, to supervise the official conduct of the Sheriff, and see that the Sheriff faithfully performs his duties, the Board of Supervisors hereby censures Sheriff Stephen Bernal for his failure to oversee and supervise his Office such that the actions described above, costing the taxpayers of Monterey County approximately \$22,000 without corresponding benefit, occurred.

F. The Sheriff is directed to take steps to ensure that such actions do not occur again, including informing his senior management that the above described occurrences were improper.

PASSED AND ADOPTED this 25th day of May 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy