

El Dorado County Board of Supervisors

Final Response
To The 2004-2005
Grand Jury
Final Report



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**REVIEW OF PAST GRAND JURY REPORTS
AND
BOARD OF SUPERVISORS RESPONSE
GJ 04-040**

Reason for the Report

The 2004-2005 Grand Jury reviewed the last four years of Grand Jury Final Reports and the Board of Supervisors Responses. Our investigation revealed that many issues addressed in these four reports still exist. Recommendations were made by past Grand Juries. The county agreed with some of the recommendations, stating they would be implemented, but never did so. Each year significant operational deficiencies of several departments continue to appear before the Grand Jury, thus causing time and monies to be spent due to lack of timely implementation of actions that would have remedied the problems.

Background

The Grand Jury's primary function is to serve the public by overseeing county and local government and is an impaneled investigative body mandated to inform the citizens of El Dorado County to better the function of its government. The Grand Jury Final Report is published at the end of its term in June with findings and recommendations, is the product of the investigations that were completed during that year, and is mandated by Penal Code Section 933 (a), of the State of California. The Grand Jury has a duty to review all responses to prior years' final reports to insure that responses are correctly addressed and initiated as stated.

Findings/Recommendations

1a. Finding: Final Grand Jury reports from the last four years have addressed several problems in various departments. Responses to these problems made by the affected departments indicated acknowledgement of these problems and acceptance of the Grand Jury's recommendations. The responses to the reports were ***"We agree that the problem exists and that action will be taken in the near future."*** But the problems still exist in many departments today. The department managers and directors are not implementing the necessary actions required to correct the recurring situations. The Grand Jury finds that the Board of Supervisors is ultimately responsible, but has not acted to assure corrective action.

Response to Finding 1a: The respondent disagrees partially with the finding. While there may have been recurrences of specific problems which have been the subject of past Grand Jury reports, this finding fails to identify specific problems that have yet to be resolved. Without being given a specific issue or problem to address, the respondent can only express strong disagreement that "The department managers and directors are not implementing the necessary actions required to correct the recurring situations" and that the Board of Supervisors "has not acted to assure corrective action". These statements imply that the affected department heads and managers and the Board of Supervisors do not take seriously deficiencies in departmental

operations and public service delivery. The Board of Supervisors, in conjunction with the CAO and department heads, is continually working to ensure efficiency in county operations and quality public service. The CAO meets monthly with all department heads, and communicates regularly with departments, both personally and through her staff. Every effort is made to resolve issues expeditiously.

The fact that certain Grand Jury recommendations may not have been implemented does not indicate a lack of effort, or lack of resolution to a problem. As departments work through issues, it is often the case that previously identified courses of action, including Grand Jury recommendations, that once seemed feasible are no longer feasible. The complex nature of the issue and often competing priorities require flexibility and creativity. To avoid future confusion between following Grand Jury recommendations and resolving issues, the CAO will provide the Board of Supervisors with a follow-up report which provides the status of implementation of recommendations for each Grand Jury report, including reasons why a recommendation that had been previously accepted may not have been implemented.

1b. Recommendation: The Grand Jury recommends that a monitoring program be implemented to assure that acknowledged deficiencies are corrected. The Board of Supervisors is to be advised by the CAO as to the current progress in complying with the response to the Grand Jury's report. The progress report is to be printed in the board's agenda minutes at the first board meeting of each month.

Response to Recommendation 1b: The recommendation will not be implemented because it is not warranted. Board of Supervisors Policy A-11 "Responding to Grand Jury Reports" includes a requirement for the Chief Administrative Office to coordinate pending items and to "report back to the Board regarding completion status of implementation plans and analysis results and recommendations for Board review". CAO staff have participated in monitoring of these items in past years, though regular reporting to the Board of Supervisors has not occurred. As mentioned in the response to Finding 1a above, the CAO has committed to better comply with the reporting requirement of the policy and anticipates the first such status report, in response to the 2004-2005 Mid-Session Report, in the early Fall of 2005.

2a. Finding: Several responses to recommendations in the 2003-4 Grand Jury Report stated that the recommendation has yet to be implemented, but will be in the future. Example: Child Protective Services response #2; County Government response #5; Trust Funds response #4; South Lake Tahoe Public Utility District response. These responses are not in compliance with Penal Code Section 933.05(b)(2) and (3) which requires the respondent give a time frame for implementation of the recommended actions.

Response to Finding 2a: The respondent agrees with the finding.

2b. Recommendation: The Board of Supervisors when responding to Grand Jury recommendations must follow Penal Code Section 933.05 (b) (2) and (3) and **set specific time frames for accomplishing recommendations which are acknowledged.**

Response to Recommendation 2b: The recommendation has been implemented. Beginning with the response to the 2004-2005 Grand Mid-Session Report, all responses to recommendations have included specific time frames for implementation.

LACK OF COUNTY STRATEGIC PLAN

GJ04-043

Reason for the Report

The 2001-2002 Grand Jury with the Board of Supervisors approval, at a cost of about \$12,325, contracted for an independent management audit which found the county did not have a long range strategic plan. The Board of Supervisors agreed with the findings and responded that the recommendations would be “implemented in the future.” **This Grand Jury found that no strategic plan has been started or implemented to date.**

Scope of the Investigation

People Interviewed

- The Chief Administrative Officer
- The County Auditor

Documents Reviewed

- The 2001-2002 Grand Jury Report and Responses by the Board of Supervisors including the report of the independent management audit titled “Analysis of El Dorado County’s Budget Process” dated May, 2002.
- The Grand Jury Reports for the two subsequent years, 2002-2003 and 2003-2004.
- The County Budgets for 2003-2004 and 2004-2005.

Background

As Satchel Paige said years ago, “If you don’t know where you want to go, you may wind up some place else.” If the county does not have a strategic plan, what the county will become may not be what the citizens want it to be.

The 2002-2003 Grand Jury report on page 18 describes a strategic plan in these terms:

“Many organizations, public and private, engage in a strategic planning process to accomplish the following:

- Confirm and refine the mission statement of the organization with which all employees and stakeholders agree.
- Establish a vision for the future of the organization
- Develop goals, objectives and action plans to ensure accomplishment of the mission and vision.
- Establish a mechanism for measuring and reporting on actual organization performance relative to the goals, objectives and action plan.

“Generally, strategic plans are multi-year in nature with a five year horizon being fairly typical. A strategic planning process for El Dorado County should include the following steps:

1. Assessing the current state of County operations including resources available and strengths and weaknesses of the organization.
2. Identifying likely future trends that will affect the County (e.g., population growth in El Dorado and neighboring counties, changes in State funding formulas, likely incorporation of cities, impacts of new technology, etc.)
3. Identifying likely future service needs and resources available to meet those demands (i.e., likely revenue streams).
4. Establishing service goals and objectives consistent with the mission and vision for the future.
5. Establishing a system for measuring the County’s success in meeting the stated goals and objectives.”

Facts

1. The CAO stated the county has not started to implement a strategic plan.
2. The CAO has had experience in developing and implementing strategic plans in other governmental environments and knows the importance of them.
3. The County Auditor states the plan would be difficult to develop and implement due to the unreliability of state and federal funding for some departments. A strategic plan could by preemptive planning soften the effects of future shortfalls.
4. Unstable funding for county employee pensions and health care after retirement, the poor capital expenditures planning, and the recent curtailment of some of the county libraries are examples of problems that develop due to lack of a long-term strategic plan.
5. The recently voter-approved County General Plan is a planning and land use document and is not a long-term strategic plan.

Findings/Recommendations

1a. Finding: The Board of Supervisors agreed in 2003 that a long-term strategic plan would be beneficial to the county, **but has taken no action to implement one.**

Response to Finding 1a: *The respondent disagrees partially with the finding.* While the county has not taken action to *implement* a strategic plan, development of the plan is underway. An environmental scan has been initiated, which will provide an assessment of the current state of county operations as well as the strengths and weaknesses of the organization. As an offshoot of the environmental scan, two employee task forces have been formed to review customer service policies and communication with county employees. The Board of Supervisors and the CAO are committed to the completion of a strategic plan

1b. Recommendation: The Board of Supervisors should take the necessary action to develop and implement a long-term strategic plan as described in the 2002-2003 grand jury report.

Response to Recommendation 1b: The recommendation has been implemented. The development of the strategic plan has begun, and when the plan has been completed and reviewed by stakeholders, it will be implemented.

**DEPARTMENT OF HUMAN SERVICES
AND CHILD PROTECTIVE SERVICES
GJ 04-010**

Reason for the Report

The Grand Jury received a public complaint that the Human Services and Child Protective Services Departments are dysfunctional in its current operations. The complaint listed several cases of emotional stress, repositioning of personnel into untrained positions, senior employees leaving, and feelings of being “terrorized”, “intimidated”, and lack of respect for the Social Workers and Staff.

Scope of Investigation

People Interviewed

- Director of Human Services
- Director of Child Protective Services
- Department of Community Services
- APS/IHSS Program Manager
- Department of Social Services
- Child support Services
- Department of Mental Health
- Department of Public Health
- Program Manager Children Services
- Supervisor Adoptions, CPS
- Supervisor Emergency Response, CPS
- Supervisor Ongoing Services, CPS
- Supervisor Child Protective Services
- Several CPS and DSS Social Workers
- Recently resigned employees of CPS
- Chief Administrative Officer
- County Counsel
- Human Resources

Documents Reviewed

- A preliminary working manual of current CPS policies
- Memos to Social Worker Personnel from CPS Department Heads
- Memos of Human Services Personnel from HS Department Heads
- Memos to Local #1 Union from CPS personnel
- Various articles from the Mountain Democrat
- Audit conducted by Harvey Rose, CPA, 2002
- Board of Supervisors Response to the Grand Jury Final Report 1999-2000
- Board of Supervisors Response to the Grand Jury Final Report 2000-2001
- Board of Supervisors Response to the Grand Jury Final Report 2001-2002
- Board of Supervisors Response to the Grand Jury Final Report 2002-2003

- Board of Supervisors Response to the Grand Jury Final Report 2003-2004
- Audit conducted by John Warden, CPA, 2002

Background

The current Grand Jury has reviewed the last five years of Grand Jury Reports and Board of Supervisors Responses. The investigation revealed that many of the conditions addressed in these four reports still exist in the Human Services and Child Protective Services Departments. Over the past four years the Department of Human Services has been re-organized by integrating Welfare Services and Social Services. The new department has had several directors as well as several resignations of personnel with long-term tenure and experience. Significant deficiencies in management and training have been identified and continue to exist. The Board of Supervisors in their micro-management of this county, as mandated by the County Charter, has been delinquent in establishing a format to follow-through with programs necessary to eliminate the continuing conditions.

Findings/Recommendations

1a. Finding: Human Services Management has mandated reorganization and repositioning of personnel to create a cohesive workplace. Management's lack of effective, proactive leadership, cross training, and proper guidelines has allowed both confusion and poor morale to develop and continue.

Response to Finding 1a.: The respondent disagrees wholly with the finding. This finding precisely reflects the position of those resistant to change within the Department. Services and staff have been reorganized in response to serious long-term problems that were not effectively addressed in the past. It was the decision of the management team to maximize the skill level of senior employees by strategically placing them in positions whereby they could provide the most effective and responsive services to the public. The Department has many employees who are relatively new and the placement of senior workers in key positions afforded them with an opportunity to mentor newer workers, leading to a stronger team concept and improved productivity.

The need for change was critical. Children were being placed or left in dangerous, high-risk situations. New managing social workers gave clear direction and guidance to staff that these dangerous situations were to be addressed, and how they were to be addressed. Some staff resisted the new direction and resorted to arguments, echoed in the Grand Jury report, that such change was insensitive (to them), confusing and leading to poor morale. Because the safety and well-being of children is our highest concern, the Department will not backtrack on these vital changes.

Management has been very proactive in giving clear direction and guidance to staff in the provision of improved public services. As noted above, some staff have resisted the call to be more responsive to the needs of children and families, and also have been displeased with expectations of more accountability in work hours, case work and purchasing practices. The

confusion and poor morale of those staff preceded this new direction and guidance, is indicative of a long-term institutional problem, and is not an appropriate excuse for avoiding necessary changes and improvements. Management's position is that good morale is an outcome of, rather than an alternative to, good public service.

1b. Recommendation: The proper training of managerial staff is needed to encourage a more sensitive approach when dealing with individual caseworkers, and when conducting staff meetings.

Response to Recommendation 1b.: *The recommendation will not be implemented because it is not warranted.* Training has been received. The three managing social workers with direct supervision over Child Protective Services bring a wealth of knowledge and experience in the social work profession to their positions. They are well trained and continue to access training opportunities. They are compassionate, erudite and straightforward in their approach, while maintaining the needs of children as a highest priority. They work hard to inspire a strong sense of professionalism, responsiveness and public service with those they guide. It is the expectation of the Department that all social workers be treated professionally and, in turn, that they respond professionally, both in staff meetings and in all daily activities.

2a. Finding: Management mandated moving experienced long-term caseworkers, with established client relationships, into new and different positions within the department, caused children and families in crisis to be subjected to additional stress.

Response to Finding 2a.: *The respondent disagrees wholly with the finding.* Caseworkers have been reassigned duties, both in response to client needs and in response to caseworker interests. In rare instances, it has been necessary to assign cases to new workers to ensure the safety and well-being of children. In those cases, the finding confuses a problem with its resolution.

2b. Recommendation: When repositioning personnel a cross-training program needs to be initiated prior to final reappointment to new positions.

Response to Recommendation 2b.: *The recommendation will not be implemented because it is not warranted.* This is not to understate the high importance of training and cross-training, both of which are valuable tools utilized within the Department. However, in that social workers are trained professionals, and that current training is in place, and that reassignment of some duties does not require additional training, and that time spent in the provision of direct services is of critical importance, the proposal to add an additional layer of training prior to any reassignment of duties is not perceived as warranted.

3a. Finding: The head of the department has stated "a work-in-progress manual, *Guidelines for CPS* is currently being written." A "*California Department of Social Services Manual of Policies and Procedures: Div. 31 – Child Welfare Services*" provides the guidelines which are generally used day-to-day. Methods to implement the "work-in-progress manual" have not been established. Many guidelines proposed within the "work-in-process manual" are subject to interpretation by the caseworker. Interpretation of policies has in the past caused confusion and

delays in response to a child in crisis. The department director and managers are not implementing the manual policies and staff recommendations necessary to make these departments function properly.

Response to Finding 3a.: The respondent disagrees partially with the finding. An internal manual of CPS guidelines is being developed, as has been advocated by past Grand Juries. These guidelines augment those provided through State Policies and Procedures, as noted above. When new guidelines are developed, through careful planning and meetings involving social work staff, they are adopted and added to the manual. While significant progress has been made in developing this long overdue manual, it has been referred to as a “work in progress” because of the need to change and adapt guidelines to ongoing changes in laws, regulations and local priorities. It is a work that technically will never be “finished”. However, it does, as intended, provide guidance for social workers for situations that arise in their daily assignments. The fact that some individuals may have trouble interpreting or understanding policies, may be confused, or may be resistant to change, is a related but separate personnel concern, not necessarily a measure of the value of the guidelines. The statement that policies are not being implemented is inaccurate.

3b. Recommendation: Implement a regular open forum round-table meeting with staff, supervisors, and managers to review day-to-day problems and current policies.

Response to Recommendation 3b.: The recommendation will not be implemented because it is not warranted. A full range of staff meetings and meetings involving managers and supervisors are already in place, both to review day-to-day problems and to address policy issues. Additional meetings are conducted as needed. Implementation of the above recommendation would be redundant and would reduce staff availability for a higher priority: responding to the service needs of children and families.

4a. Finding: Positions in the Human Services Department are filled from eligibility lists established by a State-sanctioned, quasi-public, non-profit, independent authority called “Cooperative Personnel Services,” usually referred to as the Merit System. The Merit System screens and tests applicants and maintains eligibility lists of job categories for several Counties in the State. Merit System candidates responding to the needs of El Dorado County are selected from a “five candidate per opening requirement.” Other counties having a higher pay scale for the same qualification may have selected candidates and may deplete the number of candidates available. In the time frame of several weeks of screening, El Dorado County may not have the opportunity to interview the highest qualified applicant. Vacancies in the CPS and DSS are prevalent. Positions are remaining vacant for several months, indicating a need to pursue different strategies to acquire the qualified personnel required for these positions.

Response to Finding 4a.: The respondent agrees with the finding. Recruitment of social workers occurs through Merit Systems; it is a challenge to recruit and retain good talent in a competitive market.

4b. Recommendation: Other than the Merit System, establish a more responsive program to reduce the time frame required to employ candidates. Revise the recruiting procedure to a more

direct contact with colleges and other employment agencies nationwide. Adjust salary scales to become competitive in the overall hiring process.

Response to Recommendation 4b.: The recommendation has been implemented. This recommendation has been partially addressed, both through recent County negotiations positively impacting salaries and through innovative efforts by department staff to reach and recruit potential candidates. Salary adjustments will occur in accordance with the County Memorandum of Understanding. The department also has been working with Merit Systems to improve on the effectiveness of the recruitment process. Efforts to improve recruitment outcomes will be ongoing through FY 05-06.

5a. Finding: The Director of Human Services has established an open door policy for employees to discuss improvements and inadequacies, but is very often not available and out of the office, which has created frustration on the part of employees.

Response to Finding 5a.: The respondent disagrees wholly with the finding. It is true that the Director of Human Services maintains and emphasizes an open door policy. Furthermore, the director strictly limits out-of-county travel and always works extended hours to ensure that contact with employees, volunteers and the public occurs. As a matter of course, the director is present at department facilities and is available.

5b. Recommendation: Establish a calendar with defined times that the director will definitely be available.

Response to Recommendation 5b.: The recommendation will not be implemented because it is not warranted. The director is already “definitely available” to anyone and everyone on staff. Staff may walk in (as very many do), arrange an appointment through a secretary, or call the director at home at his listed phone number. Establishing “defined” visiting hours would both restrict the director’s availability for other priorities and potentially convey a message to staff of less accessibility than currently exists.

6a. Finding: Interviews with the Board of Education and Marshall Hospital staff indicate a slow response and follow-up from CPS and APS on crisis calls. We find these departments are not meeting the state mandated time frame on all crisis calls. There have been cases where patients with pre-existing conditions of attempted suicide have been evaluated and sent home from the hospital without further investigation. This action could lead to tragic results.

Response to Finding 6a.: The respondent disagrees partially with the finding. Since there have been instances of concern on the timeliness of APS and CPS responses, the department has put in place measures to assure a prompt response to all crisis calls that can be measured and monitored. In fact, one of the principal concerns that the department is addressing is that some workers have been inappropriately screening out calls for assistance. The department has worked closely and diligently with the County Department of Education and developed a collaborative Child Protective Service Protocol to ensure that a stronger working relationship between these two disciplines continues. In addition, over a year ago the department instituted a Positive Drug Tox Protocol with Marshall Hospital whereby social workers would respond to the

hospital to assess the risk of all pos/tox newborns. The use by CPS staff of a new risk assessment tool, Structured Decision Making (SDM), left hospital staff concerned that the pos/tox protocol was no longer being utilized. The Department recognized immediately the confusion relative to the process and put in place an educational component whereby CPS staff updated hospital staff on the new risk assessment tool. Through this education intervention hospital staff were reassured that the pos/tox protocol was very much still in place.

There are no case examples presented whereby "patients with pre-existing conditions of attempted suicide have been evaluated and sent home from the hospital without further investigation." This would first and foremost be a mental health concern. Adult Protective Services and Mental Health have developed a joint protocol whereby social workers and mental health workers respond in the field to further assess clients on a case by case basis. The response time is most often within a few hours of the initial call. When the Adult Protective Services Program underwent management changes in 2003, the manager and supervisor identified critical areas that needed intervention and took appropriate measures to correct any deficits to ensure the safety of our senior and dependent clientele.

This is not to say that responding to all APS calls in a timely manner is less than a significant challenge. APS service needs exceed available resources statewide. We are deeply concerned about the impact that a continued lack of State funding may have on services to vulnerable seniors and dependent adults and on compliance with mandated response times.

6b. Recommendation: Directors, managers, and supervisors need to initiate a more rigid standard that will insure timely responses to crisis calls and be more informed as to response times achieved. Mental Health, as well as CPS and APS, must become more proactive in moving these patients into a more controlled environment.

Response to Recommendation 6b.: The recommendation has been implemented. Prior to this Grand Jury recommendation, the Department's management team initiated corrective measures to address the indicated concerns. In addition to addressing in-house issues and concerns with staff, and creating protocols and guidelines, the management team continues to work collaboratively with its community partners in both our Child Protective Services and Adult Protective Services Programs. This has been and will continue to be a priority of the Department.

7a. Finding: In January of 2004, several departments were incorporated under one director forming the Human Services Department. Over the past four years, Grand Jury Reports indicated several problems existed that these department managers had acknowledged. The Grand Jury finds some of these problems still exist. The CAO and the department heads have indicated that policies are currently not in place to correct these problems.

Response to Finding 7a.: The respondent disagrees partially with the finding. The Department of Human Services was formed through the merger of two, not "several", departments. Over the past eighteen months the Department of Human Services has made significant strides in addressing a range of concerns raised in past Grand Jury reports, including those on "addressing the need for substantive management changes at CPS", "refining program

guidelines”, establishing timely evaluations and performance measures, and strengthening accounting and contracting practices. The policies are in place to correct practices; the challenge is in overcoming the resistance to problem-solving measures and service-oriented changes. It is not possible to maintain the status quo and to affect positive change simultaneously. Fortunately, most employees are firmly committed to a professional, responsive, public service effort.

7b. Recommendation: The Board of Supervisors to review the last five years of Grand Jury Reports for stated and acknowledged problems that still exist. Establish a proactive process to assure that those responsible for correcting the problem follow through and finish the task in a timely manner. Penal Code Section 933 requires a time frame be stated when responding to all recommendations and findings.

Response to Recommendation 7b.: The recommendation will not be implemented because it is unreasonable. The recommendation fails to indicate which “stated and acknowledged problems” may still exist. This lack of specificity is significant in that some of the above findings contest or overlook steps already taken to address past concerns. In that those findings echo the words of those resistant to and critical of change, they indirectly serve to validate that changes are at last occurring.

Human Services staff remain available to meet with Grand Jury members at their convenience, to introduce them to those managers with whom they have not met, to review past Grand Jury reports relative to any concerns, and to be proactive in addressing those concerns.

INFORMATION TECHNOLOGY

GJ04-026

Reason for the Report

The Grand Jury chose to do a general investigation of the use of information technology in the county.

Scope of Investigation

People Interviewed

- Director of Information Technologies (IT) Department
- Various Department Directors and their information technology (IT) staff
- County Chief Administrative Officer

Documents Reviewed

- El Dorado County Information Technologies Strategic Plan, updated July 2004
- El Dorado County Information Technologies Tactical Plans, updated October 2004
- El Dorado County computer and Network Resource Usage Policies and Standards Guide, revised June 2004
- County of El Dorado Board of Supervisors Policy A-10 Information Technology Steering Committee and Information Technology Acquisition Procedures, revised November 1999
- IT Department draft revision of County of El Dorado Board of Supervisors Policy A-10
- Draft report “The Future of El Dorado County Information Technologies and the Information Technologies Department” prepared by the Information Technologies Department dated November 1, 2003.

Background

The Grand Jury was interested in the progress the County was making in incorporating the use of information technology and the use of computers in their business plan.

Facts

1. Twenty-one of the 32 county departments depend on the IT Department for desktop and departmental application support. The IT Department has twenty-seven (27) staff supporting those departments.
2. The IT Department additionally supports all large enterprise applications, such as, payroll, property, FAMIS, BPrep, etc. and county-wide computer systems including the mainframe and network.
3. The IT Department staff occasionally supports the other eleven departments or develops multi-departmental “enterprise” applications.

4. The eleven departments not supported by IT have 31 employees dedicated to IT functions.
5. The industry standard for personal computer tech support is approximately 75 personal computers (PCs) per tech support employee.
6. IT Department PC tech support is at the 150-200 PCs per tech support employee. The average for the eleven departments with their own PC tech support staff is approximately 30 PCs per tech support employee.
7. Not all IT staff in the eleven departments with their own IT section is supervised by an information technologist or someone with specialized training in the IT field. IT requires a specialized knowledge base and an on-going need to acquire information about emerging technologies.
8. The County has adopted a county-wide IT Strategic Plan.
9. The county has adopted IT standards.
10. The county has implemented centralized purchasing of some hardware through the IT Department.
11. The county has an Information Technology Steering Committee to advise the IT Department, Board of Supervisors and the County Administration Officer.

Findings/Recommendations

1a. Finding: IT staff county-wide is not being used as effectively or as efficiently as they could be. Some departments like the Assessor and District Attorney Offices have excellent IT staff and appear to be far ahead in their use and integration of computers in their daily routines. Other departments are lagging. The IT draft document “The Future of El Dorado County Information Technologies and the Information Technologies Department” states that the county could **save \$650,000 per year** if the IT functions were more centralized with the IT Department in a “federated” or multi-tiered IT personnel configuration model. **The Grand Jury believes the savings could be well over \$1,000,000 per year.**

Response to Finding 1a.: The respondent disagrees partially with the finding. Since the document referenced in the finding as “The Future of El Dorado County Information Technologies and the Information Technologies Department, Draft” was written, IT has reduced its workforce by a net of 17 positions. This has resulted in a net county cost reduction of \$1.2 million in salary saving per year (FY05/06 dollars). While these reductions were forced by budget constraints they have resulted in greater efficiencies as departments and central IS have had to work more collaboratively to insure vital services continued. Any additional resource reductions (saving) would result in reduced service levels. Additional efficiencies leading to increased service levels continue to be a central priority for IT.

1b. Recommendation: Conduct a review of the delivery of IT services in the county with an eye towards reduction in the cost and an increase in efficiency and upgrading of services. Alternatives should include 1) outsourcing all or some IT services, 2) centralizing IT services within the IT Department and 3) implementing a federated or multi-tiered model as proposed in the IT Department’s November 1, 2003 draft report. The county should seriously think about a review by an outside agency.

Response to Recommendation 1b.: The recommendation has been implemented. The Interim IT Director, appointed February 2005 conducted a review of the delivery of IT services in the county. All three alternatives listed in the recommendation were considered. Outsourcing remains a valuable tool for IT. IT will continue to seek and implement outsourcing contracts for various types of service. Equipment maintenance is an example of one outsource contract currently in place. Discussions with outsourcing vendors indicated a direction of gradual “service by service” outsourcing as a more cost effective strategy rather than a “wholesale” outsourcing of county existing IT services. Certain segments of the IT operation are not cost effective to outsource according to the vendors due to their custom and complex nature (most of the mainframe environment). Undoubtedly the new IT Director will continue to review outsourcing as a possible strategy to improve service and leverage limited resources.

A recently adopted collaborative structure within IT that embraces and partners with distributed IT resources has begun to yield efficiencies without eliminating individual department control of IT support. While this “federated” model is not formally supported on an organization chart with dotted or solid lines, it does attempt to address the efficiency issues relating to a distributed IT support staff.

2a. Finding: IT staff recommendations per County Policy A-10 on the purchase of either software or hardware are routinely ignored. The policy A-10 as written states that all purchase requests dealing with information processing shall be reviewed by Information Services for analysis and recommendation prior to purchase. It does not require their approval before software or hardware is purchased.

Response to Finding 2a.: The respondent disagrees partially with the finding. It is agreed that the policy does not currently “require” IT approval prior to a department purchase of particular software or hardware. It is not accurate to characterize IT’s review and recommendation relating to all IT purchases as “routinely ignored”. The vast majority of all IT purchases (98%+) are reviewed by IT. When IT has raised an objection to a purchase nearly every case (an exception can not be recalled) was resolved by mutual agreement between IT and the department. This has been true for at least the past 2 years.

2b. Recommendation: Revise Policy A-10 to require that all software and hardware purchases be approved by the IT Department. Exceptions from established county IT standards would have to be approved by the IT Steering Committee.

Response to Recommendation 2b.: The recommendation has not yet been implemented, but will be in the future. Within 3months IT will seek Board approval to revise Policy A-10 to require IT approval of all software and hardware purchases. Exceptions will have to be approved by the IT Steering Committee.

3a. Finding: Departments acquiring or producing information or data that could be used by other county departments are sometimes reluctant to freely share that information or data. The public is not served well by these reluctant departments. As an example, the Building Department could better coordinate with the Assessor’s Office when blueprint information is scanned and made available so that the Assessor’s staff can complete their work in a timely manner.

Response to Finding 3a.: The respondent disagrees partially with the finding. The respondent cannot comment on the generality that “departments are sometimes reluctant to freely share that information”. However, with regard to the example of the Building Department (now a part of the Development Services Department), the respondent disagrees that past lack of information sharing was due to reluctance on the part of the Development Services Department. The department’s digital images have been available for several years on a networked server for viewing by any county agency with the OTG software used to index these images and required for accessing the records. The Assessor’s office has chosen not to invest in the software, thereby limiting that office’s ability to access these records. The Development Services Department has been actively participating in efforts by the Information Technologies Department to unify the agencies currently utilizing the OTG software in their scanning processes with the goal of pooling licenses to make participation by other agencies more economical.

3b. Recommendation: The Board of Supervisors, elected officials and the CAO shall empower an individual (IT Director?) to assure that all departments are sharing data and information between departments. This will help foster inter-departmental communication and help eliminate any duplication of data collection.

Response to Recommendation 3b.: The recommendation requires further analysis. The Information Technologies Director will assist the CAO in identifying additional areas where a cost effective method of information sharing between departments will help foster inter-departmental communication and help eliminate any duplication of data collection. This analysis will require approximately six months.

EID CRAWFORD DITCH

GJ 04-001

Reason for the Report

The Grand Jury received a complaint regarding the misuse of water resources, over allocation of water meters and preferential treatment of large landowners and developers by the El Dorado Irrigation District, hereafter referred to as EID.

Scope of Investigation

People Interviewed

- Former member of EID engineering staff
- EID Ditch System Supervisor
- EID General Manager

Documents Reviewed

- EID internal memos, e-mails, newspaper articles, other agency reports, personnel action records, transcribed interviews and employee personal journals
- EID prepared binder with maps, flow data, revenue data, Power Point presentation transcripts, legal briefs and historical data related to ditch systems and particularly the Crawford Ditch.

Physical Inspection

- EID guided tour of Crawford Ditch showing diversion dam, typical delivery apparatus to end users and repairs following a major side wall failure.

Background

The Grand Jury found the complaint as filed to be largely a matter of difference of opinion and perspective. Some of the issues raised were technically valid at one time, but have since been properly resolved by EID. The one exception is the issue related to the current operation of the Crawford Ditch. The Crawford Ditch is an enduring example of Gold Rush era technology. It operates today much as it did in the 1850's. It consists of 21 miles of open earthen ditch winding through the rugged and remote backcountry of our county. It begins at a diversion dam on the North fork of the Cosumnes River under a pre-1914 water right. Its purpose is to deliver untreated seasonal agricultural water.

Facts

1. Revenues from the ditch water customers average around \$10,000 per year.
2. Costs incurred by EID to keep the ditch operating total over \$100,000 in a typical year.
3. Sidewall collapses have occurred causing private property and environmental damage resulting in repairs and mitigation expenses costing EID millions of dollars.
4. Quantification of water diverted, delivered and lost (seepage, evaporation and theft) is extremely primitive. Several studies have been attempted with results that are less than

conclusive. These efforts have been characterized by EID as “educated guesses” at best. The studies do agree that those losses are high, ranging from 60% to 80%.

5. Due to contaminants picked up from its long journey in an open ditch over agricultural land, the remaining water can not be economically treated to potable standards. All efforts to do so ended in the early 1990’s.
6. Ditch water customers pay a flat rate per season based on the type of apparatus used to divert ditch water to their property. There is no actual quantification of water used and therefore no meaningful records.

Findings/Recommendations

1a. Finding: The Crawford Ditch loses money at roughly a 10 to 1 ratio. This results in the rate payers at large providing a 90% subsidy to the 44 Crawford Ditch customers.

1b. Recommendation: Adjust the fee schedule to more realistically reflect the cost of the service.

2a. Finding: Reliable data on water received at the source, water delivered to customers and water lost (seepage, evaporation and theft) does not presently exist. *See photo on page 21.*

2b. Recommendation: Install the metering hardware necessary to accurately quantify the water appropriated, sold and lost.

3a. Finding: The Ditch itself pollutes the water rendering it useless as a future potable water source, and the potential remains high for future sidewall failures requiring EID to pay large damage claims. Also, the lack of quantification, high percentage of loss and outright pollution of valuable water creates fertile ground for future legal challenges to our current water right.

3b. Recommendation: Embark on a plan to structurally upgrade from an open ditch to infrastructure consistent with current standards for water conveyance

In Conclusion

With the adoption of a General Plan our county is poised for a large population increase in a very compressed time frame. This makes our water resources all the more valuable. Any waste of water is truly undesirable and any loss of water right totally unacceptable.

PUBLIC BUILDINGS AND PROPERTY

GJ04-042

Reason for the report

The 2004-2005 Grand Jury, per Penal Code 925, inspected several county buildings, parking lots, and adjacent grounds. We also followed up on some of the concerns identified by previous Grand Juries.

Scope of the Investigation

People Interviewed

- Prison Staff
- Fire Marshall – Placerville/South Lake Tahoe
- Interim Director General Services
- Real Estate Manager
- Program Coordinators
- Senior C.A.D.D. Technician, General Services
- Engineering Specialist, Public Works City of Placerville
- Engineering Technician, Public Works / Placerville Engineering Department
- Risk Manager, County Administrative Office
- Director Mental Health Department
- Nutrition Services Supervisor
- Engineers, Department of Transportation
- Field Supervisors, Animal Control
- Kitchen Staff, Placerville Senior Center

Sites Visited

- Jail – Placerville
- Juvenile Hall – Placerville/South Lake Tahoe
- Growlersberg Conservation Camp
- Georgetown – Airport / Library
- Senior Center – Placerville
- Mental Health Buildings & Services – Placerville / South Lake Tahoe
- Animal Control – South Lake Tahoe
- Department of Transportation – South Lake Tahoe
-

Documents Reviewed

- Placerville topographic map
- Risk Management Claim Register / Litigation Report
- Risk Management Facility Incident Report
- Property Lease Agreements
- Grand Jury Final Report / Responses for 2003-04; 2002-03; 2001-02; 2000-01

Background

Mental Health Services, South Lake Tahoe (SLT) and Georgetown Airport and Library were chosen for inspection, since they had not been visited in the last four years. The leased facility at 3rd Street, SLT (a prior residence) has modifications with safety concerns. **We requested the Fire Marshall to inspect several buildings when safety issues were found.** Previous Grand Juries identified potentially hazardous conditions at the Placerville Spring Street Complex and South Lake Tahoe Animal Control.

MENTAL HEALTH BUILDINGS – South Lake Tahoe

1a. Finding: The leased building at 1120 3rd Street has an awkward floor plan. Kitchen area, offices, and storage areas are inadequate. Although three floors are in use only the first floor is ADA compliant. A wheel chair lift to the basement is under construction.

Response to Finding 1a.: The respondent agrees with the finding.

1b. Recommendation: Relocate this department to a facility adequate to serve the clientele, to create a safe work environment for the employees and to meet ADA requirements.

Response to Recommendation 1b.: The recommendation has not yet been implemented, but will be implemented in the future. Staff within General Services have met with representatives from Mental Health and both departments agree that the current space meets the needs of this program, but would be greatly enhanced with improvements to the floorplan. The findings do not identify specific safety issues and the Department of General Services is not aware of outstanding safety concerns. All floors of this facility do not require ADA access. The clientele that need ADA access are served on the main floor together with the basement that now has a wheel chair lift. Although clientele do occasionally meet on the third floor, all meeting functions can occur on the main floor. Access to the third floor is not required of the clientele. In an effort to better serve the clientele of this program, Mental Health wishes to combine the functions of this program with others under the same Department, currently located at the Silver Dollar Building. Under this plan both functions would move to another facility of proper configuration and size to better meet the program needs. General Services will begin a search with the goal of relocating this function within the next 24-36 months.

2a. Finding: Cleanliness is a problem. The bathrooms are potential health hazards. There are cobwebs in stairwells, bathrooms, and ceiling vents. Several fluorescent lights have been flickering for months. Staff and clients perform janitorial duties.

Response to Finding 2a.: The respondent disagrees partially with the finding. While acknowledging that cleanliness could be improved, the respondent is not aware of any actual health hazard in the bathrooms.

2b. Recommendation: Hire a janitorial service.

Response to Recommendation 2b.: *The recommendation has been implemented.* The department contracts with a private company for the provision of janitorial services at this location. The Mental Health Department is considering increasing the frequency of service, and will be working with the vendor to ensure compliance with the contract.

3a. Finding: The Fire Marshall and the County Building Inspector found the inside stairway failed to meet required codes. The building inspector has condemned the stairway until it is rebuilt to code.

Response to Finding 3a.: *The respondent agrees with the finding.*

3b. Recommendation: Require the landlord to provide a proper inside stairway

Response to Recommendation 3b.: *The recommendation requires further analysis.* Although the respondent agrees with the finding, it is important to note that another covered stairway access exists on the outside of the building. The internal stairway has been blocked off with access now routed to the stairway on the outside of the building. This is considered to be a short term solution to access issues for the third story of this building. Because this is a leased facility, a commitment cannot be made by the County that an inside stairway will be considered. Staff within General Services will meet with the landlord before the winter to discuss alternatives, including construction of an inside stairway to the third story of this building.

4a. Finding: The basement furniture is dirty and worn. This room was a former swimming pool and has no windows.

Response to Finding 4a.: *The respondent agrees with the finding.*

4b. Recommendation: Purchase better furniture for the basement.

Response to Recommendation 4b.: *The recommendation has been implemented.*

5a. Finding: Clothing, boxes, bags, suitcases, etc, are stacked in corners and on counter tops. New tires (about 12) are stored in the corner of the main meeting room.

Response to Finding 5a.: *The respondent agrees with the finding.* Most of these items belong to participants in the Tahoe Opportunity Project (TOP), which is a program for homeless mentally ill people. Because the clients are homeless, they bring all their belongings with them to the facility for meetings. The Mental Health staff work to manage the clutter while remaining sensitive to the clients' situations.

5b. Recommendation: Provide lockers or cabinets for clients' belongings, and store tires at DOT.

Response to Recommendation 5b.: *The recommendation will not be implemented because it is not warranted.* The Mental Health Department has expressed that their staff and program clients

can manage these items without additional storage. Mental Health is working to get the tires moved to DOT. The facility was recently inspected by the State during a site visit, and passed.

6a. Finding: The front entrance is hazardous in the winter due to melting snow and ice falling off the roof. The outside basement entrance is a concrete stairwell where ice accumulates. The rear entrance is icy and uneven. Sign on outside building wall warns of falling ice and snow. This dangerous condition should not be allowed to exist. *See photo on page 26.*

Response to Finding 6a.: The respondent agrees with the finding.

6b. Recommendation: Ensure entrances and fire exits are free of ice and snow as needed (daily or hourly).

Response to Recommendation 6b.: The recommendation has not yet been implemented, but will be implemented in the future. The Department of General Services will meet with the Department of Mental Health and the landlord in an effort to resolve the issues associated with the buildup of ice and snow on the roof and walkways prior to winter storms (less than 6 months).

7a. Finding: The main door sticks. Pulling/pushing may result in slipping and/or falling.

Response to Finding 7a.: The respondent agrees with the finding.

7b. Recommendation: Request landlord to repair front door.

Response to Recommendation 7b.: The recommendation has not yet been implemented, but will be implemented in the future. Staff within General Services will arrange to meet with the landlord and make the necessary repairs to the front door. Work to be completed within the next three months.

8a. Finding: Wood rot resulting in peeling paint under eaves was evident on the upstairs balcony.

Response to Finding 8a.: The respondent agrees with the finding.

8b. Recommendation: Request landlord to repair roof and gutter.

Response to Recommendation 8a.: The recommendation has not yet been implemented, but will be implemented in the future. The Department of General Services will notify the landlord of the problem with the current condition of the roof and gutter and make arrangements with the landlord to have the area repaired. Work to be completed within the next six months.

9a. Finding: The heating system results in a difference of 10 degrees between the basement and first floor and a similar difference between the first and second floors. The top floor is too warm while the basement is too cool. The multi-stage construction of this former private residence has resulted in inadequate air circulation with inadequate thermostat controls.

Response to Finding 9a.: The respondent agrees with the finding.

9b. Recommendation: Request landlord to improve heat and air circulation.

Response to Recommendation 9b.: The recommendation has not yet been implemented, but will be implemented in the future. Staff within General Services will meet with the landlord in an effort to improve the heating and air circulation within this building. These efforts will be coordinated with the Department of Mental Health and every effort will be made to make improvements to the system. These actions will occur within the next 90 days.

10a. Finding: The second floor bathroom is under re-construction due to mold abatement.

Response to Finding 10a.: The respondent agrees with the finding.

10b. Recommendation: Ensure mold problems have been eliminated.

Response to Recommendation 10b.: The recommendation has been implemented. The subject work, mold abatement, was completed in April 2005. Testing for the presence of mold has been completed. Results indicate that mold has been abated.

MENTAL HEALTH and PUBLIC HEALTH BUILDINGS – Placerville

11a. Finding: The building at 344 Placerville Drive has numerous areas where carpet seams have separated and worn bumpy areas have erupted. Since May 2000 five accidents occurred in various county buildings due to carpet problems.

Response to Finding 11a.: The respondent agrees with the finding. It is important to note that the respondent agrees with the poor condition of the carpet in the subject building but does not have information confirming the number of accidents within county buildings relating to carpet problems, dating back to the year 2000.

11b. Recommendation: Replace “bumpy/worn” carpet as soon as possible to minimize County liability and prevent injury accidents/lawsuits.

Response to Recommendation 11b.: The recommendation has not yet been implemented, but will be implemented in the future. This is a leased facility. Staff within the Department of General Services have met with the landlord and plans are currently in place to replace the subject carpet, together with the painting of a portion of the interior of the building. Anticipated completion date of this work is 4 months from the date of this response.

12a. Finding: The Fire Marshall required inappropriate exit signs removed, and proper fire exits clearly marked. The “Fire Escape Routes” will be clearly posted.

Response to Finding 12a.: The respondent agrees with the finding.

12b. Recommendation: Inform employees of the necessity to keep Fire Exits clear. The Fire Marshall should perform unannounced inspections periodically.

Response to Recommendation 12b.: The recommendation has been implemented. The replacement of the signs has been completed and staff was informed of the need to keep the fire exits clear. These activities were completed during the month of May 2005. The performance of unannounced periodic inspections by the Fire Marshall are subject to the discretion of that individual and are out of the control of County staff.

13a. Finding: The building at 2808 Mallard Street is sometimes closed and locked during regular business hours, with no explanation posted on the locked door.

Response to Finding 13a.: The respondent agrees with the finding.

13b. Recommendation: Post hours open/closed for each day, when they vary from the regular business hours. This should go into effect immediately.

Response to Recommendation 13b.: The recommendation will not be implemented because it is not warranted. The building on Mallard Lane is referred to as the “annex”. It is the physical location for day rehabilitation and case management services, both of which can occur on and off site in the course of any work day. While the building is generally open and occupied during normal business hours, this is not always the case. Staff may be transporting clients to or from the facility or be providing case management services in the community. In addition, even if staff members are working in the building, there is not necessarily a receptionist at the front desk if clients are not expected. Participating clients and their families are well aware of this, and there have been no reported problems or complaints during the more than 13 years that this location has been in operation. Administrative offices, clinic reception, and crisis services are all located at the Placerville Drive site, which is always open and accessible during business hours.

14a. Finding: The Mallard Street building is generally well maintained. The kitchen area was cluttered but clean. The office layout, meeting rooms and general traffic flow promote efficient service to clients.

Response to Finding 14a.: The respondent agrees with the finding.

14b. Commendation: The Grand Jury commends the staff at 2808 Mallard Lane for their friendly and helpful environment.

SENIOR CENTER – Placerville Spring Street Complex

15a. Finding: Access to the Spring Street Complex is via a narrow road, Robin Court.

Response to Finding 15a.: The respondent agrees with the finding.

15b. Recommendation: Construct a proper encroachment on Robin Court per County specifications.

Response to Recommendation 15b.: *The recommendation will not be implemented because it is not warranted.* The encroachment of Robin Court with Tunnel Street has adequate sight distance, surfacing and width. It meets County and/or City Standards. There exists a short section of Robin Court that has a narrow width, approximately 15 feet. That portion of the road provides access to the Spring Street Facility together with three private residences. Traffic from the Spring Street Facility is directional, one way, while traffic from the residences is in both directions. The area in question, the narrow portion, is limited in length. In an effort to limit the volume of two way traffic, a directional traffic sign, indicating “one way” and/or “do not enter” will be placed at the beginning of the County parking lot, which will help to further limit traffic volumes on this narrow section of roadway. Sign to be in place within 90 days of this response.

16a. Finding: Emergency shut-off valves and electrical sub-panels are poorly marked.

Response to Finding 16a.: *The respondent agrees with the finding.*

16b. Recommendation: Mark emergency shut-off valves and sub-panels.

Response to Recommendation 16b.: *The recommendation has not yet been implemented , but will be implemented in the future.* Staff within General Services will provide upgrades and additions to the markings of the emergency shut-off valves and sub-panels. This work will be completed within 90 days of this response.

ANIMAL CONTROL – South Lake Tahoe

17a. Finding: Architectural drawings have been done to remodel the existing buildings, and add a new building (per GJ Report 2003-2004). The County is in the process of purchasing adjacent land. Needed improvements should be completed by the end of 2005.

Response to Finding 17a.: *The respondent disagrees partially with the finding.* Drawings were substantially complete to remodel the existing building, which included the addition of a second story. There has been a change in the scope of work. Subsequently, a parcel of land became available, adjacent to the existing building which allowed the facility design to have a better single story building with greatly enhanced fenced areas and parking. The Department of General Services is in the process of purchasing the adjacent land, permit processing with TRPA and designing the new building additions. Improvements should be completed by midyear 2006.

17b. Recommendation: Complete improvements as soon as possible.

Response to Recommendation 17b.: *The recommendation has been implemented.* Staff within General Services have made every effort to complete the improvements as soon as possible. Anticipated completion date is midyear 2006.

JUVENILE HALL – Placerville / South Lake Tahoe

18a. Finding: The Placerville Juvenile Hall is well run and functions just under capacity with the opening of the new facility at South Lake Tahoe. The new facility at South Lake Tahoe is clean, modern and well run.

