

FOREWARD

Just what is the Grand Jury, who are its members, and what are their functions? William J. Shaw and Noah Weinstein in their article, Grand Jury Reports – A Safeguard of Democracy, describe a Grand Jury as “a short-lived, representative, non-political body of citizens functioning without hope of personal aggrandizement. It [the Grand Jury] comes from the citizens at large and soon disappears into anonymity without individual recognition or personal reward.” In El Dorado County this is a group of 19 citizens who have the ability, time and willingness to serve the citizens of the County for a period of one year.

The requirements for service are basic and designed to allow and encourage maximum participation by the County’s citizens. A juror must be 18 years old, a United States citizen, and a resident of El Dorado County for at least one-year on the date they are sworn to service. The candidate for juror must also possess natural faculties of ordinary intelligence, sound judgment, and fair character.

Service on the Grand Jury is an act of citizenship. Individuals selected for the Grand Jury should expect to work a minimum of three six-hour days per week throughout their year of service. Remuneration for service was paid at the rate of \$10.00 per day, however, effective July 1, 2002 will be paid \$15.00 for those days actually worked. Mileage driven for grand jury business is currently reimbursed at the rate paid to all county employees.

The Grand Jury essentially serves as the agency of civilian oversight for our local government. The common public perception of the Grand Jury is a body taking testimony and handing down Criminal Indictments. In reality, the principal functions of the Grand Jury are civil in nature. Some duties, such as the inspections of public prisons, are required by law to be performed on a yearly basis. The majority of the Grand Jury’s inquiries, however, are the result of its own internal direction. Generally, the Grand Jury audits local government processes, expenditures, and the actions of its officials. Practically speaking, a grand jury primarily responds to complaints brought to it by citizens of the County, to issues of concern and public debate as publicized in the local media, and to other issues exposed during the investigation of complaints.

During the course of its inquiries, members of the Grand Jury not only will find conditions and practices within government that deserve recommendations for improvement, they also will encounter examples of excellent service performed by units or persons in local government. Grand Juries by their very design are intended to identify and recommend improvement of deficiencies within government; as such, reports of the Grand Jury tend to be viewed as negative in nature. It would be unfair, however, for the Report of the Grand Jury to focus on the negative without recognizing outstanding performance within government. In that light, this Report also contains commendations for those persons, encountered by members of the Grand Jury, who were noted to have performed exemplary service for the County.

At the conclusion of its investigations the Grand Jury may issue an indictment, an accusation, and/or a report. The year-end Report of the Grand Jury is a compilation of investigative reports complete with recommendations for change that are intended to improve the operations of government and so better serve the citizens of this County. Grand Juries have no power to impose their recommendations on local government. Grand Juries cannot enforce their recommendations; they merely have the ability to “shine a light” on the facts uncovered by their inquiries, thus bringing matters to the public’s attention. The Report then provides a vehicle for public debate. It is a matter for the public to decide whether the recommendations of the Grand Jury are appropriate, and whether actions taken by government officials in response to those recommendations are themselves appropriate. Ultimately, the citizens of the County carry out their role in this process, by expressing their judgment on the issues at the ballot box.

Michael Day, Foreman
2001/2002 Grand Jury

To Obtain an Application

Any interested citizen who meets the required qualifications and is able to make the time commitment may request an application for appointment to the Grand Jury from the Staff Court Secretary at the following location:

Superior Courthouse
495 Main Street
Placerville, California 95667
(530) 621-6451

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**EL DORADO COUNTY GRAND JURY
2001-2002**

RESOLUTION

WHEREAS, the EL DORADO COUNTY GRAND JURY has conducted investigations and has arrived at certain findings and recommendations; and

WHEREAS, the EL DORADO COUNTY GRAND JURY desires to make its final report thereon;

RESOLVED, by the EL DORADO COUNTY GRAND JURY that the attached report be, and hereby is, adopted as the final report and conclusions of the EL DORADO COUNTY GRAND JURY, 2001/2002.

PASSED AND ADOPTED at the meeting of the EL DORADO COUNTY GRAND JURY this twelfth day of June, Two Thousand and Two.

MICHAEL DAY
Foreman

EL DORADO COUNTY GRAND JURY
P.O. Box 472
Placerville, CA 95667

June 2002

Honorable Eddie T. Keller
Grand Jury Supervising Judge
Superior Court of El Dorado County
495 Main Street
Placerville, CA 95667

Dear Judge Keller:

I am pleased and honored to submit, to you, the Final Report of the 2001/2002 El Dorado County Grand Jury. The nineteen members of this Grand Jury have worked long and hard hours to compile this report. We, as panel members, spent considerable effort and energy in the pursuit of satisfying and surpassing our legal and moral obligation.

The Grand Jury was comprised of volunteer citizens of our county who chose to donate a substantial portion of this past year (July 1, 2001-June 30, 2002) to the residents of El Dorado County for the betterment of local government. It was a learning process for us all. Our service was, at times, exhausting and fatiguing and at other times it tested our level of patience. It was at all times, however, rewarding and exhilarating. Our various backgrounds, expertise and personalities melded into a common bond, which allowed us to seek and achieve our goals for the year.

This report reflects the major investigations undertaken by this Grand Jury. It does not, however, consider the entire scope of work and effort put forth by this panel. Many hours were devoted to investigation, research and testimony of other available remedies, insufficient evidence, existing or pending litigation, etc.

As Foreman of the 2001/2002 Grand Jury, I am thankful and grateful to have served the citizens of El Dorado County. I especially enjoyed the privilege of serving with eighteen extremely dedicated and devoted members of this panel. They are now my friends!

Sincerely,

Michael Day, Foreman
2001/2002 El Dorado County Grand Jury

**THE SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF EI DORADO
495 MAIN STREET
PLACERVILLE, CA 95667**

June 2002

Dear Grand Jury Members:

It has been my personal pleasure to have served as your Supervising Judge during the 2001/2002 term of the Grand Jury. I hope that my efforts on your behalf have been of service to you.

All the judges in this county appreciate the dedication of good citizens like yourselves. You have spent countless hours examining the operation of local government in order to make it better. The investigations that you have conducted and the reports that you have issued cover a wide range of topics, demonstrate keen insights, and offer helpful suggestions for improvements. Your efforts reaffirm the vital democratic principles that government must be open to public scrutiny and effectively serve the interests of its citizens.

I wish to express deep appreciation to Mr. Michael day, the Foreperson of this year's Grand Jury. I have had frequent contact with him during the year and enjoyed working with him. He has outstanding leadership abilities and has worked tirelessly to accomplish the objectives of the Grand Jury. Well done, Michael!

Sincerely,

EDDIE T. KELLER
Judge of the Superior Court

ETK:hw

PICTURE

EL DORADO COUNTY GRAND JURY

2001/2002

Honorable Eddie T. Keller, Supervising Judge

**Bobbi Arkus
Hank Barbachano
Jane Marie Black
Steve Carlson, Sergeant-at-Arms
Michael Day, Foreman
Bob Doran
Jim Estelle
Dick Flachbart
Jane Fraim, Recording Secretary
JoAnn Hamiel
Tim Howell
Bob Isaacs
Patricia Kriz
DeLisa Nelson
Dick Nichols
Scott Nielsen, Pro Tempore
Barbara Palm
Mel Sheets
Norma Woodward**

CITIZENS' COMPLAINTS

ElDorado County Grand Jury
2001/2 001

Citizen's Complaints

CASE NO.	SUBJECT	Disposition	Comments	DATE
01/02-0-001	Voter Registration Irregularities	Bldg. Dept.	No Action Finding in Litigation	6/29/01
01/02-0-002	Sheriffs Dept. (Deferred)	Criminal Justice	Closed	7/18/01
01/02-0-003	Cameron Park Estates Cam. Dist. (Deferred)	Special Districts	See Report	7/18/01
01/02-0-004	DA's Office/Chili Bar Put-in (Deferred)	Criminal Justice	Closed	7/18/01
01/02-0-005	General Services (Deferred)	Gov/Admin	Closed	7/18/01
01/02-0-006	El Dorado High School District (Deferred)	Education	See Report	7/18/01
01/02-0-007	County Registrar-of Voters (Deferred)	Gov/Admin	Closed	7/18/01
01/02-0-008	Placerville Police Dept. (Deferred)	Criminal Justice	Closed No Action Finding	7/18/01
01/02-0-009	El Dorado Hills Comm. Services (Deferred)	Special Districts	Closed No Action Finding	7/18/01
01/02-0-010	El Dorado High School District (Deferred) Tennis Courts	Education	No Action Finding: Allegations Resolved	7/18/01
01/02-C-Oil	Sheriffs Dept.Dedicated Funds (Deferred)	Audit & Finance	Closed No Action Finding	7/18/01
01/02-0-012	Logan Building (Deferred)	Gov't/Admin	Closed No Action Finding	7/18/01
01/02-0-013	\$85,000/Asst. Sheriff (Deferred)	Criminal Justice	Closed No Action Finding	7/18/01

El Dorado County Grand Jury

2001/2001

Citizen's Complaints

CASE NO.	SUBJECT	Disposition	Comments	DATE
01/02-C-014	Out of State expenses, patrols, etc.	Criminal Justice	Closed	7/18/01
			No Action Finding	
01/02-C-015	Injured unloading truck	Criminal Justice	Closed	7/18/01
			Insufficient evidence	
01/02-C-016	Disabled Student Budget/SELPA	Education	Closed	7/25/01
			No Action Finding	
01/02-C-017	Road/Easement Problem	Building - DOT	Closed	7/25/01
			No Action Finding	
01/02-C-018	Mental Health Care Deficiencies	Social Service	See Report	8/9/01
01/02-C-019	Unjust Termination/DSS Alleges State Law Violations Alleges State Law Violations	Social Service	See Report	8/29/01
01/02-C-020		Special Districts	See Report	9/19/01
01/02-C-021		Special Districts	Closed	9/19/01
			No Action Taken	
01/02-C-022	Misconduct toward Social Workers	Social Services	Closed	9/26/01
			Lack of Jurisdiction	

01/02-C-023	Misconduct of District Attorney	Criminal Justice	Just a Letter, No Formal Complaint	10/24/01
01/02-C-024	Brown Act and other Violations	Special Distrist	See Report	11/6/01
01/02-C-025	Bullet Proof Vests for Police dogs in exchange for two firearms Work Rules Violations/CPS	Criminal Justice	See Report	11/28/01
01/02-C-026		DSS	See Report	12/5/01
01/02-C-027	Campaign irregularities against Under Sheriff Neves' Sheriff Run	Criminal Justice	See Report	12/12/01
01/02-C-028	Tahoe Keyes Property Owners Association misappropriation	Special Districts	Closed 1/16/02.	1/2/02
			Not in our Jurisdiction	
	of funds			

ELDorado County Grand Jury
2001/2001

Citizen's Complaints

CASE NO.	SUBJECT	Disposition	Comments	DATE
01/02-C-029	Irregularities in Building Dept.	Building Comm	Closed 3/17, 2002	1/9/02
	Lighting Unlimited		Other remedies Available	
01/02-C-030	Georgetown Public Utilites District	Audit & Finance	Deferred to Next	1/23/02
01/02-C-031	Placerville Union School District	Education	Grand Jury 3/6/02 Closed 2/20/02	1/23/02
			Other Remedies	
01/02-C-032	SLT/Inequality of services to mental health clients	Social Service	See Report	1/29/02
01/02-C-033	SLT/Abuses of Ordinance 4476 by local builders	Building Comm	Deferred to Next Grand Jury 3/6/02	1/29/02
01/02-C-034	SLT/Irregularities in DA's office	Criminal Justice	Deferred to Next Grand Jury 3/6/02	1/29/02
01/02-C-035	Campaign Irregularities against Sgt. Hennick's Sheriff run	Criminal Justice	See Report	1/29/02
01/02-C-036	County Counsel/ Public Records Act	Audit & Finance	Deferred to Next Grand Jury 3/6/02	2/13/02
01/02-C-037	Fitness for work/HRD	G&A, Personnel	Deferred to Next	2/27/02
		Subcommittee	Grand Jury 3/6/02 Closed 3/6/02	
01/02-C-038	Sheriffs Office/Firearms Seizure	Criminal		2/27/02

		Justice		
			Other Remedies	
01/02-C-039	Superior Court/ Family Law	Criminal Justice	Closed 3/13/02	3/13/02
			Lack of Jurisdiction	
01/02-C-040	Process of Flu shots Administration	Health/Soc Serv	Deferred to 2002/2003	3/13/02
	Health Department		Grand Jury	
01/02-C-041	Tahoe Manor	Health/Soc Serv	See Report	3/20/02
01/02-C-042	Mental Health/SLT Clinic	Health/Soc Serv	See Report	3/20/02

El Dorado County Grand Jury
2001/2001

Citizen's Complaints

CASE NO.	SUBJECT	Disposition	Comments	DATE
01/02-C-043	Tahoe Manor	Health/Soc Serv	See Report	3/20/02
01/02-C-044	Tahoe Manor	Health/Soc Serv	No Jurisdiction	3/20/02
01/02-C-045	Uncollected property taxes/SLT	G&A	Deferred to 2002/2003	3/20/02
			Grand Jury	
01/02-C-046	DSS Director Selection Process Hiring Practices	Health/Soc Serv	Deferred to 2002/2003 Grand Jury	4/3/02
01/02-C-047	Fairplay Cemetery Ownership	G&A	Deferred to 2002/2003	4/3/02
			Grand Jury	
01/02-C-048	Barton Hospital	Health/SS	See Report	2/6/02
01/02-C-049	Tahoe Opportunity Project	Health/SS	See Report	2/6/02
01/02-C-050	Tahoe Manor	Health/SS	See Report	2/6/02
01/02-C-051	Mental Health/SLT	Health/SS	See Report	2/6/02
01/02-C-052	Questionable Practices of Placerville	Audit & Finance	Deferred to 2002/2003	4/17/02
	Controller		Grand Jury	

AUDIT AND FINANCE COMMITTEE

Confirming Purchase Orders

Reason for the Report

During the course of its other investigations, the Audit and Finance Committee of the 2001/2002 Grand Jury heard several comments concerning the purchasing practices throughout the County, such as lack of pre-approval and circumvention of existing County purchasing contracts. Based on these comments, the Audit and Finance Committee investigated established policy (Purchasing Ordinance) and actual purchasing practices within the County.

Scope of the Investigation

The following documents were reviewed:

- County Ordinance Code pertaining to Purchasing Procedures;
- General Services Department documentation;
- County final budgets for the Fiscal Year 2001/2002; and
- Past Grand Jury reports.

The following persons were interviewed:

- Interim Chief Administration Officer;
- County Auditor/Controller;
- Interim Director of General Services; and
- Three employees from General Services.

Findings

F1: Chapter 3.12 of the El Dorado County Charter documents Purchasing Procedures and is known as the County Purchasing Ordinance. This section of the County Charter provides in part:

“3.12.020: The purpose of this chapter is to secure for the county taxpayers the advantages and economies which will result from centralized control over the purchase of supplies, materials, equipment and contractual services resulting from the application of modern, businesslike methods relative to government expenditures for such purchases. Further, this chapter is to adopt policies and procedures governing the purchase of supplies,

equipment and contractual services by the county in accordance with the Government Code, section 54201 et seq.

3.12.060: The purchasing agent may, and where legally required to do so, shall, authorize in writing any county department to purchase renewable types of office supplies and materials in total amounts of four hundred ninety-nine and 99/100 dollars (\$499.99) or less, utilizing the ‘direct’ purchase order form, independently of the county purchasing agent’s office; but such purchases shall be made in conformity with the applicable procedures. The purchasing agent may also rescind the authorization to purchase independently, by written notice to the county department unless otherwise prohibited by law.

3.12.070 A. Only department heads or their designated representatives may approve and sign direct purchase orders in total amounts of four hundred ninety-nine and 99/100 dollars (\$499.99) or less. Department heads may delegate such authority by filing a written authorization therefor with the purchasing agent and the auditor-controller. ... C. All departments shall strictly adhere to written purchasing procedures as they may be issued or amended from time to time by the purchasing agent or the board of supervisors.”

F2: The General Services Department in conjunction with the Information Services Department developed a tracking system to report the number and percentage of confirming purchase orders. Confirming or “after the fact” purchase orders are not acceptable and are a violation of County Purchasing Ordinance requirements. The data reflects purchase orders issued between \$0 - \$10,000.00. Data was not extracted for purchases exceeding \$10,000.00 since the competitive bidding threshold is established at \$10,000.00 by ordinance. The data does not include the issuance of blanket purchase order purchasing activity, but rather independent purchase orders that were requisitioned by departments as confirming.

Following are the results of this tracking system:

Reporting Period Ending	Total Purchase	Total Confirming	Percentage
Fiscal Year 2000-2001	\$14,716	\$10,955	74%
September 30, 2001	2,544	1,901	75%
December 31, 2001	4,043	2,997	74%
March 31, 2002	4,552	3,070	67%

F3: Purchase orders are sometimes “split” in order to circumvent required signature authority. For example, while a \$15,000 purchase requires competitive bidding, two \$7,500 purchases would not. This is an unacceptable practice.

AUDIT AND FINANCE COMMITTEE

Fixed Assets Report

Reason for the Report

The Grand Jury elected to inquire into whether the various departments of El Dorado County government are maintaining accurate records and/or inventory of equipment and fixed assets. This inquiry did not address the issue of record keeping in regard to disposal of assets by the County.

The inquiry occurred as a result of (1) observation of discarded items in an alleyway behind the Government Center and (2) testimony taken by the Grand Jury.

Scope of the Investigation

- Interview with the County Auditor/Controller;
- A review of the County's Fixed Asset Inventory System - Property Inventory By Department ("Inventory Report"); and
- A random physical audit by the Grand Jury.

Findings

- F1: On September 5, 2001, miscellaneous property was observed in an unsecured alley behind County Administration Building B, adjacent to the Department of Veterans Services. The items appeared to be surplus and/or discarded equipment, including computer and radio equipment, shelving, bins and old furniture. The items remained in this area for several weeks.
- F2: The existence and location of County assets is memorialized in the Inventory Report and listed by department only. The format of the report is not designed to contain information as to precise physical locations.
- F3: Departments selected for the random audit were, at best, only able to locate inventory assets noted in the Inventory Report by reference to individual memory or hand-written notes on the Report.
- F4: One audited department, with several locations, had particular problems locating items of inventory listed on the Inventory Report, which were housed at outlying department locations.
- F5: The software program that produces the Inventory Report is not adequate to maintain complete records of fixed assets and inventory. The software does not allow

departments to keep accurate records of items being surplusd out of the departments or relocated within the departments.

- F6: Departments audited by the Grand Jury do not have independent computer systems for tracking fixed assets or inventory within their individual departments.

Recommendations

- R1: All equipment being surplusd should be properly placed in a secured facility. Those items should not be allowed to accumulate in unsecured areas.
- R2: The Department of Information Services, in conjunction with the user departments, should design and establish standardized procedures for the surplusing, locating, and relocating or discarding of equipment.
- R3: The existing Inventory Report program should be modified, or a new computer program designed, to provide for systematic notations useful to individual departments in maintaining accurate and up-to-date fixed assets and inventory records.

Commendations

The Grand Jury commends county personnel for their creative means of maintaining records as best they can with what they have available. The Grand Jury was impressed by the fact that an employee in the Tax Collector's Office, from memory, could take the investigating members immediately to each item indicated on the Inventory Report.

Responses Required for Findings

F1 through F6 El Dorado County Board of Supervisors

Responses Required for Recommendations

R1 through R3 El Dorado County Board of Supervisors

AUDIT & FINANCE COMMITTEE

Independent Management Audit

During the course of its investigations, the 2001/2002 El Dorado County Grand Jury concluded that there were several aspects of county government that deserved a more in-depth investigation than the Grand Jury was equipped to undertake.

Accordingly, with financing approved by the Board of Supervisors (Board), the Grand Jury retained the Harvey M. Rose Accountancy Corporation (HMRAC) to investigate and report on issues as directed by the Grand Jury. One of these issues was a review of the County's budget process (Budget Process).

The HMRAC report on the Budget Process is contained in its entirety within the Audit & Finance Committee section of the 2001/2002 Grand Jury's Final Report. The Grand Jury carefully reviewed and considered both the factual findings and the recommendations contained therein, unanimously concurs with those findings and recommendations, and adopts them as its own.

Responses Required for All HMRAC Findings

El Dorado County Board of Supervisors

Responses Required for All HMRAC Recommendations

El Dorado County Board of Supervisors

Commendation

The Grand Jury commends the Board of Supervisors for its willingness to authorize and fund the Grand Jury's independent Budget Process audit. The Board's willingness to engage in and to permit such analysis and potential self-criticism evidences a high degree of civic responsibility, to the benefit of the people of El Dorado County.

Analysis of El Dorado County's Budget Process

Prepared for the
FY 2001-02 Grand Jury
County of El Dorado

By the
Harvey M. Rose Accountancy Corporation

May 2002

Harvey M. Rose

Accountancy Corporation

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 552-9292 • FAX (415) 252-0461

North Hollywood, CA
(818) 503-7191

May 10, 2002

Mr. Michael Day, Foreperson
Members of the FY 2001-02 El Dorado County Grand Jury
P. O. Box 472
Placerville, CA 95662

Dear Foreperson Day and Members of the FY 2001-02 El Dorado County Grand Jury:

The Harvey M. Rose Accountancy Corporation is pleased to submit this Analysis of El Dorado County's Budget Process.

This report contains details of our review of the budget process, fourteen findings identifying areas that could be improved in the process and eighteen recommendations specifically identifying how these improvements should be achieved. The four areas of findings and recommendations pertain to the need for a countywide strategic plan and goals and objectives to guide the budget process, capital project management and reporting in the budget and throughout the year, budget timing, information and analysis, and internal service fund budgeting and reporting.

Thank you for choosing the Harvey M. Rose Accountancy Corporation to conduct this analysis. We are available at any time to respond to any questions about this report.

Sincerely,

Frdd Brousseau
Project Manager

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Introduction

Purpose and Methods

The FY 2001-02 El Dorado County Grand Jury retained the Harvey M. Rose Accountancy Corporation to conduct a review of the County's budget process. The objectives of the review were to review the process and its key milestones to determine:

- if the finally adopted budget reflects policies, goals and objectives established by the Board of Supervisors;
- if the process of creating the budget is efficient and involves sufficient analysis to identify the most cost-effective use of resources;
- if the process establishes management accountability; and
- if information provided to the Board of Supervisors at budget time and throughout the year facilitates rational budgetary decision-making.

To accomplish this, the following methods were employed. Interviews were conducted with key parties involved in the process including each member of the Board of Supervisors, the Interim Chief Administrative Officer, the Auditor-Controller and selected department heads and budget officers. Numerous budget-related documents were reviewed including:

- the County budget instructions for FY 2001-02 and 2002-03 prepared by the Chief Administrative Office
- the proposed FY 2001-02 budget and workplan document
- Budget Addenda documents for FY 2001-02
- the final budgets for FY 2001-02, Mid-Year Budget Status Reports and presentation materials presented to the Board of Supervisors for FY 2000-01 and 2001-02
- the independently prepared financial statements for the County for FY 2000-01 (the most recent year available while this project was underway)
- various budget related documents including budget request forms and ad hoc reports available from the county's financial information systems
- capital project monitoring documents used by the General Services and Transportation departments

County procedures were compared to State law and regulations governing the budget process and comparisons were made to practices in selected other counties. The review was conducted between March and April 2002.

Overview of County budget

For FY 2001-02 El Dorado County has budgeted \$250,073,563 in revenues and uses. On the expenditure side, this consists of \$246,321,223 in specific budgeted costs for the various County departments and \$3,752,340 in appropriated contingencies. On the revenue side, the \$250 million is comprised of 11 sources such as property taxes, licenses

and permits, intergovernmental revenue and carryover funds from the previous year (fund balance). Exhibit 1.1 shows budgeted revenues of \$220,669,990 for FY 2001-02, by source. The difference between the \$220,669,990 shown and the total \$250,073,563 in budgeted revenues is \$29,403,573 in fund balance carried forward from FY 2000-01.

Exhibit 1.1
Budgeted Revenues for FY 2001-02
El Dorado County

Source	Amount	% Total
Current Secured Property Taxes	\$32,054,017	14.5%
Current Unsecured Property Taxes	899,767	0.4%
Other Taxes	<u>13,354,928</u>	<u>6.1%</u>
<i>Total Taxes</i>	<i>46,308,712</i>	<i>21.0%</i>
Licenses and Permits	7,755,097	3.5%
Fines, Forfeitures and Penalties	2,423,749	1.1
Use of Money & Property	1,847,731	0.8%
<i>Intergovernmental Revenue:</i>		
State	70,983,076	32.2%
Federal	28,777,865	13.0%
Other	500,559	0.2%
Charges for Services	42,833,880	19.4%
Miscellaneous Revenues	2,386,600	1.1%
Other Financing Sources	16,852,721	7.6%
Residual Equity Transfers —		
Total	\$220,669,990	100.0%

Source: Final Budgets for FY 2001-02; El Dorado County Auditor-Controller

As shown in Exhibit 1.1, the State is the primary source of revenue for the County. Following that are property and other taxes, charges for services (development impact fees, planning and building fees, mental health service fees, and others), and Federal funds.

Exhibit 1.2 shows budgeted expenditures for FY 2001-02, by function. As can be seen in the table, public protection comprises the largest share of the County's budgeted expenditures with general government and public ways and facilities second and third in magnitude. The County's contingency appropriation of \$3,752,340 is also shown. This contingency amounts to 2.4 percent of total budgeted General Fund expenditures.

Exhibit 1.2
Budgeted Expenditures for FY 2001-02, by Function
El Dorado County

Function	Amount	% Total
General Government	\$60,467,389	24.2%
Public Protection	67,826,132	27.1%
Public Ways and Facilities	44,005,027	17.6%
Health and Sanitation	31,695,872	12.7%
Public Assistance	39,033,680	15.6%
Education	2,398,404	1.0%
Recreation & Cultural Services	894,719	0.4%
TOTAL	\$246,321,223	-
<u>Contingency Appropriation</u>	\$3,752,340	1.5%
<u>TOTAL BUDGETED</u>	<u>\$250,073,563</u>	<u>100.0%</u>

Source: Final Budgets for FY 2001-02; El Dorado County Auditor-Controller

Another way of viewing the County's budget is by fund, as presented in Exhibit 1.3. The table shows that most of the County budget is comprised of the General Fund and the Roads-Transportation Fund (80.2 percent of the total budget). All funds except the General Fund are restricted legally to certain purposes. The Board of Supervisors has discretion over the uses of the General Fund only. The Board has authority over the amounts appropriated for various uses such as salaries, professional services, supplies, etc within the other funds, but only for the purpose for which the fund is legally designated. General Fund monies on the other hand can be appropriated to any department or for any purpose within the County structure.

Exhibit 1.3
Budgeted FY 2001-02
Expenditures and Revenues
by Fund, El Dorado County

<u>Fund</u>	<u>Amount</u>	<u>% Total</u>
General	\$157,249,680	62.9%
Roads-Transportation	41,367,152	16.5%
Health Department	19,719,350	7.9%
Mental Health Services	10,463,260	4.2%
Community Services	8,026,027	3.2%
Accumulated Capital Outlay	5,403,519	2.2%
Erosion Control	4,413,840	1.8%
County Road District Fund	2,617,875	1.0%
Tobacco Settlement	487,860	0.2%
Planning: EIR Development Fees	300,000	0.1%
Special Aviation	20,000	0.008%
<u>Fish and Game</u>	<u>5,000</u>	<u>0.002%</u>
TOTAL	\$250,073,563	100.0%

Source: Final Budgets for FY 2001-02; El Dorado County Auditor-Controller

Introduction

It should be noted that a significant portion of the General Fund is actually used to match State, federal and other external funding so the Board does not actually have full discretion over all of General Fund monies.

As in all counties, much of the El Dorado County budget process is governed by State law and regulations and follows a sequence of events for the most part repeated each year.

The California Government Code contains a number of deadlines that govern the County's budget process and timetable. Highlights of these requirements include the following:

Estimates of revenues and expenditures are to be provided to the County's auditor or administrative officer by June 10 of each year (§ 29040)

A tabulated version of the estimated revenues and expenditures, or a budget, is to be provided to the Board of Supervisors by June 30 of each year (§ 29062)

The Board of Supervisors shall act on the budget by July 20 of each year (§ 29063)

Copies of the budget shall be prepared and made available to the public by August 10 of each year (§29065)

The Board of Supervisors shall notice the public on or before August 10 of each year of public hearings on the proposed budget (§29066)

On or before August 20 of each year public budget hearings must commence. (§29080)

The budget must be adopted by the Board of Supervisors by August 30 of each year (§29088)

Unfortunately, these timing requirements do not coincide with the State budget cycle so some budget decisions have to be prepared without benefit of the finally adopted State budget.

El Dorado County has designed its budget process to enable it to meet these State mandated deadlines. The County's process includes:

Some departments begin preparation of their revenue estimates and program plans starting in the fall

Budget instructions prepared by the Chief Administrative Officer are provided to all departments in February

Completed department budget requests are provided to the Chief Administrative Officer by April

The Auditor-controller prepares estimates of non-departmental revenues in April and May

Chief Administrative Office staff reviews the budget requests during April and May

The Chief Administrative Officer's proposed budget is transmitted to the Board of Supervisors by June 15

The Board of Supervisors accepts the proposed budget in June

Introduction

Budget addenda requests are prepared by departments and submitted to the Chief Administrative Office in early August

Budget addenda reports and documents are submitted to the Board of Supervisors in August

Budget addenda hearings take place in September

Acknowledgments

The County's budget documents and midyear reports are very extensive documents, thoughtfully organized and containing much useful information. Preparation of these documents certainly requires a great deal of work by County staff and the Chief Administrator's Office. This process is made more difficult at present because the Interim Chief Administrative Officer's prior position of Assistant Chief Administrative Officer is vacant, temporarily reducing the number of staff positions available for budget analysis and preparation. Preparation of the budget document must take place at the same time as the Chief Administrative Office meets its other ongoing responsibilities.

The auditors wish to acknowledge the Interim Chief Administrative Officer who was extremely helpful in the conduct of this review. He was generous with his time and provided numerous budget related documents and reports for review and analysis.

1. Long Range Strategic Planning and the Budget

- F1.1 The County does not have a long range strategic plan with goals and objectives set by the Board of Supervisors to guide the allocation of County funds and resources. Without this, budget and program priorities are set primarily by County staff without the benefit of structured input from elected officials and the public. This has been particularly true in past years when the budget was adopted with very little discussion at the Board of Supervisors public hearings.
- F1.2 For the current fiscal year, FY 2001-02, the Board of Supervisors chose to hold more extensive public hearings as part of the budget addenda process and received detailed presentations from all departments. While these hearings allowed for more interaction between the Board and the departments than has taken place in the recent past, this process would be even more valuable if the budgets submitted by the departments were prepared under policy direction already provided in a long range strategic plan. Another benefit of a strategic plan is providing a common set of goals and objectives for all County employees.
- F1.3 As part of a multi-year strategic planning effort, a process for measuring individual department performance and plan outcomes is needed. This would also enhance the budget process by providing the Board of Supervisors with meaningful performance measures for each department and a method for measuring the effectiveness of allocated funds.

Many organizations, public and private, engage in a strategic planning process to accomplish the following: 1) confirm and refine the mission statement of the organization with which all employees and stakeholders agree; 2) establish a vision for the future of the organization; 3) develop goals, objectives and action plans to ensure accomplishment of the mission and vision; and 4) establish a mechanism for measuring and reporting on actual organization performance relative to the goals, objectives and action plans.

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:

- o Assessing the current state of County operations including resources available and strengths and weaknesses of the organization
- o 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.)
 - a Identifying likely future service needs and resources available to meet those demands (i.e., likely revenue streams)
- o Establishing service goals and objectives consistent with the mission and vision for the future
- o Establishing a system for measuring the County's success in meeting the stated goals and objectives

Section 1: Long Range Strategic Planning and the Budget

Currently El Dorado County does not have a long term strategic plan. Some departments such as the Information Services Department have developed plans specific to their departments and programs but there is no overarching plan for the County as a whole. A countywide plan would be valuable for budget purposes as it would help guide the allocation of resources consistent with established goals and objectives.

Under the present system, department heads can set goals and objectives for their departments and Board members may provide direction on a case by case basis through budget hearings or other forums where department heads and Board members interact. But there is no formalized process by which the public and the Board as a group reach consensus and establish priorities that provide clear direction to all departments.

A multi-year approach helps get around the limitations of the single year budget process that often doesn't address projects and initiatives that span more than one year. Typical multi-year projects in the county include capital projects, service delivery improvements, improvements in administrative activities, computer installations and upgrades, and other initiatives. While final appropriations still have to be made in the annual budget to fund multi-year projects and initiatives, providing directives in a strategic plan will help guide funding decisions in the budget process and will provide direction to department managers about their priorities.

The County needs a system to measure department performance

Measuring accomplishment of the goals, objectives and action plans in a strategic plan is probably one of the greatest benefits of embarking on such an effort and it is directly linked to the budget process. First, it makes the strategic plan a much more meaningful, results-oriented process. While establishing mission and vision statements, goals and objectives and action plans are all worthwhile activities, they can become meaningless if there isn't a method of measuring and reporting results. Setting an overall goal for the County such as making the County safe from crime is fine, but adding a method for measuring whether or not this occurs gives the process much greater impact. This could be measured in crime rate trends, arrest rates, successful prosecution and sentencings, community perception of safety, and other measures. These type of measures can be tied to the budget process through, for example, reviewing law enforcement officers per capita, arrests resulting in successful prosecutions, response times, and other measures. The budget can be adjusted accordingly to improve these measures to meet the service goals of the strategic plan.

For each department, the proposed El Dorado County budget includes a mission statement, workload indicators, written summaries of all major programs, and staffing information. This is useful information but what is missing are goals and objectives for the department and outcome measures to provide meaning to the workload indicators. The workload indicators, shown for the proposed, current and previous two fiscal years, generally measure caseload but not program outcomes. For example, the Probation Department budget for FY 2001-02 shows 33 workload indicators for eleven program areas. The program areas include Juvenile Hall, Juvenile placement, Group Homes/Foster homes, Adult Court, Adult Supervision and others. Workload indicators include measures such as number of court disposition reports, number of intake hearings, average daily population at Juvenile Hall, number of Adult Court reports, number of

Section 1: Long Range Strategic Planning and the Budget

adult probationers supervised, number of number of felony sentencing reports prepared and others.

The problem with the workload indicators in the Probation Department's budget is that none of them allow for an assessment of department outcomes. For example, a common objective for probation departments is to rehabilitate the probationer so they don't commit the same crime again and have subsequent encounters with the criminal justice system. To measure this objective, recidivism rates should be presented in the budget document rather than just the number of probationers supervised by the department. A high recidivism rate might indicate that Probation Department efforts are not succeeding and would lead to discussion about the level of funding for this effort and whether or not it is adequate and if the Department needs to operate its programs differently to achieve greater success.

The Probation Department's number of court reports workload indicator also measures work but not outcomes. It is not possible to tell from the numbers alone if the department is doing a good job of producing its reports for court. Two of the most important factors for court reports generally are whether they are delivered to the court timely and whether they contain the information needed by the judiciary to facilitate decision-making. Useful performance measures for this work might include number of reports delivered to the court on time and the results of a survey of the court's satisfaction with the content of the reports. As with the previous example, this type of information would enable a more informed discussion of the appropriateness of funding levels and program management.

Having broad countywide goals and objectives in a strategic plan would also help guide departments such as the Probation Department in that their goals, objectives and funding allocations and requests would need to be linked to the countywide goals and objectives. For example, countywide goals and objectives related to the Probation Department might be to improve coordination between all of the County criminal justice agencies and expansion of alternative programs to keep nonviolent offenders out of jail. The Probation Department would need to respond to these goals and objectives by presenting its coordination efforts with other departments, and development or expansion of alternatives to incarceration programs.

Another link between the strategic plan and the budget is that the strategic plan should include financial goals and objectives for the County. These could include target reserve levels, target user fee recovery rates, a countywide approach to one-time revenues, approaches to funding levels for internal service funds, policies regarding deficit spending and others.

Departmental strategic planning in El Dorado County

As mentioned above, El Dorado County's Information Services Department produced a strategic plan in 2000. The plan was prepared in response to a request from the Board of Supervisors and it states that it will be regularly updated. The purposes of the plan are to: anticipate future information processing needs and provide a strategy for meeting those goals; define an optimum sequence of events to achieve the strategy; facilitate common understanding and support for the department's future direction and goals by all key stakeholders (customers, staff, County management); provide a framework to manage and control the working environment; and,

Section 1: Long Range Strategic Planning and the Budget

achieve optimum effectiveness and efficiency of resources. Its goals for the future include: expanding basic intranet/internet services; sharing and integrating data; providing business support data in multiple formats; providing multi-level integrated computing services; re-engineering business processes; guaranteeing the integrity and availability of County data; and, maintaining adequate and appropriate resources.

The Information Services plan and any other department strategic plan in the County should be used as underpinnings to a countywide strategic plan. The countywide plan would provide higher level goals and objectives and individual department plans would be more specific and detailed regarding their particular services. The various individual department plans should be consistent with the countywide plan prepared by the Board of Supervisors. As suggested for the countywide strategic plan, individual department success in meeting the goals and objectives in their plans should be measured on an annual basis.

Strategic planning in other jurisdictions

As mentioned above, many private and public organizations have prepared and are implementing strategic plans. The public organizations include counties and cities throughout the country. In California, one of the more extensive county strategic plans was prepared in Riverside County. The plan, entitled Strategic Vision 2020, addresses the County's mission and business, vision for the next twenty years and guiding principles, service delivery priorities, service goals and strategies, inter-governmental relations, environmental issues, financial management fundamentals, land use planning principles, and related matters. Since many departments in the county have also prepared strategic plans, the Countywide plan incorporates all of those plans. The Riverside plan addresses limits to County service and highlights what the County cannot do as well as areas where it should excel.

Maricopa County, Arizona initiated a strategic planning process in 2000 that integrated planning, budgeting and performance measures. For this effort, each department was required to prepare a strategic plan that included the following:

- a The County mission and vision statement
- 0 A department mission and vision statement¹
- 0 Department goals
- 0 Identification of department issues
- 0 Identification of all key programs in each department including:
 - D Program name
 - Program purpose
 - Key results for the program (usually a quantifiable measure)
 - Activities and services within each program
 - Outputs for each activity
 - Actual results for each activity compared to key result expectations
- D Cost per output

¹ The department vision statement was optional in the Maricopa County plan.

Section 1: Long Range Strategic Planning and the Budget

Quarterly reports are produced for each department in Maricopa County. A sample report for the Maricopa County Information Systems department is shown as Attachment 1. As can be seen, performance data is not available yet for each key activity in this program. But efforts are now underway to regularly collect this data and to tie it to a cost efficiency factor shown at the end of the attachment.

There is a range of approaches for El Dorado County to consider in establishing a strategic planning process but the key elements should include:

- o statement of purpose or mission;
- o vision for the future;
- o goals, objectives and action plans for accomplishing the mission and vision statements; and,
- o a system for measuring results linked to the budget process.

The plan's goals and objectives will also drive the budget process as each department will be expected to show how they are contributing to the strategic plan's goals and objectives through their activities.

Recommendations

It is recommended that the Board of Supervisors:

- R1.1 Direct the Chief Administrative Officer to implement a strategic planning process for the County to include: an assessment of strengths and weaknesses of the County organization; input from all key stakeholders; a mission statement and vision for the future of the County; goals, objectives and action plans to achieve the mission and vision; and, a system for measuring and reporting the County's success in achieving the goals and objectives;
- R1.2 Include financial goals, objectives and policies for the County in the recommended strategic plan addressing issues such as target reserve levels, cost recovery targets for County user fees, deficit spending policies and others;
- R1.3 Direct the Chief Administrative Officer and department heads to develop goals and program objectives for their departments consistent with the countywide goals and objectives developed in the strategic plan;
- R1.4 Direct the Chief Administrative Officer and department heads to include links in their budgets and funding requests to the strategic plan goals and objectives and to develop and report related performance measures for their departments based on outcomes rather than workload;
- R1.5 Conduct an annual evaluation and update process where accomplishment of plan goals and objectives is evaluated for the previous year and the plan is updated and revised for the future;

Section 1: Long Range Strategic Planning and the Budget

R1.6 Incorporate strategic plans developed by individual departments into the countywide plan.

Costs and Benefits

The primary costs of implementing the above recommendations would be staff time. The County may choose to retain an outside facilitator for some workshops and compilation of information for which there would be direct costs. The benefits of the recommendations would include development of common objectives and direction for all County managers and employees, less time wasted by staff trying to second guess the wishes of the Board of Supervisors, and a system for measuring department performance and methods for linking budget allocations to achievement of agreed upon goals and objectives.

Responses Required_ for Findinp_s

F1.1 through F1.3 El Dorado County Board of Supervisors

Responses R~uired for Recommendations

R1.1 through R1.6 El Dorado County Board of Supervisors

Program Purpose: The purpose of the Information Technology Program is to provide IT leadership and services to the client departments so that management can obtain maximum benefit from the IT resource.

Key Results: % Customers Satisfied with Applications Development Service Request Outcome.

Activity Name: DESKTOP SUPPORT

Activity Purpose: The purpose of the DESKTOP SUPPORT activity is to provide management and support of the entire desktop life cycle to clients so that they can benefit from a stable computing platform.

Services that comprise the Activity:

- Desktop Upgrades
- Hardware Configuration & Pricing
- Desktop Virus Protection
- Distributed Equipment
- Help Desk Contacts
- Repaired Equipment
- Acquired Equipment
- Desktop Guidance
- Infrastructure Data Archiving & Recovery
- Technical Guidance (Desktop Hardware & Software)
- Desktop Installations
- Hardware & Software Inventory
- Network Server Services
- Office Automation Tools
- Personal Data **Storage**

Performance Measures:

RESULT: % of Available Server Services (24X7)

Actuals FY 00: Actuals FY 01:
Anticipated FY 02: 98 Mid Yr Forecast:
Projected FY 03:

Qrt	Result	YTD	Comments
1	99.72		
2	(99.81	99.75	
3			
4			

Calculation: of hours "up" / total number of server hours per quarter. (NOTE: 90 days in the quarter.)

Data Source: MS Systems Management Server (SMS), Altiris, Help Desk Tracking software and Internal Server logs.

Activity Leader: Jack Coffin

RESULT: % of Available Server Services During Prime Business Hours (12X5)

Actuals FY 00: Actuals FY 01:
Anticipated FY 02: Mid Yr Forecast:
Projected FY 03:

Qrt	Result	YTD	Comments
1	100		
2	100	100	
3			
4			

Calculation: # of hours "up" / total number of server hours in the quarter. (NOTE: 60 work days in the quarter.)

Data Source: MS Systems Management Server (SMS), Altiris, Help Desk Tracking software and Internal Server logs.

Activity Leader: Jack Coffin

OUTPUTS: Number of installed and redeployed desktops

Actuals FY 00: Actuals FY 01:

Anticipated FY 02: 5600 Mid Yr Forecast:

Projected FY 03:

Qrt	Result	WD	Comments
1	1426		
2	1527	1 1635	
3			
4			

Calculation: # of PCs in the installed base + # of replacement and new PCs deployed + : of PCs "waterfalled" within installed base.

Data Source: MS Systems Management Server (SMS), Altiris, SupportMagic Call Tracking software.

Activity Leader: Jack Coffin

DEMAND: Expected number of installed and redeployed desktops

Actuals FY 00: Actuals FY 01:

Anticipated FY 02: 5600 Mid Yr Forecast:

Projected FY 03:

Qrt	Result	YTD	Comments
1	1465		
2	1587	1 1682	
3			
4			

Calculation: -- of PCs in the installed base + t of replacement and new PCs deployed + # of PCs "waterfalled" within installed base.

Data Source: MS Systems Management Server (SMS), Altiris, SupportMagic Call Tracking software.

Activity Leader: Jack Coffin

EFFICIENCY: Cost per installed and redeployed desktop

Actuals FY 00: Actuals FY 01:

Anticipated FY 02: Mid Yr Forecast:

Projected FY 03:

Qrt	Result	YTD	Comments
-----	--------	-----	----------

4

Calculation: Number of installed and redeployed desktops divided by the annual budget of the PC/LAN Solutions and Support Team.

Data Source: MS Systems Management Server (SMS), Altiris, SupportMagic Call Tracking software and the budget system.

Activity Leader: Jack Coffin

2. Capital Projects

- F2.1 Using County budget documents it is not possible to determine the status of capital projects or whether the projects are over or under budget. Capital project status reporting in the budget would be improved by including comparisons of originally proposed and actual costs and project timing.
- F2.2 Funding and priority setting for El Dorado County's facility and transportation capital projects takes place without benefit of a multi-year capital improvement or facility master plan. As a result, department managers can set project priorities without formalized direction from the Board of Supervisors and the public. These priorities may or may not reflect the highest and best use of limited resources in the opinion of Board members and the public but a method doesn't exist to reach consensus, formalize and update those priorities.
- F2.3 Both the General Services and Transportation departments have relatively new directors who have developed project tracking systems that allow for better project status reporting. The Department of Transportation has a five year capital project plan prepared in 1995 but it has never been updated. Staff is currently preparing a new document for review by the Board of Supervisors. With adoption of this plan and a similar one that County management reports is in the planning stages for County facility projects, project priorities will be clearer, the budget process simplified and department accountability for completing projects on time and on schedule improved.

There are two primary types of multi-year capital projects in El Dorado County. First are construction and rehabilitation of County facilities such as parks and public buildings that are the responsibility of the General Services Department. Second are road, bridge and transportation system projects that are the responsibility of the Department of Transportation. These projects often span multiple years so their presentation in the budget document is different than presentation of annual operating revenues and expenditures for most departments.

County Facility Projects

The budget for the General Services Department includes a list of County facility projects categorized as either carryover or new. This list is first presented in the proposed budget submitted to the Board of Supervisors in June and then updated for the budget addenda report in September. Differences between the two lists for FY 2001-02 are shown in Exhibit 2.1.

Exhibit 2.1
Difference in General Services Department
Capital Projects between the
Proposed and Addenda Budget Documents
FY 2001-02

	Proposed Budget	Budget Addenda	Change
# Carryover Projects	45	72	27
Carryover Funding	\$2,077,786	\$2,827,090	\$749,304
# New Projects	22	43	21
New Funding	\$1,181,900	\$2,358,761	\$1,176,861
# Projects Total	67	115	48
Funding Total	\$3,259,686	\$5,185,851	\$1,926,165

Source: FY 2001-02 Proposed Budget & Workplan and Budget Addenda Report

As can be seen, there is a significant change in the number of projects and funding levels between the two documents. This reflects the timing of the two budget documents. The proposed budget presented to the Board in June has to be submitted to the Chief Administrative Officer by the departments by the end of March/early April. The September budget addenda information is prepared five to six months later. By then, more construction activity has taken place during the prime construction season and the department has more information regarding which projects will be carried over to the next year. In addition, the original budget submission does not include carryover parks projects at all which added 19 more carryover projects and \$371,456 in costs to the carryover projects in the budget addenda. With a 59 percent change in funding between the June and September lists, the Board's approval of projects in June is somewhat meaningless.

Besides changes between the two lists, it is not possible to tell from either the status of the carryover projects in terms of time or costs. The lists simply present all projects with no indication of whether they are 10 percent or 90 percent done, when project completion is expected, or whether they are under or over budget. The lists are not prioritized so it is not possible to tell the order in which projects will be worked on and completed.

While there are many projects in progress and compilation of information on these projects can be complex, a simple report showing the original budget and schedule compared to actual costs and schedule could be readily compiled from Department records with a column for briefly explaining significant variances in time or cost. The Department already maintains a project tracking list for use internally by management. This document could be modified for reporting to the Board and for inclusion in the budget documents.

In addition to better reporting of the status of projects, the General Services Department needs a multi-year master plan, approved by the Board of Supervisors, that establishes project priorities and includes estimated funding and timing for each project over a multi-year period such as five years. With agreed upon project priorities, Department management would have clear direction about how to allocate their resources. Project priorities and available funding would also be

better aligned with such a plan as it would allow for determination of what should be done given limited resources and what cannot be done.

New projects could still be added and planned projects deleted after the plan is adopted if priorities change or funding becomes unavailable. The difference would be that the process would be formalized so the Board would have to make a conscious choice to delete a project rather than a project remaining on the list but never getting done. The interim Chief Administrative Officer reports that plans are underway at the time of preparation of this report to commence preparation of such a plan, including financing plans, for County facilities.

Department of Transportation Capital Projects and Maintenance Work

Transportation capital projects are presented in a different format in the budget than General Services projects. In the FY 2001-02 budget addenda document, the Department presents a list of approximately \$24 million worth of capital improvement projects. For each project, a breakdown of project costs (labor, overhead, fixed assets, etc.) and the project's revenue source(s) are presented. The budget addenda document submitted to the Board of Supervisors in September lists 25 capital projects but does not show the timing or funding status of any of the projects or sequencing or priorities for the coming year (see Attachment 2).

As with the General Services Department budget, information is not presented comparing planned and actual costs and timing of the Department's capital improvement projects. Nor are projects prioritized in accordance with a multi-year plan approved and updated by the Board of Supervisors. A five year roads capital improvement project plan was prepared in 1996 but it has not been updated since according to Department of Transportation management.

The Department's planned road maintenance projects are also shown with the same cost breakdown as presented for capital projects and with revenue source(s) identified (see Attachment 3). Though these projects tend to be single year in scope compared to capital improvement projects, the work to be done such as patching and overlay, chip seal and traffic signal maintenance, is not prioritized by long term County goals such as achieving an average road condition on the County network by a certain date in the future. If specific priorities such as these were established in a multi-year plan, the Department would have a stronger basis to justify the allocation of its maintenance dollars. Like most counties in California, El Dorado County faces extensive deferred maintenance costs in excess of available resources for road and bridge work. Officially adopted agreed upon priorities are all the more important when need exceeds resources available.

The Department of Transportation has prioritized its capital improvement projects by three tiers of priority and is in the process of preparing a new multi-year capital improvement plan. The Department is intending to use this document as a budgetary document as well as a work program so that project priorities and resources available will be linked. Department management's goal is to update the plan annually in advance of the April submittal to the Chief Administrative Officer and Board of Supervisors.

Section 2: Capital Projects

To develop the annual plans and budgets for the two departments' capital improvement plans, a process is needed in advance and in lieu of the budget hearing process in September. By September, or budget adoption time, it is too late to add capital projects which often require a fair amount of advance work to obtain funding or to plan in relation to resources available.

Midyear planning workshops with the Board of Supervisors

With five year plans in place for both departments, workshops should be held with the Board of Supervisors in January or at a more convenient time but well in advance of budget submission and adoption. The purpose of the workshops should be to revise and update the plans in accordance with any changes in circumstances, funding or Board priorities. From that point on, the plan for the next year should be established and budget submission and adoption should reflect the agreements reached at those workshops. This would make for a more clear and streamlined budget process for capital improvement projects as most of the projects and funding levels would have been previously agreed to or modified well in advance of the Board of Supervisors review and approval of the proposed budget.

The Department of Transportation does prepare a monthly report on its capital projects but this report does not include a comparison of planned and actual project timing and costs. While this does not need to be provided to the Board and public on a monthly basis, it would be useful to present it at budget time and once more during the year such as at the annual planning workshop discussed above. Similarly, the General Services Department should prepare such a report for Board review twice a year, once at its planning workshop and again at budget addenda submission time. The list of projects included in the proposed budget in June should match that resulting from the January planning workshop and then be updated for the addenda process in September based on actual projects completed during the prime construction period and identification of carryover projects.

Recommendations

It is recommended that the Board of Supervisors:

- R2.1 Direct the Director of Transportation to complete its draft five year capital improvement plan now in progress and direct the General Services Director continue with reported efforts to develop such a plan for County facilities. The plans should include proposed priorities for projects, identification of revenue sources for projects, and proposed time schedules and milestones;
- R2.2 Follow a process of collecting input from the public and other County departments on the proposed five year plans, and adopt both documents to guide the two department's work plans and budgets;
- R2.3 Implement a process where the five year plans for both departments are reviewed and updated annually in a workshop with the Board of Supervisors that takes place well in advance of the budget review and hearing process so that department management can

Section 2: Capital Projects

secure funding and other resources in a timely manner to ensure that the highest priority projects are able to be accomplished in the targeted time frame; and,

- R2.4 Direct the Directors of Transportation and General Services to develop and provide reports twice a year; once when the proposed budget is submitted to the Board and once at the recommended annual planning workshops, showing all projects in process, comparing original and actual costs and timing, and explaining any variances in either.

Costs and Benefits

The General Services Department is planning to use the services of an outside consultant in preparation of their multi-year facilities plan. The cost for this is unknown as of the writing of this report. There would not be any other new direct costs associated with the above recommendations. Benefits would include a better use of resources by focusing the General Services and Transportation departments on specific agreed upon capital project priorities and road maintenance work, a more streamlined budget process for capital projects, and greater accountability by department managers for delivery of projects on time and budget.

Responses Required for Findings

F2.1 through F2.4 El Dorado County Board of Supervisors

Responses Required for Recommendations

R2.1 through R2.4 El Dorado County Board of Supervisors

COSICENIER 305 DOF - CAPITAL PROJECTS

EL DORADO COUNTY
WORK PROGRAM
2001-2002 BUDGET YEAR

08/24/2001

1A1RK ORDER	DESCRIPTION	LABOR	SERVICES L SUPPLIES	DINER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVERHEAD CHARGES	INTRAFUND TRANSFERS\$	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
<u>SUPPORT TO OTHER GOVERNMENT AGENCIES</u>											
52101	CONTRIBUTION TO OTHER AGENCY	0	0	50,000	0	0	0	0	50,000	STATE-RSIP 182.9	50,000
53108	US 50 WEST BOUND-PONDEROSA 6 N SHINGLE SIGNALIZATION	0	1,556,300	22,000	0	0	0	114,580	1,692,880	STATE-RSIP 182.6d1 CALTRANS RA2 1 STATE SYSTEM TIM	300,000 300,000 1,092,880
53110	NWY 50 IIOV LANE EDN 10 SHINGLE SPRINGS	0	0	0	0	0	0	5,000	5,000	RA2 1 STATE SYSTEM TIM	5,000
53112	FORHI ROAD IMPROVEMENTS - CITY	0	0	150,000	0	0	0	0	150,000		150,000
CATEGORY TOTAL		0	1,556,300	222,000	0	0	0	119,580	1,897,880		1,897,880
<u>CAPITAL IMPROVEMENT PROJECTS</u>											
71317	MISSOURI FLAT INTERCHANGE PSR	0	457,880	28,500	0	0	0	99,620	586,000	FUND BALANCE EDCTC CARRYOVER RA2 1 STATE SYSTEM TIM	96,706 489,294
71318	EDIT BLVD INTERCHANGE PSR	0	581,000	1,524,000	0	0	0	145,000	2,250,000	EL DORADO HILLS RIF/SALMON FAL OTHER FINANCING SOURCES	750,000 1,500,000
71319	CAMINO INTERCHANGE	0	0	0	0	0	0	41,669	41,669	FUND BALANCE EDCTC CARRYOVER RA2 2*5 STATE TIM FEE	31,669 10,000
71329	UNITE ROCK RD REALIGII4EIT	0	27,500	2,500	0	0	0	120,000	150,000	EL DORADO HILLS RIF/SALMOII FAL	150,000
71350	EDIT BLVD E/B DIAGONAL	0	2,134,901	682,500	0	0	0	38,849	2,856,250	EL DORADO HILLS RIF/SALMOII FAL	2,856,250
71351	BIKEPATH-HARVARD WAY/CLERMONT 70 E011 CSO PARK	0	128,953	500	0	0	0	29,666	159,119	SMVAQ COMV AIR QUALITY)	39,780

COSICENTER 305 DOI - CAPITAL PROJECTS

EL DORADO COUNTY
WORK PROGRAM
1001-2002 BUDGET YEAR

08/24/2001

WORK ORDER	DESCRIPTION	LABOR	SERVICES L SUPPLIES	0111ER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVERHEAD CHARGES	INTRAFUND TRANSFERS	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
										TRANSPORTATION ENHANCEMENT ACT	103,719
										0111ER GOVT AGENCIES	15,620
71352	BIKEPATII-EL DORADO HILLS BLVD/IRAHCISCO TO GOVERNORS	0	47,300	3,700	0	0	0	64,000	115,000	SHVAQ (DMV AIR QUALITY)	13,225
										TRANSPORTATION ENHANCEMENT ACT	101,775
71353	PONDEROSA RD 0 IHly 50 ROUTE ADOPTION	0	49,500	500	0	0	0	50,000	100,000	RAZ 1 STATE SYSTEM - TIN	100,000
72100	ROAD REHABILITATION	0	3,608,527	0	0	0	0	0	3,608,527	FUND BALANCE - UNRESTRICTED	309,649
										FUND BALANCE GOVERNORS CONGEST	1,755,690
										TRANSPORTATION TAX IDA	43,188
										OPERATING TRANSFERS IN	1,500,000
72332	EL 00 HILLS NORTHERLY ALLIGNMENT	0	0	0	0	0	0	40,000	40,000	EL DORADO HILLS RIF/SALMON FAL	40,000
72334	MISSOURI FLAT/PLEASANT VALLEY CONNECTOR	0	98,750	1,065,425	0	0	0	101,438	1,265,613	TIN	1,265,613
72335	LATROBE ROAD - WHITE ROCK 0 WETZEL OVIATT	0	464,344	4,500	0	0	0	663,156	1,132,000	EL DORADO HILLS RIF/SALMON FAL	1,132,000
72343	CAMERON PARK DRIVE PHASE 11	0	0	0	0	0	0	95,000	95,000	TIM	95,000
72353	GRII VLY RD WIDENING/SIADOWFAX 10 BROWNS RAVINE	0	4,041,999	1,465,724	0	0	0	166,184	5,673,907	EL DORADO HILLS RIF/SALMON FAL	1,352,382
										TIM	1,588,326
										RISC REIMBURSABLE	430,000
										LONGTERM ADVANCE	2,303,199
72354	GREEN VALLEY RD WIDENING COMMERCIAL AREA B	0	169,691	411,301	0	0	0	174,693	755,685	TIN	294,717
										LONGTERM ADVANCE	460,968
72355	GREEN VALLEY RD WIDENING MORMON ISLAND TO FRANCISCO	0	39,500	2,000	0	0	0	106,000	147,500	EL DORADO HILLS RIF/SALMON FAL	89,975
										TIN	57,525
73346	IIVY 49/FOWLER LN INTERIM INTERSECTION	0	1,299,900	12,016	0	0	0	11,557	1,323,473	CALTRANS	77,000

COSTCENTER 305 DOT - CAPITAL PROJECTS

EL DORADO COUNTY
WORK PROGRAM
2001-2002 BUDGET YEAR

08/24/2001

1RIRK ORDER	DESCRIPTION	LABOR	SERVICES L SUPPLIES	OTHER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVEANEAD CIAROE	INTRAFUND TRANSFERS	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
										II E S (HAZARD ELIH SEC)	500,000
										RAZ 1 STATE SYSTEM TIM	746,473
73349	GREEN VALLEY NO 41 MORMON ISLAND	0	1,720,499	667,369	0	0	0	70,001	2,457,869	EL DORADO HILLS RIF/SALMON FAL TIM	1,046,708 669,206
										CIP INIRA DEPARTMENT	65,000
										MISC REIMBURSABLE	11,086
										LONGTERM ADVANCE	665,869
73351	METAL BEAM GUARDRAILS - 7 LOCATIONS	0	0	0	0	0	0	15,000	15,000	II E S (HAZARD ELIH SEC)	15,000
77103	BRIDGES/GRIT VLY RD-RECONST GROG 0 DRY CRK	0	18,278	256,000	0	0	0	54,110	328,388	FUND BALANCE RSTP CARRYOVER IIBRR (IDLY BRIDGE RE/REII)	135,091 193,297
77108	BRIDGES/BRIDGEPORT SCHOOL RD-REPLACE BRGE	0	398,804	27,000	0	0	0	49,780	475,584	FUND BALANCE RSTP CARRYOVER RSTP STATE EXCHANGE HBRR (IIWY BRIDGE RE/REN)	163,706 205,286 106,592
77109	GR11 VLY RD BRIDGE 0 TENNESSEE	0	140,000	10,500	0	0	0	24,500	175,000	FUND BALANCE RSTP CARRYOVER RSTP STATE EXCHANGE IIBRR (NWY BRIDGE RE/REII)	35,088 83,912 56,000
77110	SALMON FALLS BRIDGE 2 AMERICAN RIVER	0	139,800	4,684	0	0	0	20,200	164,684	FUND BALANCE RSTP CARRYOVER RSTP STATE EXCHANGE HORN (IIWY BRIDGE HIRER)	11,566 11,470 141,648
77112	BRIDGES - HT MURPHY 0 AMERICAN RIVER	0	135,000	0	0	0	0	23,606	158,606	FUND BALANCE RSTP CARRYOVER RSTP STATE EXCHANGE IIBRR (IIWY BRIDGE RE/REII)	28,606 10,000 120,000
77113	BRIDGE BARRIER RAILING	0	98,000	0	0	0	0	23,022	121,022	FUND BALANCE RSTP CARRYOVER RSTP STATE EXCHANGE IIBRR (IIWY BRIDGE RE/REII)	3,545 11,241 106,236

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COSTCLYTER 305 DOT - CAPITAL PROJECTS

EL DORADO COUNTY
 WORK PROGRAM
 2001-2002 BUDGET YEAR

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MARKING	UESCR11-Ttoil	LABOR	SERVICES A SUPPLIES	OTHER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVERHEAD CHARGES	INTRAFUND TRANSFERS	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
79999	COHIIHGEHCY - PROJECTS 1101 COMPLETED	0	0	0	0	0	0	-626,186	-626,186	TIM	-626,186
CATEGORY TOTAL		0	15,800,126	6,168,719	0	0	0	1,600,865	23,569,710		23,569,710
SUBTOTAL		0	17,356,426	6,390,719	0	0	0	1,720,445	25,467,590		25,467,590
TOTAL AVOWED COST		0	17,356,426	6,390,719	0	0	0	1,720,445	25,467,590		25,467,590
TOTAL		0	17,356,426	6,390,719	0	0	0	1,720,445	25,467,590		25,467,590

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COSICENTER 306 001 - ROADS

EL DORADO COUNTY
 WORK PROGRAM
 2001-2002 BUDGET YEAR

08/24/2001

IA)RK ORDER	DESCRIPTION	LABOR	SERVICES L SUPPLIES	OTHER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVERHEAD CHARGES	INTRAFUND TRANSFERS	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
<u>ROAD MAINTENANCE PROJECTS</u>											
41100	IRAF SIG L LGT MATHWS RD	11,628	161,650	0	0	1,663	5,145	0	180,086	DEPARTMENT DISCRETIONARY	180,086
41101	SIGNAL MAINT - TO	0	13,000	0	0	0	0	0	13,000	DEPARTMENT DISCRETIONARY	13,000
43100	INSTALL NEW SGH, SIRP L SFTY DEV/WS RD	76,654	18,050	0	0	11,689	36,155	0	142,578	DEPARTMENT DISCRETIONARY	142,578
43101	INSTALL SGH, SIRP A SFTY OE/CATTLE GUARD INSTALL TO	3,037	3,150	0	0	319	986	0	7,492	DEPARTMENT DISCRETIONARY	7,492
44100	PATCHING/OVERLAY PAIC11111G (BASE RECONST.)	265,812	344,356	0	0	123,300	116,585	0	850,061	DEPARTMENT DISCRETIONARY	550,061
44101	PATCHING/OVERLAY O/L PATCH - 10 (BASE RECONST.)	99,209	192,385	0	0	74,493	53,504	0	419,591	DEPARTMENT DISCRETIONARY	419,591
45136	CONTRACT OVERLAY-EL DORADO HILLS BUS PARK	0	36,000	0	0	0	0	0	36,000	MISC REIMBURSABLE OPERATING TRANSFERS IN	18,000 18,000
46100	CHIP SEAL/WS RD	297,113	481,153	0	0	139,783	131,667	0	1,049,716	DEPARTMENT DISCRETIONARY	1,049,716
46101	CHIPSEAL TO	0	230,000	0	0	0	0	0	230,000	DEPARTMENT DISCRETIONARY	230,000
48100	PAVEMENT MANAGEMENT SYSTEM	43,714	1,900	0	0	1,476	14,588	0	61,678	DEPARTMENT DISCRETIONARY	61,678
48101	MAINTAINED MILEAGE	13,214	150	0	0	36	4,346	0	17,746	DEPARTMENT DISCRETIONARY	17,746
48102	ROUT MAIN/RD SUR POT HILLS	536,044	302,926	0	0	313,323	251,899	0	1,404,192	DEPARTMENT DISCRETIONARY	1,404,192
48103	ROUT MAIN/AC GERMS	3,834	9,297	0	0	2,226	1,827	0	17,184	DEPARTMENT DISCRETIONARY	17,184
48104	ROUT MATH/CRACK SEALS	27,778	30,300	0	0	18,111	14,016	0	90,205	DEPARTMENT DISCRETIONARY	90,205
48105	ROUT MAIN/RD SUR GRAD	7,895	0	0	0	3,696	3,331	0	14,922	DEPARTMENT DISCRETIONARY	14,922
48107	ROUT MAIN/ORUSII L WEED	162,995	0	0	0	87,839	75,470	0	326,304	DEPARTMENT DISCRETIONARY	326,304

