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September 19, 2006

The Honorable Suzanne N. Kingsbury, Presiding Judge
Superior Court of El Dorado County
1354 Johnson Boulevard, Suite 2
South Lake Tahoe, CA 96150

Dear Judge Kingsbury:

Pursuant to Section 933(b) of the Penal Code, the Board of Supervisors of El Dorado County is herewith submitting its response to the applicable findings and recommendations, as set forth by the El Dorado County Grand Jury in its 2005-06 Final Report, issued on June 27, 2006.

Sincerely,

James R. Sweeney, Chair
El Dorado County Board of Supervisors

Cc: 2005-06 Grand Jury Foreman
2006-07 Grand Jury Foreman



The County of El Dorado

Chief Administrative Office

Laura S. Gill
Chief Administrative Officer

330 Fair Lane
Placerville, CA 95667-4197

Phone (530)621-5530
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September 12, 2006

Mr. Donald R. Brooks
Foreman, 2005-2006 Grand Jury

Dear Mr. Brooks:

Please find attached a copy of the Board Agenda item relating to the final response to the 2005-2006 Grand Jury Final Report. The Board Hearing date is September 19, 2006. If you have any questions, please contact Sue Hennike, at 621-5577. Thank you.

Sincerely,


Laura S. Gill
Chief Administrative Officer

Cc: Renee Van Asten, Foreman, 2006-07 Grand Jury
Attachments

El Dorado County Board of Supervisors Final Response Grand Jury 2005-06 Final Report

EL DORADO COUNTY COMMISSION ON AGING GJ05-022

Reason for the Report

The El Dorado County Grand Jury received a complaint regarding a meeting of the Commission on Aging, on November 18, 2004, wherein a violation of The Brown Act is alleged to have occurred.

Scope of the Investigation

People Interviewed

- Commission on Aging Members

Documents Reviewed

- Meeting Agenda for November 18, 2004
- Meeting Minutes for November 18, 2004
- California Government Code Sections 54950-54963
 - The Brown Act
- Meeting Minutes and Agendas for random months
 - November 2004
 - August 2005
 - September 2005
 - October 2005
 - November 2005

Background

The Commission on Aging is an advisory body to the Department of Human Services and the El Dorado County Board of Supervisors, regarding programs administered by the Department of Human Services.

The Commission on Aging meets monthly to conduct business. Agendas are posted to inform the public of the time, place, and subject matter. Minutes of the meeting are published.

During the meeting of November 18, 2004 a member of the Commission suggested that they adjourn to closed session. According to testimony they did adjourn to a closed session and excluded members of the public.

The Agenda did not include that a closed session was planned at that particular meeting. The Minutes reflect that a closed session was held; however, no synopsis of the discussion was posted.

Testimony also indicates that the Commission routinely asks members of the public in attendance to identify themselves and whom they represent.

As a sanctioned Commission of El Dorado County, the Commission on Aging is covered by **California Government Code Sections 54950-54963**. These sections are known as *The Brown Act* and cover what is allowed and how meetings must be conducted, and to insure full public disclosure.

The following sections are a summary of the legislation wording.

Section 54954 (a) in summary states that if an advisory committee or standing committee posts an agenda at least 72 hours in advance of the meeting the meeting shall be considered as a regular meeting of the legislative body for purposes of *The Brown Act*.

Section 54954.2 (a) in summary states that the agenda must be posted at least 72 hours before a regular meeting and must contain a brief general description of each item of business to be transacted or discussed at the meeting, **including** items to be discussed in closed session. The only exceptions to the requirement of posting agenda items are: “(1) Emergency situations, (2) Two-thirds vote of the body determines there is need for immediate action and the item came to their attention after the posting of the agenda, and (3) The item was posted for a prior meeting and the meeting was not more than five calendar days prior and the item was continued to the meeting where action is being taken”.

Section 54957.1 (a) in summary requires a public report of any action taken in closed session and the vote or abstention of every member present. If no action is taken the minutes should reflect that fact.

Section 54953.5 (a) in summary states that a member of the public **shall not** be required, as a condition of attendance, to register his or her name, to provide other information, to complete a questionnaire, or otherwise fulfill any obligation precedent to his or her attendance.

Section 54960.1 In summary, by subsections, lists penalties regarding violations of *The Brown Act*.

Facts

1. On November 18, 2004, at a regular meeting of the Commission on Aging, a closed session was held.
2. This closed session had not been properly noticed as required by *The Brown Act*.
3. The Minutes reflect that a closed session was held, however, no indication as to the subject matter discussed was recorded.
4. Members of the public in attendance at Commission on Aging meetings are routinely asked to identify themselves.

Findings/Recommendations

1F. Finding: The members of the Commission on Aging are not well versed in the requirements and penalties of *The Brown Act*.

1F. Response to Finding: *The respondent agrees with the finding.* Members of the Commission on Aging have not received extensive training on *The Brown Act* in the past.

1R. Recommendation: Members of the Commission on Aging be issued copies of *The Brown Act* to be read and applied.

1R. Response to Recommendation: *The recommendation has been implemented.* Commission members have been issued copies of *The Brown Act*.

2F. Finding: On November 18, 2004 the Commission on Aging went into closed session without prior public notice on the Agenda. Government Code Section **54954.2 (a)** grants exception where a body may go into closed session without notice, however, none of the exceptions were met in this instance.

2F. Response to Finding: *The respondent agrees with the finding.* The respondent agrees that on November 18, 2004 the Commission on Aging went into closed session without prior public notice on the Agenda. Although what may have been deemed an emergency situation existed (threat of litigation), no counsel was present and the action of going into closed session was taken without following all of the procedures detailed in Government Code Section **54954.2 (a)**.

2R. Recommendation: Future closed sessions should strictly adhere to the provision of the law.

2R. Response to Recommendation: *The recommendation has been implemented.* Training has been received, and any future closed sessions will be conducted in compliance with *The Brown Act*.

3F. Finding: Minutes of the November 18, 2004 meeting reflect the closed session, however, no synopsis of the item discussed was recorded.

3F. Response to Finding: *The respondent agrees with the finding.* The matter was discussed, but not recorded, as no action was taken in closed session. This oversight was corrected at a later Commission on Aging meeting, when it was reported out and recorded that no action had been taken.

3R. Recommendation: Amend the Minutes of the November 18, 2004 meeting to reflect the item discussed and the result.

3R. Response to Recommendation: *The recommendation has been implemented.* As noted above, the failure to report and record no action was addressed by reporting out at a later meeting.

4F. Finding: The Commission on Aging does not hold closed sessions often. This is supported by testimony and review of Agendas.

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

4R1. Recommendation: Protocol be put into place to ensure new members, when appointed, receive proper training and a copy of *The Brown Act*.

4R1. Response to Recommendation: *The recommendation has been implemented.* Members of the Commission on Aging received training on *The Brown Act* in April 2005 and have been provided with copies of *The Brown Act*. A protocol also has been developed for new members.

4R2. Recommendation: Support staff must become familiar with *The Brown Act* to ensure that proper posting and notification of closed sessions is provided in public documents.

4R2. Response to Recommendation: *The recommendation has been implemented.* Staff also received Brown Act training.

5F. Finding: The Commission on Aging routinely asks people in the audience to identify themselves and whom they represent.

5F. Response to Finding: *The respondent agrees with the finding.* Historically, introductions have been invited as a courtesy and to welcome guests.

5R. Recommendation: The Commission on Aging require identification only from those persons addressing the Commission as a whole on a specific matter.

5R. Response to Recommendation: *The recommendation has been implemented.* Persons attending Commission on Aging meetings are not required to introduce themselves.

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EL DORADO COUNTY COURT SECURITY GJ05-032

Reason for the Report

The Grand Jury received a citizen complaint regarding the security provided for the Superior Courts in El Dorado County. Upon investigation, the Grand Jury believes that the security needs to be improved. In addition, budgetary accounting from the County for the security provided is not detailed and does not fully substantiate payment requests.

Scope of the Investigation

During jury year 2005-2006, members of the Grand Jury made visits to all the court facilities in El Dorado County.

People Interviewed:

- El Dorado County Sheriff
- Various Sheriff Department Employees
- Sheriff Sergeant In Charge Of Court Security
- Superior Court Executive Officer
- Various Superior Court Employees

Documents Reviewed:

- 2001-2002 Memorandum of Understanding (MOU) between Court and Sheriff
- Draft of 2006-2007 MOU

Buildings Inspected:

- 2850 Fairlane Court, Bldg. C, Placerville
- 495 Main Street, Placerville
- 1354 Johnson Blvd., South Lake Tahoe
- 3321 Cameron Park Dr., Cameron Park

Background

The employees of the Superior Courts of El Dorado County are State employees. Many of the court's support services are provided by El Dorado County. Court security is provided by the El Dorado County Sheriff's Department. The court buildings are owned by El Dorado County, although they are to be turned over to the State in the future. Security is contractually documented in a Memorandum of Understanding (MOU) between the Court and the Sheriff. While the most recent MOU expired in 2002, service has continued with all requirements and pricing handled without a contract. A new MOU is being developed for FY 2006/2007. This MOU draft specifies a fixed amount to be paid by the court.

Department 7 is located downstairs in County Building C and has a metal detector, but the detector is only functional while court is in session. The unscreened access beyond the metal detector is still accessible when court is closed. A weapon could be hidden in this area while court is closed and then retrieved later while court is in session.

Department 7 has two small holding areas, one each for men and women. These areas are often loaded beyond their capacity.

Department 8 is located on the ground floor of County Building C and has no metal detector for screening court entry. Department 8 is not a criminal court, but does have family court and traffic court hearings, both potentially volatile situations.

The Court and the Sheriff's Department both wish to improve security in Departments 7 and 8. This would require relocating the metal detection unit upstairs to service both courts. It would also require limiting downstairs access near Department 7 to prevent off-hour access. These efforts have been rebuffed by the county because it would be a hindrance to other county departments and/or citizens who do business in building C.

Departments 3, 4, 11, and 12 are co-located in South Lake Tahoe. Departments 3 and 4 are criminal courts, without a holding cell. Prisoners enter through employee hallways and often must remain in public or employee hallways (albeit with a Sheriff) until called to court.

Facts

1. MOU for court security expired 2002
2. 2006/2007 MOU calls for fixed dollar amount to be paid
3. Departments 7 and 8 are in County Building C, which was never built to be a court
4. Holding area in Department 7 is often over-crowded
5. Department 8 has no metal screening
6. Courts in South Lake Tahoe do not have a holding area

Findings/Recommendations

1F. Finding: Memorandum of Understanding for court security specifies a fixed dollar amount for the year with some provision for changes.

1F. Response to Finding: *Respondent agrees with the finding.*

1R. Recommendation: All payment requests from the Sheriff for court security should be based on the actual hours the Sheriff spent on court security. Time keeping reports should be provided detailing all hours and other expenditures.

1R. Response to Recommendation: *The recommendation will not be implemented because it is not warranted.* The court and Sheriff's Office have conceptually agreed upon a 2006/2007 MOU. Final approval of the MOU is expected within 90 days. The MOU specifies a fixed dollar amount paid by the courts for security of the court buildings. Both the courts and sheriff agree to the fixed amount concept. The fixed amount is based upon the courts ability to pay for bailiff and perimeter security staffing. The Sheriff's Office does not charge the courts for workman's comp and liability insurance costs of its personnel; nor does the Sheriff's Office charge for vehicle expense for the car assigned to the court security unit.

While the MOU is based on a fixed dollar amount, the Sheriff maintains staffing records that are available for the AOC to review employee hours worked and other expenditures.

2F. Finding: Both the Sheriff and Court management agree that security for Departments 7 and 8 needs to be improved. Failure to do so exposes the Court employees and Court clients to unnecessary risk.

2F. Response to Finding: *The respondent disagrees partially with the finding.* While the Sheriff and the Court management may agree that security could be improved, it does not necessarily follow, and the respondent does not agree that failure to do so “exposes the Court employees and Court clients to unnecessary risk”. Further analysis would need to be conducted in order to determine additional security needs.

2R. Recommendation: Immediately relocate the metal detector in Building C to provide screening of both Departments 7 and 8. Install gates to close off court areas when in recess.

2R. Response to Recommendation: *The recommendation requires further analysis.* Staffs in the General Services Department and the Chief Administrative Office will conduct an analysis of security for Department 7, for the purpose of identifying possible alternatives. The analysis should be complete by the end of 2006.

3F. Finding: South Lake Tahoe does not have a holding cell.

3F. Response to Finding: *Respondent agrees with the finding.*

3R. Recommendation: Provide a holding cell in South Lake Tahoe court.

3R. Response to Recommendation: *The recommendation will not be implemented because it is unreasonable.* The South Lake Tahoe Court Building lacks the space or capacity for construction of a holding cell. In addition, the proximity of the courthouse to the jail makes the transfers relatively easy. Officers will continue to escort inmates between jail and court.

4F. Finding: The west slope courts are located in logistically diverse locations, in buildings that are not suited for the issues that a 21st century court must face.

4F. Response to Finding: *Respondent agrees with the finding.*

4R. Recommendations: Aggressively pursue consolidating the west slope courts into a new, single facility, co-located with the county jail. Identify County and State funding required to move forward quickly.

4R. Response to Recommendations: *The recommendation has been implemented.* The county has endorsed consolidating the west slope criminal courts and co-locating with the county jail. The county has identified specific funding for the county’s share of

construction and has aggressively pursued the joint venture with the state. However, beyond the county's control, the state has not funded the project. The project cannot move forward without state funding. The Chief Administrative Officer, the El Dorado County Superior Court, and the State Administrative Office of the Courts are engaged in discussions to resolve court location and space needs with respect to the statutorily requested transfer of court facilities by June 30, 2007.

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EL DORADO COUNTY JAILS/JUVENILE HALLS GJ05-060

Reason for the Report

Per Penal Code §919(b) members of the 2005-2006 Grand Jury inspected the correctional facilities located within the boundaries of the county.

Scope of the Inspection

Members of the Grand Jury made a physical visit to each facility. All accessible areas were toured.

- At the Jails and Juvenile Halls, Managers and Supervisory Staff briefed Grand Jury members on the operations and conducted tours.
- Explanations were given for:
 1. Staffing levels.
 2. Programs in each facility.
 3. Future expansion plans

Background

With the exception of the South Lake Tahoe Juvenile Hall all facilities are aging and, for the most part, are well maintained. (Exceptions noted under findings)

Outside agencies, such as U.S. Marshals, will house prisoners on as needed basis in the County Jails. Alpine County contracts with El Dorado County for jail services.

A contract nurse is on duty and a doctor is on call at all Jail and Juvenile Hall facilities. A contract dentist provides emergency dental care on premises.

Food at all facilities is provided by on premise kitchen staff as well as inmate workers. The menus are varied and provide necessary nutritional value. The facilities are inspected on a regular basis for compliance with applicable health codes. Staff receives periodic training to insure proper food handling.

Facts

1. Employees at each facility are well trained and appear to enjoy their jobs.
2. Supervisory staff at each facility encourages employee participation in resolving problems encountered in the workplace.
3. El Dorado County Jail in Placerville was visited April 3, 2006. No adverse conditions were observed.
4. El Dorado County Juvenile Hall in Placerville was visited March 13, 2006. No adverse conditions were observed.
5. El Dorado County Juvenile Hall in South Lake Tahoe was visited May 4, 2006. No adverse conditions observed.

Findings/Recommendations

1F. Finding: El Dorado County Jail in South Lake Tahoe was visited May 4, 2006. It was noted that the carpet in the control room is frayed.

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

1R. Recommendation: Inspect all carpeted areas and repair/replace as needed.

1R. Response to Recommendation: *The recommendation has not yet been implemented, but will be implemented in the future.* An inspection of all areas that have carpet as a floor covering will be conducted by General Services within the next 60 days. All areas that are in need of repair/replacement will be identified with all work relating to this matter to be completed prior to the end of December 2006.

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DISTRICT ATTORNEY'S OFFICE BUILDING Internal Investigation GJ05-057

Reason for the Report

The Grand Jury visited and inspected buildings in the county that were built prior to 1950.

After inspecting the buildings located at 515 & 525 Main Street in Placerville, it was determined that the Office of the District Attorney, housed at the above addresses, required further attention.

Scope of the Investigation

Members of the Grand Jury toured the District Attorney's Office by appointment on October 13, 2005. We were given a history of the building and briefed on the operations of the District Attorney's office.

People Interviewed:

- District Attorney Personnel
- Court Executive Officer
- Court Operations Managers
- Administrative Personnel
- General Services Personnel

Documents Reviewed:

- Prior Grand Jury Reports regarding the District Attorney's Office Building
- Letters between the Grand Jury and CAL OSHA regarding the condition of the District Attorney's Office Building
- General Service's Interdepartmental Memo
- Board of Supervisor's Agendas, May 22 and June 12, 2001 regarding the District Attorney's Office Building

Background

The building which houses the District Attorney's Office is one of historical significance. It was first built and used as a Post Office.

To enter the District Attorney's Office one must walk up several stairs to the door. There is no sign advising citizens with disabilities how to enter the building. Upon entering the office it is apparent that space is limited and that employees have outgrown the space allotted to them. The aisles are congested with boxes of files. The lighting in the main "support staff" area is dated, yellowed and does not appear to give sufficient light to the employees. Most employees have additional lighting on their desks. Numerous fans throughout the office are used by the personnel to cool and move the stale air.

The basement of the District Attorney's Office at 515 Main Street was flooded on October 9, 2000, resulting in a mold problem; all mold has been removed at great expense. The Board of Supervisors issued an action item in June, 2001 that stated employees could not work permanently in this area. This level is used for storage, a

conference room, a photo enlargement room, IT work area, and a make-shift workout area with shower. There is no elevator to this area. It is dark, damp and the air smells musty.

Clearly this building has served the community well in the past, but it is no longer able to comply to certain codes (i.e. fire sprinklers, ADA) and it would not be wise to spend money to retrofit the building into compliance, or to try to expand office space into the basement.

Facts

1. 515 Main Street is an old building that is of historic significance.
2. There is no sign at the street entrance directing persons with disabilities to enter at the rear of the building.
3. Parking is insufficient for current as well as future needs.
4. The employees of 515 Main Street are allowed to use only the main floor for office space.
5. There is insufficient room for the current staff with no room for growth.
6. Aisles are congested with boxes for storage.
7. Old PC hardware is stored in numerous areas, under desks and on file cabinets.
8. Lighting in the support area is inadequate.
9. Due to the age of the building, overhead fire sprinklers are not legally required; however, there are important, original, irreplaceable documents and evidence that can be destroyed in the event of a fire.
10. As of the date of our inspection fire drills had not occurred, although procedures are in place.
11. Ceiling tiles at the main level are water stained from either current or previous roof leaks.
12. Repairs to the lower level of the office building will not solve the myriad of other significant deficiencies.
13. There is no elevator between floors in the building.
14. The ceiling in conference room in the lower level is peeling and does not appear to have been repaired since the Grand Jury report of 2002/2003 first reported the problem.
15. Mold was visible in the shower and on the shower curtain in the “workout” area.
16. On June 11, 2001, the Board of Supervisors for El Dorado County found that “the basement space is inadequate for the District Attorney’s staff . . . including space needs and inability to fully comply with the requirements of the ADA.”
17. DA Investigators are housed in a separate building, 525 Main Street, creating workplace inefficiencies.

Findings/Recommendations

1F. Finding: The District Attorney and staff have outgrown their office space.

1F. Response to Finding: *The respondent agrees with the finding.* The *Draft 2003 Facilities Space Plan* recommends a space standard of 240 square feet per employee. There are 43.2 full-time equivalent positions assigned to the District Attorney’s Office in

Placerville (excluding the three positions for the Elder Protection Unit, which will be housed in the Human Services building on Briw Road). The recommended space of 10,368 square feet exceeds the 6,700 square feet of office space currently assigned to the District Attorney's Office. (The basement of 515 Main Street has an additional 4,000 square feet that is used for storage, but is not currently usable for office use.)

1R. Recommendation: Relocate the District Attorney and his office staff into one office facility.

1R. Response to Recommendation: *The recommendation requires further analysis.* Although the respondent is in agreement that the District Attorney and staff are in need of additional office space, it may be unreasonable, due to a lack of available space and budget constraints, to expect this entire discipline to vacate these buildings and move to another office facility that would be capable of housing this entire function. Available leased space is limited and constraints on new construction are addressed within the Board of Supervisors response to the report entitled "County Leased Buildings Expenditure". Staff will explore options relative to other space and provide a summary of findings to the Board of Supervisors by December 2006.

2F. Finding: 515 & 525 Main Street are not suitable for any tenancy in their current condition.

2F. Response to Finding: *The respondent disagrees wholly with the finding.* The report has made 17 findings, which have been identified as "Facts." None of these findings would make the building(s) "not suitable for any tenancy in their current condition."

2R. Recommendation: Renovate these buildings if required for future county use.

2R. Response to Recommendation: *The recommendation requires further analysis.* Any renovations to the subject building(s) would be structured around the needs of the Department. General Services staff will explore options relative to other space and provide a summary of findings in December 2006.

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COUNTY LEASED BUILDINGS EXPENDITURE Internal Investigation GJ05-055

Reason for the Report

El Dorado County government offices are housed in both county owned and county leased properties. The County pays over \$2.2 million a year on leased properties. El Dorado County continues to unnecessarily lease, rather than own, facilities for county departments. The County should aggressively replace leased facilities with owned facilities.

Scope of the Investigation

Discussions and Interviews with:

- CAO
- General Services personnel
- Auditor and various personnel
- Members of the Board of Supervisors

Documents Reviewed:

- El Dorado County Leased Facilities, rev. 08-24-05
- Building Rents and Leases Spreadsheet
- General Services Proposed Capital Improvement Plan, rev. 01-30-06
- Rental Expenses: FY05 MS Excel Spreadsheet

Background

El Dorado County spent over \$2.2 million on real estate leases in FY2005.

El Dorado County has grown enormously over the past 10 years and will continue to grow. With growth comes the need to increase county services. New personnel require an expanded as well as a safe and adequate workplace.

County citizens are currently paying tax dollars to lease buildings, when their tax dollars could be going toward buildings the county would eventually own.

The County leases certain office space due to program reimbursements from local, State and Federal Governments. Most county health department offices are in leased facilities. There is a misconception that funding sources would be lost if these departments were housed in county owned buildings.

For the benefit of county residents, a current list of the departments housed in leased facilities is attached to this report.

Facts

1. The County paid the following approximate sums for leasing these facilities in FY2005:
 - a. \$175,000 to house the Department of Transportation in South Lake Tahoe

- b. \$96,000 to house a satellite office to the Building Department in El Dorado Hills
 - c. \$86,000 to lease space for the Probation Department, 471 Pierroz Road, Placerville
 - d. \$79,000 to house the office of the Public Defender in Placerville
 - e. \$68,000 to house the Sheriff's detectives in Diamond Springs
 - f. \$40,000 to house the Department of Transportation in El Dorado Hills
 - g. \$23,900 to lease space for the D.A. Victim Witness/MDIC at 550 Main Street, Placerville
 - h. \$13,755 a year to lease space for a Law Library at 550 Main Street, Placerville
2. Many Governmental health programs will reimburse the County for office space in County owned buildings as well as in County leased buildings.
 3. The County has issued bonds in the past to purchase buildings or land.

Findings/Recommendations

1F. Finding: The County spends in excess of \$2,000,000 per year on real estate leases.

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

1R. Recommendation: The County should purchase land and build facilities for permanent long term use.

1R. Response to Recommendation: *The recommendation has not yet been implemented, but will be implemented in the future.* The County is currently in the process of finalizing land purchases for both the Placerville and South Lake Tahoe Animal Control Facilities. The County is currently negotiating the purchase of both land and a building for the Senior Center at El Dorado Hills. The County is currently reviewing multiple properties, in the area of El Dorado Hills, for a new Sheriff Sub-Station. Multiple properties are currently under review for a new Sheriff Administration Building. The Fiscal Year 2006-07 budget includes appropriations of \$10,240,799 for these projects.

2F. Finding: The County currently builds facilities or acquires property on a cash basis.

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

2R. Recommendation: The County pursue various creative financing options to accelerate acquisition of property and to build facilities, i.e., lease options, land swaps, bonds, lease revenue bonds, County Developer Partnerships, etc.

2R. Response to Recommendation: *The recommendation has been implemented.* The County is currently considering other financing options in an effort to accelerate the construction of additional facilities. In addition to funding facilities on a cash basis, the Department of General Services is working closely with the CAO and County Counsel in

lease/purchase options, and bonds as well as partnerships with the development community.

3F. Finding: It is a misconception by various county officials that the County would lose program reimbursement funds if they were housed in a County owned facility.

3F. Response to Finding: *The respondent disagrees wholly with the finding.* Departments such as Child Support Services receive outside funding dedicated to house this function. An element of their funding would not be available to the County if that function were housed in a County owned facility. From a practical perspective, continuous fluctuations in State funding usually require equivalent adjustments to programs and staffing. Financing buildings to house functions with unpredictable revenue streams carries some risk.

This finding warrants further investigation as is identified in the response to the recommendation to follow. Staff within the Department of General Services will work closely with other County Departments in an effort to analyze program elements to determine the best approach, from a financial standpoint, on owning verses leasing.

3Ra. Recommendation: Analyze program contracts/agreements to determine financial impact of owning verses leasing.

3Ra. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* Staff within General Services will review the existing program contracts and agreements of other Departments that are housed in leased facilities and determine the financial impact of owning verses leasing. This inquiry will be completed by December 2006.

3Rb. Recommendation: Educate senior county managers regarding specific program reimbursement of funds for leased and owned buildings.

3Rb. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The review of the existing program contracts and agreements, as identified within Recommendation 3Ra above will be an educational process for senior county managers. That educational process will be completed by the end of December 2006.

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PLANNING AND BUILDING SERVICES GJ05-050

Executive Summary

The 2005-06 Grand Jury received a citizen's complaint about the planning and building processes used by the new Development Services Department. The complainant wanted the Grand Jury to investigate the Planning and Building Divisions toward the goal of improving overall performance, including customer satisfaction. The following deficiencies were pointed out by the complainant:

- The divisions do not seem to have guidelines or processes in place to help staff identify how long a project will take from application to permit issuance.
- Permit issuance for all projects (residential, discretionary and ministerial) is taking too long.
- There is no consistency as to the information being disseminated; it varies depending on the staff member who is waiting on and/or working with the customer.
- Staff uses personal judgment in the planning processes instead of following applicable rules.
- There are no standardized checklists for customers to use to assist them in the permit process.
- There is a backlog of cases related to the General Plan implementation and the department has no strategy in place to deal with the problem.
- There is no communication between affected department heads to insure the expeditious processing of discretionary projects.
- The County Planning Commission rubber stamps departmental staff decisions instead of setting policy for issues that come under its jurisdiction.
- Staff spends the majority of its time "fighting fires" instead of managing the divisions.
- The department internet website provides incorrect information.
- The planning and building divisions do not provide enough emphasis on customer satisfaction.

After numerous interviews with departmental management, other County staff, members of various county trades and business organizations, county residents, and a thorough review of public records, the Grand Jury decided to write a report.

The Grand Jury found that high expectations have been placed on the department top management to complete the merger of the two separate departments, implement the General Plan, eliminate case backlog, and continue to process new applications, all on a timely basis. Although the new Director has made many positive changes in a short period of time, the fact remains that the divisions do not have sufficient personnel. The divisions have had recruitment problems with Senior Planners and Engineers who are used in the Plan Check process depending on the complexity of the project. The Board has recently approved a new compensation package designed to alleviate this problem and time will tell if the increase is sufficient to entice candidates.

The department has indicated that it does not plan to hire additional personnel due to a decrease in building projects; however, single family dwelling permits are taking eight weeks or longer, discretionary projects are taking six to nine months before they go to public hearing and ministerial projects such as pools, decks and inspection exempt agricultural buildings are taking six weeks. The lack of sufficient and qualified personnel is resulting in very unpopular and unacceptable delays in issuing permits. It results in increased building costs for the County and delays in the implementation of measures under the General Plan since most of the Planners have been on board two years or less. The Grand Jury recommends the hiring of additional plan checkers in the applicable classifications and/or allocating funds for outside consultants.

The Grand Jury recommends more training for personnel to insure consistency in dissemination of information to the customers and to eliminate mistakes made by Building Inspectors on building sites. The Grand Jury also recommends changes to departmental participation in discretionary projects to make sure that the customer is not subject to numerous changes and extra expense.

Additionally, the Grand Jury recommends the establishment of specific performance standards to gauge work completion, customer satisfaction and cost effectiveness. Furthermore, it recommends that Customer Questionnaires be handed out with the final permit and the final building inspection in order to obtain a more complete picture of their performance.

In conducting its investigation, the Grand Jury had great difficulty in obtaining individuals who would speak to the Jury for fear of retaliation by departmental personnel. They had chosen not to speak up before because their livelihood depends on them staying on good terms with departmental staff. The Grand Jury stated that it is the Board of Supervisors who are ultimately responsible for the implementation of the General Plan, and that any retaliation against a customer by staff will be subject to disciplinary action.

Background

The county department, headed by the Director of Development Services, has a budget of \$11,644,579 and 122 allocated positions of which approximately 99 are filled. Under the Director, 3 Deputy Directors oversee the Planning, Building and Administration functions respectively. The Deputy Director-Administration functions as an office manager overseeing such functions as personnel, purchasing, and other administrative duties. The Deputy Director over Building supervises three Branch Managers who are responsible for managing the three Permit Centers located in Placerville, El Dorado Hills and South Lake Tahoe. These Permit Centers are designed to function as a one stop center for plan review, issuance of permits, building code compliance and inspections.

The major responsibilities of the Building Division are to issue building and grading permits for commercial and residential buildings; conduct plan checks and building inspections to insure that plans comply with applicable building codes; and assist the public with building concerns and code enforcement issues.

The Planning Services Division has three distinct functions: current planning, long range planning and special projects. The Current Planning unit is focused on permit and development application processing in conjunction with the Permit Centers. The staff assigned to this function is primarily responsible for processing discretionary development applications, such as land divisions, special use permits and zoning applications including the required California Environmental Quality Act (CEQA) analysis. The Long Range planning unit is responsible for the implementation of the County General Plan and compliance with a variety of State long range planning requirements. The Special Projects unit prepares and oversees the preparation of CEQA documents for County capital improvement projects related to new or expanded facilities such as park projects as well as new County buildings. This unit also participates in the development of plans and administration of regional, State, and Federal endangered species, programs, habitat conservation, and cultural resources management.

The department also has a new Code Enforcement Section with three staff members headed by a Zoning Administrator. This unit enforces violations of the County Code and other related codes and ordinances. Hearings are conducted by the officers related to matters involving safety related or non-permitted items such as illegal business, fire created hazards and substandard or dangerous housing. This section works in conjunction with the Sheriff's Department to enforce the vehicle abatement program.

The department provides staff to the County Planning Commission who is the Board's advisor on land use planning. The Commission has five members, each one appointed by a member of the Board of Supervisors from his/her respective District. The Commission reviews matters related to planning and development. The Commission either approves or denies or makes recommendations to the Board. The Commission meets twice a month.

Scope of the Investigation

People Interviewed

- Member, Board of Supervisors
- County Administrative Officer (CAO)
- Assistant County Counsel
- Director, Department of Development Services (DS) DS Deputy Director - Planning
- DS Deputy Director - Building Official
- DS Deputy Director -Administration
- DS Branch Manager - Placerville Permit Center DS Branch Manger - El Dorado Hills Permit Center DS Principal Planner
- DS Building Inspector
- Chairman, Planning Commission
- Member, Building Industry Advisory Committee (BIAC)
- Housing Standards Program Manager, State Department of Housing and Community Development

- Members of various County trade and business organizations, professional associations, members at large of the building community and county residents

Documents Reviewed

- 2005-2006 Fiscal Year DS Department Budget
- County General Plan adopted by Board of Supervisors on July 19, 2004
County Website on Planning and Building Services
- DS Department Organizational Chart
- Personnel allocation figures for DS Department
- Permit Center Application and Plan Check Review Process Flow Chart Sheet
- Building Fee Funded Activities handout
- Building Services Permit Activity handout (2001-2005)
- Placerville Permit Center Customer Service and Building Inspection Activity (2005) Permit Fee 2006 Current Distribution handout
- DS Year in Review - 2005 and Key Goals for 2006 Building Inspections Checklist Summary
- General Plan Consistency Checklist
- Customer Service Questionnaire
- Class Specifications for Building Inspector, Planner and Engineer Series
- 23 different checklists used by Planning Division for processing development applications
- 2005 Permit Application Packet for Single Family Dwellings in Lake Tahoe Basin Asbestos Dust Mitigation Plan Application
- Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation Information
- California Government Code Sections 818.4 and 818.6 pertaining to Liability of Public Entities and Public Employees
- “Slow Growth Proves Costly- Problems Mount in Santa Barbara”- Sacramento Bee, March 27, 2006

Facts

1. The County approved a new General Plan in July 19, 2004 to comply with the Writ of Mandate issued by the Court on July 19, 1999 directing the County to correct deficiencies in its original approval of the 1996 General Plan. In August 31, 2005, the Sacramento Superior Court ruled that the County had successfully addressed each of the issues raised in the writ. The writ was lifted and on October 3, 2005 and the County began accepting new applications that previously were prohibited under the writ.
2. That court ruling was appealed to the State Appellate Court in late fall 2005 and until the court ruled on that appeal, the County continued processing development applications under the 2004 General Plan. However, the County continued to exercise caution in the interpretation and implementation of the General Plan while they waited for final adjudication.

3. On April 18, 2006, the County and the El Dorado County Taxpayers for Quality Growth reached an agreement that settled the litigation. Under the settlement agreement, the petitioner agreed to drop its appeal and the County waived its claim for attorney's fees (\$21,000) and agreed to maintain the current interpretation of the General Plan Policy related to oak woodland habitat.
4. The current Director, hired in January, 2005, was assigned the tasks of completing the merger of the then existing Planning and Building Departments and the implementation of the newly adopted General Plan. Additionally, he inherited a backlog of 64 development projects waiting for the writ to be lifted and 1,500 open code enforcement cases. 30 new cases of code enforcement violations are received each month. The department also processes over 6,000 permits a year of which over 1,500 are for new dwellings. In 2005, over 39,000 inspection stops were conducted, and close to 24,000 individual customers were served from the Placerville office alone.
5. During 2005, the new Director was able to achieve major changes in the department such as:
 - a. Created Branch Manager positions to oversee planning and building functions in each Permit Center
 - b. Recruited six Planning staff to support Permit Center functions
 - c. Reorganized building Plan check responsibilities
 - c. Established a New Case review process for all new major planning projects
 - d. Re-established "Express plan check" for certain categories of permits
 - e. Implemented a new General Plan consistency checklist for all new projects
 - f. Obtained contracts for "as needed" planning services to handle increased workload while recruitment of senior level Planners and Engineers, was underway
 - g. Issued a request for proposals to planning and environmental services firms to establish a list of "on call" consultants to assist with priority projects.
 - h. Prepared a revised Grading Ordinance
 - i. Created a Code Enforcement and Vehicle Abatement Hearing Officer position
 - j. Established a tracking system by which all permit applications will be monitored by staff to identify and reduce delays in the permit process
 - k. Implemented a Building Information Counter Log where by all planning related calls received will be returned on the same day or the day after.
6. The 2004 General Plan provides for long range direction and policy for the use of land within the County (El Dorado Forest comprises 57% of the County's land base).The General Plan relies upon measures identified in each element that implements the policies. Modification of the measures requires amendment of the General Plan. There are nine elements in the General Plan (land; transportation; housing; public services and utilities; health, safety and noise element; conservation and open space; agriculture and forestry; parks and recreation; and

- economic development).The land use element alone has 15 measures, many of them with multiple implementation requirements and a significant number of them have a one to two year implementation timetable.
7. Each year the 2,000 to 3,000 permit applications filed require a full plan check. During the Plan Check process the plans are reviewed by building inspectors, planners and/ or engineers (otherwise known as plan checkers) depending on the size and complexity of the project. The plans are reviewed for consistency with planning, grading and building ordinances and codes. Under the new General Plan, any structure over 120 square feet must be reviewed for consistency with the General Plan.
 8. The Planning Division currently has one Principal Planner assigned to General Plan implementation. In addition, there are one Principal Planner, four Senior Planners and six Assistant Planners assigned to current planning functions and one Principal Planner assigned to special projects. Tentative maps, parcel maps and subdivision maps have not been done by the department in six years and there is no one in the staff, with few exceptions, that know how to do it. The majority of the planning staff has been on board for two years or less. Several amendments to the Zoning Code have created interpretation conflicts. Agricultural setbacks have become confusing. The review and update of the Design Standards Manual, adopted in 1986 and last amended in 1990, is a top priority under the General Plan and no one has been assigned to that project.
 9. Management staff has indicated that they could keep five Planners occupied fulltime for the next five years implementing the General Plan.
 10. The department has been unsuccessful in filling four vacancies at the Senior and Principal Planner classifications, and three at the Senior Engineer level. The latter three are needed in the in the Building Division; one in grading plan review and two in plan check. Management indicates that salary and retirement benefits are not competitive with surrounding jurisdictions. Top management believes that a 15% salary increase would be more competitive as well as changes in retirement benefits (employees picking up the additional cost).
 11. On April 25, 2006 the Board of Supervisors approved three new recruitment tools to entice new employees: a five percent increase in salary for Senior Planners and Civil Engineers, a six thousand dollar signing bonus for “hard to recruit” classifications, and up to five thousand dollar moving allowance with a two year minimum stay on the job if the new employee takes the moving allowance.
 12. 180 building inspections are conducted each work day by approximately 25 inspectors. The Development Services Department is mandated by law to enforce minimum construction and equipment standards and codes to protect life, limb, health, property and public welfare. The inspector’s responsibilities do not include review of quality of workmanship by the contractor. The majority of the Inspectors are hired at the II level. Senior Building Inspectors are assigned to non - residential projects. Building Inspectors are rotated every 6 months. Employees are required to have a minimum of one certification (building inspection) but they perform all types of inspections including, electrical, mechanical and plumbing. Time of inspections varies from 15 minutes to 45 depending on the type of inspection (foundation and framing taking longer).

13. Under California Government Code 818.6, the County itself is immune from liability not only for negligence in failing to make an inspection but for negligence in the inspection itself.
14. In 1999 there were 15 people assigned to the Building Department Customer Counter in the Placerville location, including staff members from the Planning, Environmental Management (EM) and Transportation (DOT) departments. That number has been reduced to five with no representation from either Environmental Management or DOT.
15. In 2005 \$150,000 in contract planning services were spent to expedite plan check review, priority been given to employment generated commercial projects.
16. The Department is requesting an allocation of \$1 million in the 2006-07 budget for contract planning services for General Plan implementation. Management expects that this amount will cover implementation of some measures, such as floor area ratio, Option B under tree canopy retention and upgrade and construction work on Missouri Flat Road.
17. By state law the Department cannot profit from the building fees that it charges. Without any additional monies from the General Fund, the Department must raise fees to fund new positions.
18. In the 2005-2006 budget, the department identified several key issues to work on such as:
 - a. The relocation of the Courts from the main floor of Building C to allow full implementation of the Placerville Permit Center with permit service participation from the Departments of Transportation (DOT) and Environmental Management.
 - b. The commercial grading function currently with DOT to transfer to Development Services in July, 2005.
 - c. Reducing plan review times to 30 days or less on a consistent basis since the times had reached seven weeks due to high activity levels. The department stated that with the lifting of the writ and continued build-out of approved projects in El Dorado Hills, it expected an increase in development activity with a commensurate increase on both plan check and building inspection services.

None of the above identified key issues have been implemented as of the writing of this report (May, 2006).

19. Management has indicated that it does not plan to ask the Board of Supervisors to fund its full allocation of positions beyond the key Planners and Engineer's positions because the current workload does not justify it.

Findings/Recommendations

1F. Finding: High expectations have been placed on the department top management by the Board of Supervisors, the building community at large and the residents of the county to complete the merger, implement the County General Plan, eliminate the backlog of all cases and continue to process new projects and permits, all in a timely basis. Even though the new Director has made many positive changes in such a short period of time, the fact

is that the department does not have sufficient personnel, neither in the Planning Services Division nor in the Permit Centers, to accomplish all that it's been requested to do without significant and unpopular delays. Discretionary projects are currently taking 6-9 months to get ready before going to public hearing. Instead of spending \$1 million in outside planning services, the County could hire three Senior Planners at a cost of \$300-350,000, saving the County between \$700,000 and \$650,000. Unfilled vacancies causes delays in the processing of construction projects further increasing building costs to the County.

1F. Response to Finding: *The respondent disagrees partially with the finding.* The \$1,000,000 cited is for specialized consulting services, such as preparation of Environmental Impact Reports, preparation of the Oak Woodland Management Plan, Design Guidelines/Streetscape Standards for the Missouri Flat Corridor, which cannot be performed by County staff. The Department has a separate contract with an outside consulting firm (PMC) to provide as needed contract planner services until all of the vacant positions in Planning Services are filled. These contract planners are also available to handle short term increases in project activity or provide expedited application processing. These contract planner services are generally reimbursable by applicants on a time and materials basis at the same rate that an applicant would pay for planning services provided by County staff.

The Department has sufficient positions allocated by the Board at this time to carry out our mission. Our primary concern has been filling these positions. Due to a disparity in salary and benefits for key positions compared to many nearby agencies, the Department has experienced difficulties in filling senior level engineering and planning positions. We are hopeful that recent action by the Board of Supervisors to increase salaries for these positions by 5% and provide for a \$6,000 signing bonus for "hard to fill" positions will improve recruitment prospects.

1R. Recommendation: The hiring and retention of new employees in the Senior Planner and Engineer classifications must be monitored closely and further changes in compensation shall be explored if current salary and benefits do not produced desired results.

1R. Response to Recommendation: *The recommendation has been implemented.* Recent improvements in salary as well as incentives such as the \$6,000 signing bonus and the up to \$5,000 relocation reimbursement have resulted in our filling all but one vacant Senior Planner position. Two of the Department's 5 engineering positions remain vacant at this time due to lack of qualified candidates. Should we encounter future recruitment challenges, compensation and benefits will be explored at that time.

2Fa. Finding: Departmental staff has set a standard of issuing single family dwelling permits within four weeks and express plan check permits (pools, garages, decks, etc.) over the counter on the same day, but that is not the norm. The lack of sufficient plan checkers is causing delays of up to eight weeks and three weeks, respectively. Many

builders and homeowners choose the third party plan check option, at an additional cost, to minimize delays.

2Fa. Response to Finding: *The Respondent disagrees partially with the finding.* This finding states that staff has set a standard of issuing “express plan check permits (pools, garages, decks, etc.) over the counter on the same day.” The current standard is to have Express Permits ready for issuance within 10 working days. Except for single trade permits (such as re-roofs, water heater replacements, electrical service changes, etc.), no Express permits are issued over the counter. The Department has set a goal of completing the initial plan review for single family dwellings within 4 weeks of submittal. It is not possible to guarantee issuance of a single family dwelling permit within 4 weeks because the Department does not control the amount of time taken by the applicant to respond to plan check corrections, and the Department has no control over the quality of plan submittals.

This finding does not take into account the fact that incomplete or inaccurate plans are often initially submitted by permit applicants. Also, plans that are complete may have to be revised by the applicant in order to conform to a zoning ordinance, building code or General Plan requirement. A recent Department review of plan review response times for all non-residential permits (express and non-express) processed in the El Dorado Hills/Cameron Park area between May 1, 2005 and April 30, 2006 provides some useful insights to consider:

General Data:

Total Non-Residential Applications Submitted: 324
Non-Residential Permits Issued: 225
Non-Residential Permit Applications currently under review: 86
Non-Residential Permit Applications voided by DSD: 5
Non-Residential Permit Applications withdrawn by applicant: 8

Time from Application to Issuance (225 total permits):

0 to 7 days:	68 permits	30%
8 to 30 days:	55 permits	24%
31 to 60 days:	56 permits	25%
60 to 90 days:	21 permits	9%
> 90 days:	25 permits	12%

A sample of approximately 10% of the 225 issued permits was reviewed to determine how much time the project was under review by the Department versus how much time the plans were under revision by the applicant. On average, for the selected sample, approximately 50% of the total time from submittal to issuance was spent by the Department reviewing and processing the permit and approximately 50% of the time was spent by the applicant and/or the applicant’s design professionals responding to requests for additional information or revised plans necessary to assure compliance with

applicable codes and ordinances. The Department has no control over the amount of time spent by the applicant to revise plans and/or provide additional information.

2Fb. Finding: Additionally, because all structures over 120 square feet have to be reviewed for consistency with the General Plan, the consistency standards being applied to single dwelling residences and other ministerial projects are those established for discretionary projects, creating further delays.

2Fb. Response to Finding: *The Respondent agrees with the finding.* This is a requirement of the General Plan and the additional review required for ministerial projects does require additional time. The Department has attempted to streamline the additional review required by providing an automated General Plan Consistency Checklist on the Department web page to facilitate the review process.

2Ra. Recommendation: Develop new General Plan consistency standards for single family dwellings and other ministerial projects in order to reduce the time in issuing permits.

2Ra. Response to Recommendation: *The recommendation will not be implemented because it is not warranted.* This recommendation suggests that separate “consistency standards” for ministerial and discretionary projects be developed. Separate standards are not currently possible as the policies of the General Plan apply equally to ministerial and discretionary projects. An amendment to the General Plan by the County Board of Supervisors would be required to provide for different standards of consistency. The potential environmental impacts of any amendment to the General Plan would need to be reviewed as required under the California Environmental Quality Act. The Department is working with the Planning Commission to establish guidelines for interpreting key General Plan policies to improve consistency and efficiency in permit processing. The Commission has currently approved guidelines relating to development on slopes, agricultural setbacks and stream/creek setbacks. Additional guidelines relating to oak tree protection/mitigation are in the process of being prepared for Commission consideration.

2Rb. Recommendation: Hire additional plan checkers, in the applicable classifications, to insure the 30 day or less plan review time for residential permits and one day for express plan check permits.

2Rb. Response to Recommendation: *The recommendation will not be implemented because it is not warranted.* Hiring additional plan checkers would certainly reduce average plan check time for Express permit applications. However, it could not be assured that all Express plan checks would be completed in one day. This is because many permit applications contain inaccurate or inadequate information that requires revisions to be made by project applicants. The length of time that an applicant takes to revise their plans/application is outside of the control of the Department. The Department is implementing performance measures and performance monitoring to track plan review times and measure the rate of success in achieving Department performance

goals. This data will be reviewed on an ongoing basis to determine if changes to staffing levels are warranted. The Department is also cross training inspectors to make them available for plan check when needed. Plan checkers and Plan check engineering positions have been among the most difficult to fill when vacancies arise due to lack of competitive salaries and benefits for these positions compared to other nearby agencies.

3F. Finding: The merger of the two departments (Planning and Building) into the new Development Services Department has resulted in the hiring of new personnel and the reassignment of some existing employees. Implementation of the General Plan and revision of codes and ordinances continue to generate regular changes that staff must assimilate in order to provide accurate information to the public. In some cases, this has resulted in wrong information being issued and different information being provided by different staff members. This causes frustration and costly changes on the part of the public and results in negative publicity for the department. Furthermore, applicants still need to go to other departments (Department of Transportation and Environmental Management) after receiving their permit to seek their respective approval.

3F. Response to Finding: *The Respondent disagrees partially with the finding.* The last sentence in this finding implies that the review of a project by other departments only occurs after the review by Development Services. This is incorrect as the other departments generally review the submitted applications concurrently with DSD review. It is correct that many personnel changes have occurred during the past 14 months as part of establishing the new combined department. During this period, 85 changes in personnel have occurred (hires, resignations, separations, promotions, re-assignments). Training is one of the top priorities in the Department to help assimilate new staff and reassigned staff into the Department.

3Ra. Recommendation: The regular weekly meetings being held by the Director with other top management should be held on an ongoing basis. These meetings are designed to insure consistency in the interpretation of the General Plan, codes and ordinances. Additionally, the assignment of one Principal Planner to the Permit Centers as a central point to answer difficult planning questions for non-discretionary projects is a step in the right direction.

3Ra. Response to Recommendation: *This recommendation has been implemented.* The Director holds weekly meetings with key management staff to address operational issues in the Department.

3Rb. Recommendation: Expand the length and/or frequency of the one-hour weekly training sessions held for the Development Technicians and other counter personnel to insure consistency in the dissemination of information.

3Rb. Response to Recommendation: *This recommendation has been implemented.* Permit Center staff have weekly staff meetings on Wednesday mornings to conduct training and review operational issues.

3Rc. Recommendation: Efforts to move the Courts out of the Placerville office should be expedited so Development Services can complete its plans to absorb the other building and planning related functions of Department of Transportation and Environmental Management such as transportation planning, commercial grading permits sewer, wells, septic, demolition and waste recycle.

3Rc. Response to Recommendation: *This recommendation has not been implemented, but will be implemented in the future.*

Courts functions within building C are currently located on two floors. Their occupancy on the second floor consists of partial use of the Planning Commission Meeting Room that serves as a courtroom for traffic court, fine payment counter, administrative offices and filing space. Primary functions on the first floor consist of a court room (Department 7), the support staff offices for that court and holding cells.