Response to Finding 18a.: *The respondent agrees with the finding.*

18b. Commendation: The Grand Jury commends both staffs for their efficiency.

GROWLERSBERG CONSERVATION CAMP – Georgetown

19a. Finding: Growlersberg is well run and in good condition, however, the woodworking shop, which offers excellent training to inmates, is not operating due to lack of funds.

19b. Recommendation: Make funds available for the woodwork shop.

**BOARD OF TRUSTEES
EL DORADO UNION HIGH SCHOOL DISTRICT
GJ04-025**

Reason for the Report

Upon receiving a complaint that improprieties may have occurred in the choice of a new superintendent, the Grand Jury decided to investigate the actions taken by the Board of Trustees in the summer of 2004. This does not reflect in any way on their choice of the new superintendent, but on the manner in which the board went about making their choice. A possible violation of *The Brown Act* during this process is the subject of our investigation.

Scope of the Investigation

People Interviewed

- Superintendent of the EDUHSD
- Assistant Superintendents of the EDUHSD
- Assistant to the Superintendent of the EDUHSD
- El Dorado County Deputy District Attorney
- El Dorado County Counsel
- El Dorado County District Attorney
- Leadership Associates Consultant
- Member of the Board of Trustees of the EDUHSD

Documents Reviewed

- *The Brown Act*
- Minutes of the Board of Trustees from May through August, 2004
- Contract between the Board of Trustees and *Leadership Associates* signed June 7, 2004
- *Leadership Associates* brochure
- *Leadership Associates* sample timeline
- Advertisement placed by *Leadership Associates* on the internet and in the periodical of the Association of California School Administrators.

Background

The then-current Superintendent of the EDUHSD in May of 2004 notified the Board of Trustees that he was leaving for another position at the end of the term. The board began the process to find a new superintendent who would reflect the values important for the district; which consists of five high schools, three continuation high schools and one adult school. The board signed a contract with *Leadership Associates*, a search organization, to conduct the search and provide them with applicants who were to be screened by *Leadership Associates*. The Board of Trustees was then to make their selection from this pool. The advertisements for the position had not been posted on the internet, nor print media, when the Board of Trustees announced they had chosen a new superintendent. The board usually meets on Tuesdays in the conference room at the district

headquarters, but may also meet at any of the high schools. The board does not usually meet during the month of July, and not all of the high schools are open for summer school programs.

Facts

1. The minutes of the Board of Trustees do not reflect the date, time and place of the next regular meeting.
2. Under *The Brown Act* both regular and special meetings require 24 hours notice to the public. Special meetings require only a single agenda item.
3. On June 2nd, *Leadership Associates* sent a letter to the board with a proposal that they be selected to conduct the search for a new superintendent.
4. On June 7th the board signed a contract with *Leadership Associates* to conduct the search. The sum of \$24,500.00 was to be paid for this search, and the contract was open-ended with the goal of the final selection process in November.
5. On June 15th the board voted to place an interim superintendent in the position while the search for a new permanent superintendent was conducted. They also discussed the contract parameters and possible candidates during the closed portion of this meeting.
6. On June 22nd the board minutes indicate an approval of an interim superintendent.
7. On Monday, July 12th, a month in which no meetings are usually scheduled, a special meeting held by the board approved an interim superintendent.
8. On Saturday, July 17th, during a closed session, applicants for the position of superintendent were discussed and one was selected for the position. The new superintendent was from a local school district.
9. On Monday, July 19th, the district announced the appointment of a new superintendent. The search contract with *Leadership Associates* was then terminated.
10. A bill dated July 20th for \$12,250.00, half of the sum of the search fee, was sent to the board, and is marked “paid in full”. The bill is date-stamped “July 26th Superintendent’s Office”.
11. No brochures from *Leadership Associates* were distributed in the district. The advertising on the internet appeared Wednesday, July 21st; four days after the choice had been made.
12. No completed applications were submitted by *Leadership Associates*, and the board member interviewed could not recall any discussed at the July 17th meeting. No application for the superintendent selected by the board has been produced by the Board of Trustees.
13. The use of the term “informal meeting” in the minutes of the board meetings on June 8th and 15th and July 12th and 17th is not permitted by definition in *The Brown Act*.
14. The fact that no completed applications were available from *Leadership Associates* and the Board of Trustees indicates that the position had not been adequately publicized. One qualified employee told us that he would have applied for the position if the applications had been available.
15. The fact that the advertisements in the ACSA magazine and on the internet came out after the selection of the superintendent further indicates that the board acted hastily in entering into a contract for the search.
16. *Leadership Associates* representatives had attended two, possibly three, community meetings, met with members of the Board of Trustees twice, produced a brochure and prepared advertisements that were released after the fact. For this they were paid \$12,250.00 for approximately 6 weeks of work.

Recommendation:

The Grand Jury strongly recommends that, in the future, the Board of Trustees of the EDUHSD develop a plan for the selection of a candidate for any administrative position and adhere to it. Entering into a contract and then subverting it by making a selection before the contract had expired is improper. While this is not illegal and is the prerogative of the Board of Trustees, the short period during which this process took place leads the Grand Jury to wonder if the candidate was “pre-selected” from the start, which gives the air of impropriety. The EDUHSD Board of Trustees should promote policies which demonstrate fair and open communication, minimizing both secrecy and the appearance of favoritism.

The fact that other people have stated that they would have applied if they had known the position was open indicates that this opportunity was not as widely available as the board has stated. The lack of any records as to whom and when the notices of the Board of Trustees’ meeting agenda were sent, and whether they were given the required time as mandated in *The Brown Act*, indicates a lack of regard for the law and gives the impression of contempt for teachers and the general public. The EDUHSD Board of Trustees should insure that proper documentation is kept on file, which indicates total, not selective, compliance with *The Brown Act*.

The Board of Trustees is not an entity unto itself, but is supported by the people of El Dorado County through public taxes, and is therefore to be of service to the public, not the reverse.

**EID LOAN TO EI DORADO HILLS
INCORPORATION COMMITTEE
GJ04-005-B**

Reason for the Report

The Grand Jury received a public complaint that the El Dorado Irrigation District (EID) Board of Directors was exceeding their fundamental guidelines by loaning money to the El Dorado Hills Incorporation Committee and should be stopped from using taxpayer funds to support projects that are not within their jurisdiction.

Scope of Investigation

People interviewed

- LAFCO Executive officer
- EID General Counsel
- EID General Manager
- El Dorado Hills CSD General Manager

Documents reviewed

- Letter to LAFCO from EID Board of Directors concerning loan of \$25,000 to El Dorado Hills Incorporation Committee
- Audio tapes of EID Board of Directors meetings of May 17, 2004 and June 21, 2004
- E-mail dated June 22, 2004 between LAFCO and EID Counsel
- Director's Item #15 of June 21, 2004 EID Board of Directors' meeting concerning the El Dorado Hills Incorporation committee loan update.
- County of Fresno v Malaga County Water District (2002 DJDAR 8663) January 5, 2005 letter to Grand Jury from EID counsel concerning a promissory note issued by Grizzly Flats through a Joint Powers Authority.

Background

The Grand Jury identified a fundamental problem with the way the EID Board of Directors approved an unsecured, no interest loan to an anticipated entity (the City of El Dorado Hills). Because the city did not exist at the time of the loan they are not bound to repay the loan. In essence, the Board of Directors gave the money to LAFCO to benefit the El Dorado Hills Incorporation Committee with little chance of getting it repaid.

Facts

1. At the EID Board of Directors meeting of June 21, 2004 the directors approved by a 3-2 vote (Districts 1 and 4 voted no) a \$25,000 payment for the benefit of the El Dorado Hills Incorporation Committee to be deposited directly with LAFCO.
2. The payment was accompanied by a statement that the payment be considered a loan to be repaid by the future city, if formed.