COSTCENTER 306 DOT - ROADS

EL DORADO COUNTY
 WORK PROGRAM
 2001-2002 BUDGET YEAR

08/24/2001

Work OROLIT	DESCR1111011	LABOR	SERVICES R SUPPLIES	OTHER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVERHEAD CHARGES	INTRATUND TRANSFERS	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
48108	ROUT MAIN/RD SIDE DITCH	156,884	1,208	0	0	86,882	72,512	0	317,486	DEPARTMENT DISCRETIONARY	317,486
48109	ROUT MAINT/ DRAINAGE EASHEIII	759	0	0	0	369	333	0	1,461	DEPARTMENT DISCRETIONARY	1,461
48110	ROIL MAIN/SWEEPING	41,701	1,200	0	0	24,884	20,122	0	87,901	DEPARTMENT DISCRETIONARY	87,907
46111	ROUT MAIN/CLN-RPR CULVERT	280,924	22,647	0	0	140,067	125,593	0	569,231	DEPARTMENT DISCRETIONARY	569,231
68111	ROUT HAITI/TNCE, GORL, OAR REP	8,354	10,000	0	0	4,066	3,664	0	26,084	MISCELLANEOUS SERVICES/INSPECT DEPARTMENT DISCRETIONARY	5,000 21,084
48114	ROUT RAIN/SIGH HAIRY - 115	278,130	24,467	0	0	78,784	128,779	0	\$10,160	MISCELLANEOUS SERVICES/INSPECT DEPARTMENT DISCRETIONARY	5,000 505,160
48115	ROUT MAIN/CNTRLR L MRK HAITI - WS	334,573	129,117	0	0	66,208	155,792	0	705,690	DEPARTMENT DISCRETIONARY	705,690
48116	ROUT MAIN/DEAD ANIMAL REMOVAL	0	15,000	39,000	0	0	0	0	54,000	DEPARTMENT DISCRETIONARY	54,000
48118	ROUT MAIN/BRDG MAIN	79,741	56,417	0	0	38,849	34,975	0	209,984	DEPARTMENT DISCRETIONARY	209,984
46119	YARD MAINTENANCE	10,777	4,097	0	0	5,434	4,799	0	25,107	DEPARTMENT DISCRETIONARY	25,107
48122	ROUT MAINT/EROSION	1,639	1,400	0	0	1,256	902	0	5,197	DEPARTMENT DISCRETIONARY	5,197
48123	EMERGENCY RESPONSE	4,810	0	0	0	2,347	2,110	0	9,267	DEPARTMENT DISCRETIONARY	9,267
48124	ROUT HAIRY/ SPRAYING	22,784	48,067	0	0	11,098	9,993	0	91,942	DEPARTMENT DISCRETIONARY	91,942
48127	DURAPATCHING	126,642	53,193	0	0	68,777	58,383	0	306,995	DEPARTMENT DISCRETIONARY	306,995
48129	SIGN REMOVAL IN ROW	4,149	0	0	0	148	5,828	0	10,125	DEPARTMENT DISCRETIONARY	10,125
48131	SIGN MAINTENANCE - TO	6,789	2,900	0	0	1,063	3,287	0	14,039	DEPARTMENT DISCRETIONARY	14,039

WORK ORDER	DESCRIPTION	LABOR	SERVICES SUPPLIES	OTHER CHARGES	FIXED ASSETS	VEHICLE USAGE	OVERHEAD CHARGES	INTRAFUND TRANSFERS	TOTAL	REVENUE SOURCE	REVENUE AMOUNT
48132	CENTERLINE HAIRY - TO	16,870	22,950	0	0	3,724	8,017	0	51,561	DEPARTMENT DISCRETIONARY	51,561
48134	ROUT MAIHT/FNCE,GURL,PAR REP TO	380	0	0	0	190	167	0	737	DEPARTMENT DISCRETIONARY	737
48135	R0111 MAIIII/BRIDGE HAIRY T ↓	3110	0	0	0	190	167	0	737	DEPARTMENT DISCRETIONARY	737
48901	SAFETY PROJ - 2 WAY LEFT TURN LN/PLEASANT VLY RD E/O O.S.	0	10,000	0	0	0	0	0	10,000	DEPARTMENT DISCRETIONARY	10,000
45902	SAFETY PROJ - 2 WAY LEFT TURN LM/SUNSET TO FRENCH CRK	0	15,000	0	0	0	0	0	15,000	DEPARTMENT DISCRETIONARY	15,000
48903	SAFETY PROJ - LEFT RUN L11/GREEN VLY 0 W DEER VLY	0	10,000	0	0	0	0	0	10,000	DEPARTMENT DISCRETIONARY	10,000
48904	SAFETY PROD - ALL WAY SLOP/COLD SPROS 0 GOLD HILL	0	15,000	0	0	0	0	0	15,000	DEPARTMENT DISCRETIONARY	15,000
48908	SAFETY PROJ - LRDSPE ISLANDS/CCC TO DUMP/SPREAD ROCK	0	30,000	0	0	0	0	0	30,000	DEPARTMENT DISCRETIONARY	30,000
49100	SNOW REMOVAL/WS	90,408	45,213	0	0	30,828	35,275	0	201,724	DEPARTMENT DISCRETIONARY	201,724
49101	SNOW REMOVAL/TO	697,396	76,437	4,768	0	271,154	217,112	0	1,266,867	DEPARTMENT DISCRETIONARY	1,266,867
49275	DOT/FOREST SERVICE CUL-DE-SACS	31,031	69,615	0	0	7,839	26,067	0	134,552	DEPARTMENT DISCRETIONARY	134,552
CATEGORY TOTAL		3,744,080	2,488,245	43,768	0	1,642,119	1,623,396	0	9,541,600		9,541,608
SUPPORT TO OTHER GOVERNMENT AGENCIES											
50000	CAPITAL IMPROVEMENTS	59,230	0	0	0	0	52,850	-112,080	0		
52101	CONIRIOUTION TO 0111ER AGENCY	0	0	86,000	0	0	0	0	86,000	TRANSPORTATION TAX IDA	86,000
CATEGORY TOTAL		59,230	0	86,000	0	0	52,850	-112,080	86,000		86,000

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3. Budget Timing, Information and Analysis

- F3.1 The Board of Supervisors receives very comprehensive, well organized reports on the status of the budget at mid-year but no further formal reports until they receive the proposed budget for the next fiscal year in June. As stewards of the County's financial resources, more regularly produced status reports and updates should be provided with less detail than the mid-year reports but with enough information to allow the Board to monitor performance and receive early warnings of potential fiscal problems.**
- F3.2 The County's financial information system allows for production of a wide variety of ad-hoc reports and analysis of expenditures and revenues accessible to all department managers. A monthly report to the Board showing actual expenditures and revenues by department, with a projection of the County's financial position at year end, could easily be produced and would facilitate more Board and public involvement in monitoring the County's fiscal status. It would eliminate surprise developments such as the increase from \$12.5 to \$21.5 million in fund balance available reported between the proposed and budget addenda for FY 2001-02. Information of this sort would also provide a basis for other questions and analyses of situations when revenues or expenditures are not at the level originally projected.**
- F3.3 The analysis of the proposed budget each year consumes many months of staff time but largely focuses on incremental appropriations requested by the departments or recommended by the Chief Administrative Officer but not the baseline budget. Oftentimes, savings can be realized in the baseline budget by improving the efficiency of operations, reorganizing or consolidating programs or increasing revenues. One of the most effective means of identifying opportunities for savings in the baseline budget is through departmental performance audits.**

The major points of public presentation and discussion about the County's budget are: 1) the mid-year budget report to the Board of Supervisors; 2) presentation of the proposed annual budget in June; 3) presentation of the addenda budget in August; and, 4) budget hearings in September. At all four points, a great deal of useful information is provided to the Board covering all departments, revenue sources and operational issues. The information is prepared by the Chief Administrative Officer and, in the past, discussion about the contents were largely between the Board and the Chief Administrative Officer and the Auditor-Controller. For the FY 2001-02 budget, the process was expanded when the Board of Supervisors requested that each department make a presentation about their budget and operations.

The mid-year budget report provided in February 2002 contained discussion of projected fund balance, expenditures and revenues by department, a discussion of expected increases in health benefits costs, detailed revenue projections (summarizing projections prepared by the Auditor-Controller), capital project highlights, a discussion of the State budget, a regional economic forecast, salary projections for FY 2002-03, and departmental savings. It provides a good deal of information of interest to the Board of Supervisors, department managers and the public.

Section 3: Budget Timing, Information and Analysis

The proposed budget document for the subsequent fiscal year is provided in June of each year and includes detailed revenue projections and proposed expenditures for each department. Information for each department is also presented including staffing detail, descriptions of all major programs operated by the department, workload indicators, actual revenues and expenditures for the previous two fiscal years and proposed revenues and expenditures by major programs or costs centers for all departments. An overview of the County's financial situation is presented including detailed revenue estimates for the budget year, changes in State and other funding sources, and roll ups of expenditure data by fund and functional areas.

The third and final budget report prepared by the Chief Administrative Officer is provided in August. This report provides final revenue and expenditure estimates for the year after the State budget has been adopted and actual fund balances are known based on better and more complete prior year actual data.

While all three reports provided to the Board of Supervisors include a substantial amount of useful information, there are no routinely produced reports between these three to keep the Board abreast of the overall fiscal situation of the County and to have early warnings of potential problems. Budget related items do come up at Board meetings if an individual department is requesting mid-year supplemental funding or if the supervisors request information on a particular department or a budget related topic. However, fiscal information is not otherwise routinely reported in a standardized report to the Board to allow for comparisons and trend analyses throughout the year.

Timing of County Budget Review and Approval

Department budget staff spend many months of the year going through their internal budget review and preparation processes and then explaining and defending their proposals to the Chief Administrative Office before they are submitted to the Board of Supervisors. Then, for many departments, there are additional analyses and expenditure plans to be prepared between June and September as actual fund balance amounts become known, the State budget is adopted and other adjustments are made. The net result is a lengthy process consuming more than half the year and a budget mostly prepared six months earlier being reviewed by the Board of Supervisors in September.

While the County is subject to State timing requirements governing the preparation and adoption of the budget, attempts should be made to complete more of the budget process in June so that fewer staff hours are consumed in duplicative efforts between June and September and so the budget reviewed and discussed by the Board of Supervisors is more current. A review of changes between the proposed and addenda budget for FY 2001-02 shows that budget appropriations increased by \$23 million between June and September. Most of the change, or 77.3 percent, was in the General Fund and Roads Fund. Exhibit 3.1 presents the changes for all funds.

Section 3: Budget Timing, Information and Analysis

Exhibit 3.1
Changes between Proposed and Addenda Budget
By Fund, FY 2001-02

Fund	Proposed Budget	Addenda Budget	Difference	Total Difference
Roads Fund	\$31,856,908	\$41,367,148	\$9,510,240	41.2%
General Fund	147,900,815	156,236,963	8,336,148	36.1%
Health Department	17,128,851	19,719,350	2,590,499	11.2%
Accumulated Capital Outlay	3,673,718	5,403,519	1,729,801	7.5%
Mental Health Services	9,749,849	10,463,260	713,411	3.1%
Tobacco Settlement		487,860	487,860	2.1%
Road District	2,460,871	2,617,875	157,004	0.7%
Community Services	7,986,053	8,026,027	39,974	0.2%
Special Aviation	20,000	20,000	-	0.0%
Fish & Game	5,000	5,000	-	0.0%
EIR Development Fees	300,000	300,000	-	0.0%
Erosion Control	4,918,455	4,413,840	(504,615)	<u>-2.2%</u>
TOTAL	\$226,000,520	\$249,060,842	<u>\$23,060,322</u>	<u>100.0%</u>

Source: Proposed and Addenda Budgets, FY 2002-03

The \$9.5 million in Roads Fund monies was mostly from capital project carryovers and increases in estimated fund balance. For the General Fund, the increase was primarily generated from carryover fund balance, mostly due to a combination of capital project carryover, actual expenditures being less than budgeted, and actual revenues being more than budgeted the previous year. The fourth largest contributor to the increase, Accumulated Capital Outlay, was also the result of an increase in fund balance available compared to what was estimated in the proposed budget due to more projects being carried over from the previous year than anticipated in June.