Efforts to move all Courts functions from Building C are part of a component of the overall negotiation process between the County, the local Courts and the State Administration of Courts (AOC). Discussions with the State AOC are focused on possibility of constructing a new facility that would house all Building C Court functions. In an effort to provide immediate relief to a portion of the space needs of Development Services, the relocation of courts has been planned in two phases. The first phase would consist of a move of the administrative component of courts from the second floor to the first floor, thus providing additional space within the area of Development Services. Under this plan, the area used for payment of fines and use of the Planning Commission Meeting Room would remain the same. This move is currently scheduled to occur in early 2007. The second phase would consist of moving the entire court function from Building C. This plan is contingent upon the completion of negotiations with the Courts to move and construct a new facility.

3Rd. Recommendation: Institute an inside Learning Academy to provide a structured training program in both technical and customer oriented areas.

3Rd. Response to Recommendation: *The recommendation has been implemented.*

The Learning Academy, a PowerPoint based training curriculum, has been in development for several months. It is hoped that the first phase, new employee training, can be underway in the second quarter of this fiscal year. It is designed with modules for the various disciplines of the department and can be either “taught” to a group/individual or reviewed privately. It is the goal of the Learning Academy to provide comprehensive and consistent information to all employees, rookies and veterans alike.

4F. Finding: The Technical Advisory Committee (TAC) comprised of representatives from various departments (DS, Environmental Health, DOT) is used by the Planning staff to review all discretionary projects with each applicant. TAC meetings are scheduled for Monday afternoons to review pending projects. The problems with TAC are numerous: the departments do not provide their input in a timely manner; department representatives either don’t show up or send a different representative to each meeting; the

representatives have no authority to speak for the department thereby resulting in multiple and costly changes for the applicant; Planning lacks the authority to require other department's attendance; decisions communicated over the phone lack documentation; and there is no designated Chairman. Often outside agencies, such as EID and fire districts, do not provide input on a timely fashion. And sometimes, the Planning Services Division fails to contact affected agencies (both outside and inside agencies, such as the Agricultural Commission) and issues permits without the proper authorization. Again, delays result in frustrated customers, agencies and increase costs to the applicants.

4F. Response to Finding: *The Respondent disagrees partially with the Finding.* The TAC is not directly involved in the issuance of permits. It is an advisory body that provides feedback to applicants and the project planner primarily related to discretionary development projects. Planning Services does not issue building permits. Building permits are issued by our Permit Centers which are part of our Building Services Division. Planners who work in the permit centers complete planning reviews of building permit applications. Building permits are not issued until all agencies with review/approval authority have signed off on the permit issuance in the County's Land Management Information System (LMIS). The Department processes over 6000 permits per year and occasionally errors are made in permit issuance; however, this is clearly the exception.

4R. Recommendation: Departmental representatives assigned to TAC must have the authority to speak for the department. All changes requested from the applicants must be put in writing and signed by all affected departments and outside agencies. Additional changes should not be permitted except for extraordinary circumstances.

4R. Response to Recommendation: *The recommendation has not been implemented, but will be implemented in the future.* However, the Department does not currently have the authority to direct staff from other Departments involved in the TAC. We are working closely with other County Departments to improve coordination and effectiveness of the TAC review process. It is a major priority for the Department. The CAO is also engaged in discussions among the various departments and agencies. The CAO will provide a status report to the Board of Supervisors in December 2006.

5F. Finding: The Department lacks comprehensive performance standards by which they can measure customer satisfaction. As an example, the staff assigned to the Current Planning unit has a 30 day limit for internal review of projects and distribution of plans to other affected agencies (i.e. EM, DOT, school district, fire district, etc.). Beyond the 30 day limit, there is no other Performance standard that addresses work completion. The department has a Customer Service Questionnaire that is found on their website but it is not found in all their Permit Center counters. If available and completed at the counter, the department is only measuring customer satisfaction for services performed in only one small segment of the process.

5F. Response to Finding: *The Respondent disagrees partially with this finding.* This finding states that staff “has a 30-day limit for internal review of projects and distribution of plans to other affected agencies.” By State law, staff has 30 days after submittal of a discretionary permit application to review the materials provided and determine if they constitute a “complete” informational package adequate for processing. Staff’s review and analysis of the submitted application generally occurs for several months after application submittal and prior to the decision-maker hearing. Staff coordinates with other departments and agencies in the completeness determination.

5Ra. Recommendation: Develop appropriate and specific performance standards for each division to gauge work completion, customer satisfaction and cost effectiveness. Revise existing Customer Service Questionnaire to reflect new performance standards.

5Ra. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The department anticipates full implementation of this recommendation by the end of this calendar year.

5Rb. Recommendation: Enclose a Customer Service Questionnaire with the issuance of all aspects of the permit review and issuance process.

5Rb. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The department anticipates full implementation of this recommendation by the end of this calendar year.

5Rc. Recommendation: Make Questionnaires available in visible locations at all Permit Centers.

5Rc. Response to Recommendation: *The recommendation has been implemented.*

5Rd. Recommendation: Questionnaires and return envelopes should be handed out to the contractor or owner/builder after final inspection.

5Rd. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The department anticipates full implementation of this recommendation by the end of this calendar year.

5Re. Recommendation: Questionnaires should be reviewed and discussed on a regular basis by the Department Director and other top managers.

5Re. Response to Recommendation: *The recommendation has been implemented.*

6F. Finding: The Department processes requests for building inspections on a timely basis. However, there is a departmental attitude toward the role of the Building inspectors as “just spotcheckers” that conveys superficial and unsafe inspections and makes homeowners, contractors and builders question the purpose of the inspections. Furthermore, some Building Inspectors have provided wrong information related to

building code requirements and have had to be corrected by the contractor. Some of these inspectors were training junior inspectors which further exacerbate the problem.

6F. Response to Finding: *The Respondent disagrees wholly with the finding.* Building inspections conducted by the department are not “spot checks” but code compliance evaluations of numerous specific aspects of a building’s construction. Inspections are scheduled by the contractor when a particular portion of a building is ready for inspection. These inspections assure that buildings erected under permit meet the minimum safety standards specified in the Building Code. The importance of the inspections is recognized by all department staff as well as landowners. The Building Inspectors do not direct, or provide oversight of, contractors in the quality of workmanship exhibited during construction.

It is certainly possible that an inspector may occasionally provide incorrect information. Through training and appropriate oversight/supervision, such occurrences should be infrequent.

6Ra. Recommendation: Top management needs to change its attitude as to the role of Building Inspectors and educate the employees and the public as to the seriousness of the inspections.

6Ra. Response to Recommendation: This response must be split into two parts, as the stated recommendation includes two recommendations:

- **“Top management needs to change its attitude as to the role of Building Inspectors...”:** *The recommendation will not be implemented because it is not warranted.* The department’s view of the role of the Building Inspector is articulated in the response to Finding 6F. This view, that Building Inspectors are code compliance evaluators, is appropriate and does not need to be changed.
- **“Top management needs to...educate the employees and the public as to the seriousness of the inspections”:** *The recommendation has been implemented.* The respondent agrees that continuing education of the public and employees is beneficial and necessary, and has made education a priority.

6Rb. Recommendation: Assign a Senior Building Inspector to provide periodic in-house training for all inspectors to insure current and consistent application of building codes.

6Rb. Response to Recommendation: *The recommendation has been implemented.* Each permit center office (El Dorado Hills, Placerville and South Lake Tahoe) now has a branch manager responsible for operations and training.

7F. Finding: The website needs revisions to make it more user friendly.

7F. Response to Finding: *The Respondent disagrees partially with the finding.* The website is constantly examined for improvements and additions. An internal web team was established specifically for this purpose.

7Ra. Recommendation: Include an organizational chart of the department with names, telephone numbers and fax numbers of key contacts.

7Ra. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The department anticipates full implementation of this recommendation by the end of this calendar year.

7Rb. Recommendation: Include a statement on the mission and vision of the department to inform the user of the department's responsibilities.

7Rb. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The department anticipates full implementation of this recommendation by the end of this calendar year.

7Rc. Recommendation: Make it a top priority for the public to be able to get a permit and pay fees on line.

7Rc. Response to Recommendation: *The recommendation requires further analysis.* Department staff is meeting with the Treasurer Tax Collector to examine options. This service was previously offered but discontinued due to costs to the County and applicant.

8F. Finding: The Planning Commission meets twice a month during daytime hours. Sometimes agenda items are rescheduled due to additional requests of information by either commissioners, departments and/or the public. This results in wasted time and frustration on the part of the applicants.