3. Further, it was accompanied with a request that LAFCO condition any incorporation approval upon such repayment.
4. There was no interest stated for the loan.
5. There was no due date stated.
6. EID had approached the El Dorado Hills CSD to see if they would be the recipient and guarantor of the loan. The CSD Board rejected EID's request and challenged the EID Board to match CSD's own contribution as a grant to the incorporation effort with no strings attached.
7. The Board had received several comments from the public that the board should not support granting money to the incorporation effort.

Findings/Recommendations:

1a. Finding: The EID Board of Directors gave a \$25,000 unsecured, no interest loan to the El Dorado Hills Incorporation Committee to be repaid by the future city of El Dorado Hills knowing the loan would not be repaid if there was no city formed and knowing that even if El Dorado Hills were to be incorporated there was nothing but a moral obligation to repay the loan. EID Board of Directors had three choices: (1) granting money to the incorporation effort, (2) granting a loan or (3) making no funds available to the incorporation committee. The Board chose the loan because they felt many of their ratepayers did not support an outright grant. All the while, the board acknowledged the fact that the loan was to an anticipated entity which even if it came into existence would have no obligation to repay the loan. In essence, the board gave the \$25,000 to the incorporation effort disguised as a loan. If the loan had been presented to the public in a clear, concise and truthful manner they may have also had the same objections that they did for the outright grant.

1b. Recommendation: In the future, the EID Board of Directors should, in a clear, concise and truthful manner fully disclose to their rate payers the full terms and conditions of loaning the ratepayer's money, as in this instance, unsecured, with no interest due, no due date, and to an anticipated entity without the obligation to repay.

2a. Finding: The EID Board has no written policy on loaning the rate payers money.

2b. Recommendation: The EID board should adopt a written loan policy to guide future loan granting decisions.

AD HOC COMMITTEE – PUBLIC GUARDIAN GJ 04-014

Reason for the Report

A complaint was received requesting the policies and procedures of the Public Guardian's office Should be investigated in view of what was perceived as mistreatment of a neighbor who was taken into conservatorship in 2004.

Scope of the Investigation

People Interviewed

- The Public Guardian
- The Chief Deputy Public Guardian
- Three Deputy Public Guardians
- A practicing attorney in the South Lake Tahoe area

Documents Reviewed

- After El Dorado County Courts approved Grand Jury access to the Public Guardian's confidential files, four active case files were reviewed. The case files included reports by private investigators hired by the Court some medical records including evaluations of the mental and physical conditions of the conservatees, wills, trusts, court petitions and orders, statement and depositions by witnesses, notes of interviews by the Deputy Guardians and financial records.
- Correspondence by attorneys representing both the conservatees and conservators.

Background

The office of Public Guardian exists in 57 of California's 58 counties. Their duty is to take into conservatorship adults who are unable to care for themselves and are being abused by friends, neighbors, relatives, or others. The County Adult Protective Services, doctors, friends, attorneys, and bankers make most of the referrals to the Public Guardian. El Dorado County currently has three Deputy Public Guardians who make preliminary investigations of the referrals and, if warranted, request County Counsel to petition the Court for conservatorship. The Court usually hires a private investigator who interviews the person, relatives, acquaintances, etc., to determine the abilities of the person and whether there is evidence of abuse. The Court, if warranted, then issues an Order appointing the Public Guardian as conservator. The Guardian's office takes control of the finances and the person may be placed in a 24 hour care facility if warranted by inability to care for themselves and when friends or relatives are unable to adequately care for the person. When possible, 24 hour care is provided in the person's home. Expenditures by the Public Guardian from the estates under conservatorship are controlled by the Court and the Guardian makes regular financial reports to the Court.

Findings/Recommendations

1a. Finding: The Public Guardian's actions were warranted by the facts of the four cases the Grand Jury reviewed. The friends and relatives of the elderly conservatees were abusing them financially. Examples of the abuse:

- The relatives elected to no longer care for their elderly parent with dementia and left him at the local hospital emergency room after they had changed the title to the parent's home into their names.
- An attorney and later a neighbor became substantial beneficiaries of various revocable living trusts executed after an elderly woman with no children developed dementia.
- A demented person's home was very cluttered and people came by offering to pay her \$100,000 for her Tahoe lakefront property which was later valued at over \$2,000,000.

In all four cases reviewed the conservatorship resulted in better care for the elderly persons and the financial abuse was resolved thereby providing financial and physical security until death. The Public Guardian charges a nominal conservatorship fee, about \$150 a month to manage the finances and oversee the caregivers. In some cases where extraordinary services by the Public Guardian are required, extra fees are charged to the estate. In cases of poverty, fees are adjusted downward and sometimes none are collected. Each of the three Deputy Public Guardians is assigned about 85 conservator cases to work. Some cases require only minimal accounting services, while others take considerable time.

Response to Finding 1a.: The respondent agrees with the finding.

1b. Commendation: The Grand Jury commends the Public Guardian on the service they offer to the County.

2a. Finding: The Public Guardian has requested the Board of Supervisors authorize an increase in staffing of two more Deputies due to the heavy workloads and increasing referrals of elder abuse.

Response to Finding 2a.: The respondent agrees with the finding.

2b. Recommendation: Due to the high current and projected case loads the Grand Jury recommends the staff increase as requested by the Public Guardian.

Response to Recommendation 2b.: The recommendation has not yet been implemented, but will be implemented in the future. The Human Services Department has requested two additional Public Guardian staff positions in the FY 05-06 budget process. Budget hearings will be held in September 2005.

COMMENDATION REPORT PUBLIC SCHOOL FACILITIES

Reason for the Report

The 2004/2005 Grand Jury per Penal Code Section 925 inspected several county schools, and also followed up on concerns identified by previous Grand Juries.

Scope of the Investigation

Sites Visited

- Golden Sierra High School
- Divide High School
- Ponderosa High School
- Shenandoah High School
- Union Mine High School
- Sierra Ridge Middle School
- Pine Ridge Elementary School
- Emigrant Trail Elementary School

People Interviewed

- Superintendent of the County Office of Education
- Directors of the County Office of Education
- Principals of the various High Schools
- Vice Principals
- Teachers
- Librarian
- Kitchen Staff
- Maintenance Personnel

Background

County school sites not visited by the Grand Jury in the last four (4) years were chosen for inspection. Ponderosa High School and Indian Diggins School were found by previous Grand Juries to have potentially hazardous conditions.

Ponderosa High School needs to obtain the necessary funds to build a “turn out” in the available space on school property for the safety of the students, to prevent accidents and to reduce congestion and improve traffic flow.

The Grand Jury requested that the principal at Indian Diggins School have a defective wheelchair lift repaired and a letter confirming that repairs had been made is in the file.

The Grand Jury was requested to investigate why the new Emigrant Trail School in Pollock Pines was closed and students sent to an older school. We were informed the Emigrant Trail

School (grades 3-4) had a population decrease to a point that Pinewood School (grades K-4) and Sierra Ridge Middle School (grades 5-8) were able to handle the total K-8 school population for the district.

Inspection of the Emigrant Trail School showed good use is being made of the facilities. The rooms are being used by the Boys and Girls Club, a home school teacher and her students, afterschool care for those students whose parents cannot pick up their children until 5 p.m. or later, etc. The Fire Department already conducts training programs on part of the land. Further uses are in the planning stages to make the facilities available to benefit the entire community and to increase revenue to the school district.

Commendation

Under the current budgetary restraints that all school districts are facing we believe that the staff and teachers in the schools inspected are being remarkably resourceful in meeting their stated goals. The California School Recognition Program honored 192 public schools out of nearly 2,300 applicants from middle and high schools. Four (4) El Dorado County schools received the California Distinguished School Award. These four (4) county schools are: Golden Sierra High School, Sierra Ridge Middle School, Rolling Hills Middle School and Mountain Creek School. This highly coveted award is based in part on each school's Academic Performance Index, its average yearly progress and on community involvement. It is an honor for these schools to receive this award and reflects highly on the entire El Dorado county educational community.