8F. Response to Finding: *The respondent disagrees partially with the finding.* Requests for information cannot always be anticipated as they often arise from comments made by the public during hearings on the project.

8Ra. Recommendation: Management agrees that it needs to work closer with the Commission in anticipating their needs. Periodic workshops between county staff and Commissioners should be held to better define the role of the Commission.

8Ra. Response to Recommendation: *The recommendation has not yet been implemented but will be implemented in the future.* The Director will conduct a workshop with the Planning Commission within the next twelve months to discuss staff support for the Commission.

8Rb. Recommendation: Standardize as much as possible the review process for discretionary projects so as to preclude "re-inventing the wheel" with every project.

8Rb. Response to Recommendation: *The recommendation has been implemented.* The Department has been working toward the goal of streamlining the review process and improving consistency in implementation of County rules, regulations and procedures.

8Rc. Recommendation: Timely and written responses by affected departments and outside agencies should be required to expedite the review process.

8Rc. Response to Recommendation: *The recommendation has not yet been implemented, but will be implemented in the future.* While the Department does not control the timing and quality of responses/comments provided by other agencies in the review process, it continues to improve inter-agency coordination through the TAC process as discussed in more detail above. The CAO is also engaged in discussions among the various departments and agencies. The CAO will provide a status report to the Board of Supervisors in December 2006.

8Rd. Recommendation: Planning Commission should meet during evening hours, such as once a quarter, to obtain additional public input as it pertains to the implementation of the County General Plan, code and ordinance changes and other land use policies. The value of the additional public input surpasses that of any overtime payment required for county staff (only the clerical staff would be subject to overtime payment).

8Rd. Response to Recommendation: *The recommendation requires further analysis.* The Department will consult with the Planning Commission regarding this matter before the end of this calendar year. Meeting dates/times are within the purview of the Commission. Staff and the Commission have periodically conducted hearings in the evening hours when additional input from the public is sought in order to provide the public with various opportunities to express its views on matters before the Commission.

9F. Finding: The Grand Jury had great difficulty in obtaining individuals in the community (developers, builders, contractors, members of trade organizations, etc.), who would speak to the Grand Jury as to their experiences for fear of future retaliation by DS planning and building staff. A number of them expressed concern as to the hiring of personnel who, according to them, came from slow growth or no-growth counties and were applying their individual interpretation to the new General Plan. Those who came forward stated that they have chosen not to speak out in the past because their livelihoods depend on keeping on good terms with departmental staff so that their building and planning projects are processed in a timely manner. Their experiences were specific to the new department and did not involve any other county department.

9F. Response to Finding: *The Respondent disagrees wholly with the finding.* The Department has not received any specific information to substantiate that customers are reluctant to engage the Department due to fears of retaliation. The Department recently held an Open House to provide an opportunity for the public to meet staff, receive information, and ask questions. The Open House was attended by more than 60 members of the public. Interpretations of the General Plan are the purview of the Board of

Supervisors, Planning Commission and Department Head. Individual staff members implement the direction from these entities regarding interpretation of the General Plan. Any member of the public who has concerns about a staff interpretation should raise those concerns with the Department Head.

9Ra. Recommendation: The Board of Supervisors is ultimately responsible for the implementation of the General Plan by providing leadership and direction to all parties involved. The Board should it make very clear to all departmental personnel that any retaliation by any employee against a customer will not be tolerated, and he/she will be subject to disciplinary action.

9Ra. Response to Recommendation: *The recommendation has been implemented.* The Board of Supervisors and its departments do not tolerate retaliation of any form by any employee against a customer.

9Rb. Recommendation: The Department should convene the Building Industry Advisory Committee (BIAC), whose members are appointed by the Board of Supervisors, on a more regular basis, quarterly or as needed, to seek input not just on building matters but also on planning issues.

9Rb. Response to Recommendation: *The recommendation has been implemented.* The past practice of the Building Department was to convene the BIAC at least once per year. At the last BIAC meeting in June, the Director requested feedback from BIAC regarding meeting frequency. As a result, quarterly meetings are being scheduled. The Director previously discussed expanding the scope of the BIAC to look at planning as well as building issues and received concurrence from BIAC that they concur. The Department will be working with the Board of Supervisors over the next 12 months to determine if the Board would like to change/expand the membership of the BIAC in light of its expanding scope.

9Rc. Recommendation: The Department should hold periodic workshops with professional and trade organizations and the public at large to seek public input on issues of interest before they are acted upon by departmental staff.

9Rc. Response to Recommendation: *The recommendation has been implemented.* Numerous workshops, meetings and contacts are made with professional and trade organizations and the public on a regular basis.

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Miscellaneous Comments/Corrections:

Page 35, 1st paragraph: **Response:** The description of the responsibilities of the “Building Division” is inaccurate in that it does not include the work of the Permit Center planning staff in the evaluation of ministerial projects for conformance with Zoning Ordinance requirements and policies of the General Plan.

Page 35, 2nd paragraph: **Response:** This paragraph incorrectly lists “permit and development application processing in conjunction with the Permit Centers” as a function of the Planning Services Division. This function is performed by the Building Division.

Page 35, 3rd paragraph: This paragraph describes the Code Enforcement Section as headed by “a Zoning Administrator.” **Response:** This is incorrect as the Code Enforcement Section is supervised by the Deputy Director-Building Official.

Page 35 “The department also has a new Code Enforcement Section with three staff members headed by a Zoning Administrator.” This statement is not accurate. There are currently 2 code enforcement officers and two support staff in the Code Enforcement Unit. One of the code enforcement officers supervises the unit.

Page 37, Item 4: The last sentence appears to imply that 24,000 of the 39,000 inspection stops were conducted out of the Placerville office. The “24,000 individual customers” cited here refers to individuals assisted by the Placerville office staff and is separate from the citizens who received inspection services.

Page 38, Item 7: Response: This item states that “2,000 to 3,000 permit applications filed require a full plan check.” This is misleading in that each of the approximately 6,000 applications received annually are given a “full” plan check commensurate with the complexity of the proposal.

Page 38, Item 8: Provided below are responses to several statements of fact included in this item:

Statement	Response
“...subdivision maps have not been done by the department in six years and there is no one on staff, with few exceptions, that know how to do it.”	The department has at least seven very experienced planners familiar with subdivision map processing. These seven include four individuals who worked many years for the County prior to the recent moratorium.
“Agricultural setbacks have become confusing.”	Our department agrees that the setback requirements specified in the existing Title 17 Zoning Ordinance can be confusing. These requirements, however, have been superseded by simpler standards included

	in the new General Plan. In June 2006, the Planning Commission adopted Interpretive Guidelines that assure consistent application of these new setback standards.
“The review and update of the Design Standards Manual...is a top priority...and no one has been assigned to the project.”	The Department of Transportation is working on the update of the Design Standards Manual. Development Services staff will be assisting as needed.

Page 38, Item 11. “...a five percent increase in salary for Senior Planners and Civil Engineers...” should read Senior Civil Engineers

Page 38, Item 12: **Response:** Up to 180 building inspections are conducted each workday by 15 inspectors, not 25 as indicated in the report. Some staff members with the title of Building Inspector serve solely as plans examiners. Note that Building Inspector assignments in the EDH office are rotated once per year.

Page 39, Item 14. “In 1999 there were 15 people assigned to the Building Department Customer Counter in Placerville location, including staff members from Planning, Environmental Management (EM) and Transportation (DOT) departments. That number has been reduced to five with no representation from either Environmental Management or DOT.” There are 16 staff assigned either directly to the customer counter or who support counter/permit review and issuance activities in the Placerville office. In addition, there are also two DOT employees assigned to the counter. EM staff are not currently stationed at the counter but are available upon request from their office on the second floor. The Department does not have any additional office/counter space available on the first floor until the planned relocation of portions of the Court operations is completed later this year. At that time, the Department has plans to remodel the front lobby/counter area and to provide space for additional staff from EM to support permit center operations.

Page 39, Item 18b: **Response:** The commercial grading permit review function has been transferred to Development Services from DOT as of July 1, 2006.

Page 39, Item 19. “Management has indicated that it does not plan to ask the Board of Supervisors to fund its full allocation of positions beyond the key Planners and Engineer’s positions because the current workload does not justify it.” All Department staff allocations are fully funded. All vacancies are not yet filled for various reasons, including lack of qualified candidates or because workload does not warrant filling the positions at this time.