By producing more detailed projections of revenues and expenditures throughout the year, particularly in the second half, and projecting year-end fund balance monthly, the County's estimates of carryover fund balance in June should become more accurate and closer to the amounts now not identified until September. With better tracking and reporting of capital project expenditures and timing, as recommended in Section 2 of this report, and monthly projections of year-end fund balance for the Roads and Accumulated Capital Outlay funds, the discrepancy between the June and September budget for capital project carryover funds should also be decreased. The net result of more accurate forecasting would be fewer changes between June and September and less work for all County staff in creating and analyzing a second budget document with numerous revisions for the September hearings.

Though the State budget could be and probably will be changed to some extent between June and September, most of it should be known and in place by June based on the Governor's budget. County estimates of the budget in June should be reasonably accurate for most of the State funding received. The County should endeavor to reduce discrepancies between the two budgets

Section 3: Budget Timing, Information and Analysis

and complete most of the budget process in June, with only some minor changes to be approved in September.

While production of the three budget reports that the Board now receives involves a substantial amount of work for the Chief Administrative Officer and department fiscal staffs, other regularly provided information between these three reports is needed. Current budget information is readily available on the County's Financial Management Information System (FAMIS) and could be produced without extensive staff work. Of key importance for a monthly report is:

1. Budgeted vs. actual expenditures and revenues by department and major revenue source
2. Explanations of major variances between budgeted and actual expenditures and revenues
3. Projected expenditures, revenues and fund balances, by fund, for year end
4. Key performance indicators

This information would provide ongoing assessments of the County's fiscal situation and individual department performance and would serve as a supplement to the annual budget review and approval process by making the Board aware of issues affecting certain revenues or individual departments during the year. The Interim Chief Administrative Officer directed all department heads in April 2002 to undertake detailed re-computations of their estimated year-end Net County Costs to improve the forecast for FY 2002-03.

Even though monthly reports at the early part of the year would generally not be too revealing with so little time passed since budget adoption, the Board should still receive these reports as they will serve as the foundation for subsequent reports during the year. As the year progresses, the Board may want to request other special reports with more detail on a certain department or revenue or an issue such as turnover or workers compensation claims if a particular department is experiencing a high rate of claims.

The County needs to analyze its baseline programs and budgets

Another type of information that would be useful to inform the annual budget process is evaluations or performance audits of individual departments and programs conducted throughout the year. This would provide the Board with more detail that could be used at budget time regarding all aspects of individual department operations and provide a stronger basis for decisions about baseline department funding levels.

The budget review process assumes that a baseline level of funding will be provided for all departments. The discussion in the proposed budget regarding funding changes almost entirely deals with incremental funding levels, or additions to the base level of funding. As in most counties, the Chief Administrative Office's analysis of budget requests submitted by the departments is focused primarily on any increases to the baseline budget but generally does not question the existing level of funding. Comments in the proposed budget document focus on increases or changes in the budget and recommendations on what new positions or programs should be funded, if any. For the most part there is no discussion or recommendations to decrease funding of the baseline budget through improved efficiency and/or increased revenue.

Section 3: Budget Timing, Information and Analysis

There is an implicit assumption in the budget review that existing allocation levels should not be changed.

In fact in many instances changes could be made to department operations or business processes and costs reduced through efficiency improvements or revenues increased through improved collections or establishing fee levels that capture more of the costs actually being incurred. One way of identifying such changes is through detailed review of department operations through performance auditing.

Performance auditing can briefly be described as a review of all aspects of a department's operations to determine if the department is operating in compliance with all applicable laws and as efficiently, effectively and economically as possible. Performance audits can be conducted by outside consultants or in-house staff. While regular conduct of performance audits might represent a new cost to the County, if new staff is hired or consultants are used,¹ over time audits should more than pay for themselves with cost savings and/or revenue increases for the departments reviewed. Another benefit would be improved service levels for the public by identifying improvements in business processes and methods of streamlining operations.

El Dorado County engaged a consultant to conduct a performance audit of the Department of Transportation and is planning one soon for the Department of Social Services. Efforts such as these should be continued and expanded to include all other departments on a multi-year cycle.

Performance audits should take place throughout the year but their recommendations could be used in the budget process by identifying areas where departments could operate more efficiently particularly in the base budget. For example, a recently conducted analysis of Sheriff's Department staffing conducted independent of their budget preparation process recommended adding more permanent positions to reduce overtime. An analysis of a department's management structure might reveal an opportunity to consolidate and reduce management positions based on an analysis of duties performed. An audit of user fees charged by the County might show that they are not fully recovering costs and should be adjusted accordingly.

In some jurisdictions performance audits are conducted on an ongoing basis so that all departments are audited over a certain number of years. Other counties select audit topics annually based on an assessment of the risk or exposure of each department and the potential impact of realizing improvements in that department. Other jurisdictions conduct performance audits as the need arises. An ongoing performance audit program in El Dorado County would have multiple benefits including improved service levels, reduced costs of operations and making resources available for other purposes.

¹ The County should explore the possibility of conducting performance audits with existing audit staff through re-prioritization of their current duties. If this is possible, new costs would not be incurred.

Recommendations

It is recommended that the Board of Supervisors:

- R3.1 Direct the Chief Administrative Officer and/or the Auditor-Controller to begin producing monthly fiscal status reports showing a comparison of budgeted and actual expenditures and revenues by department, projected expenditures and revenues through year end, projected year-end fund balance for each of the County's funds based on the latest actual revenues and expenditures, and selected key performance indicators for individual departments;
- R3.2 Direct the Chief Administrative Officer to develop and implement a plan to reduce differences between the proposed budgets in June and September and reduce County staff time spent preparing for the second budget hearing by using the recommended monthly projections of revenues, expenditures and fund balance and by more closely monitoring capital project progress and funding in the second half of the fiscal year;
- R3.3 Direct the Chief Administrative Officer to implement a performance audit program to be conducted either in-house by staff in the Auditor-Controller's office, staff reporting directly to the Board of Supervisors, by consultants, or a combination of in-house staff and external consultants; and,
- R3.4 Establish a performance audit schedule using a risk assessment approach where all departments are evaluated against a set of criteria to indicate where the largest benefits are likely to occur from conducting performance audits.

Costs and Benefits

The costs of implementing the above financial forecasting recommendations would primarily be existing staff time. The benefits would include staff time now spent preparing for the September budget addenda process becoming available for other purposes and more of the budget process being complete in June.

The costs of an ongoing performance audit program would depend on whether new staff is hired and, if so, the number and level of audits to be conducted in a year. Assuming two to three audits would be typical and two to three staff positions, estimated costs would be between \$100,000 and \$200,000 per year. To the extent existing audit staff could be used for this purpose by re-prioritizing their activities rather than adding new staff, additional costs would not be incurred. The benefits of a performance audit program should greatly exceed the costs in terms of cost savings and revenue increases identified through the performance audit process.

Section 3: Budget Timing, Information and Analysis

Responses Required for Findings

F3.1 through F3.3 El Dorado County Board of Supervisors

Responses Required for Recommendations

R3.1 through R3.4 El Dorado County Board of Supervisors

4. Internal Service Funds

- F4.1 The County budget includes two internal service funds; the risk management fund covers centralized County insurance costs and the fleet management fund covers the County's vehicle maintenance and replacement services. Internal service fund costs are not as predictable as operating departments because they rely on forecasts of future needs and variables such as the number of employees who will need health services or be injured on the job, the extent to which claims will be filed against the County and the number of vehicles that will need to be replaced. The budget for these two funds in FY 2001-02 is approximately \$20.9 million and together the County maintains reserves for these two funds of another approximately \$16 million. This level of expenditure and reserves represents a larger budget than most County departments.
- F4.2 Key information on assumptions used for these funds is not fully disclosed in the proposed and addenda budget documents to assist the Board of Supervisors in determining the appropriate level of appropriations and reserves for these funds. The budget does not present actual expenditures for previous years or projections of expenditures for subsequent years. Without this information it is not easy to determine if appropriate funding and reserves are in place. If too much is budgeted and reserved, budget resources are tied up that could otherwise be used for other purposes. If too little is budgeted, the County may need to reduce expenditures elsewhere or use contingency funds to meet its insurance or fleet obligations.
- F4.3 The Risk Management budget for FY 2001-02 includes reserves based on five year projections for the County's risk management fund. The basis for these projections should be provided to the Board of Supervisors, who should then adopt a County policy regarding appropriate reserve levels for each type of insurance.
- F4.4 Historical and projected vehicle purchase expenditures are not presented in the budget. Such information would help the Board determine an appropriate level of funding and reserves for the County's vehicle replacement fund.

Internal service funds are defined as funds used to account for the financing of goods or services provided by one department or agency to other departments or agencies, on a cost reimbursement basis. El Dorado County has two such funds: 1) Risk Management and 2) Vehicle Replacement. The Risk Management fund is used to account for payments from all County departments to cover their share of the County's costs for general liability, employee health and workers' compensation insurance. The costs covered by the monies in this fund include claims payments, legal costs, insurance premiums for excess insurance¹, a third party administrator and staff and indirect costs of the County Risk Management Office.

¹ The County is self-insured but buys third party commercial insurance only for incidents above a certain dollar threshold. This helps prevent any dramatic swings in pay outs from year to year.

Section 4: Internal Service Funds

The fleet management fund charges each department for the costs of maintaining and acquiring and maintaining the department's vehicles and heavy equipment. The charges also cover the costs of County fleet management staff and related indirect costs.

Key budgetary decisions to be made for these internal service funds are: a) the level of appropriation to include in the budget to meet annual expenses; and, b) the level of reserves to include in the fund to cover known future liabilities. Charges to customer departments are based on appropriated annual expenditures and a proportionate share of reserves.

Annual appropriations are needed to cover the operating costs for a single budget year. Reserves are established for internal service funds to cover known or expected costs beyond what is expected in the budget year. Particularly with insurance, costs can be paid over multiple years. Although costs can be estimated for a claim filed in the current year, the case may not actually be settled for several years out. The risk management fund reserve provides funds for these type of situations and for unexpected pay outs in the event that a large claim against the County is settled sooner than expected or an unpredicted unusually high employee disability payment has to be made in a single year. Commercial excess insurance is also purchased by the County to cover high cost unusual cases. Fleet management fund reserves might be used if a number of vehicles or heavy equipment unexpectedly need replacement in addition to what is expected in the County vehicle replacement schedule.

Insurance expenditures are determined with input from actuaries who produce multi-year projections of likely future pay outs based on historical loss and expenditure data, known claims filed, demographics of the work force, changes in law and other contributing factors. For fleet management, maintenance and replacement costs can be projected based on existing fleet characteristics such as age and mileage plus any projected increases in fleet size or mix needed based on new or expanded programs or workload in the County.

Risk Management Fund

As mentioned above, El Dorado County's risk management fund is comprised of three components:

- 1) employee health insurance;
- 2) general liability; and
- 3) workers' compensation.

Each represents a significant cost to the County but the budget document does not present details on the three components. Instead, the County risk management fund is presented in aggregate with no breakdown of how much of the total cost is attributable to each component. Total budgeted expenditures for FY 2001-02 were approximately \$18.1 million for all components of the risk management program. This amount is separate from the reserves kept in the risk management fund to cover known and projected insurance liabilities in future years. The budget document does not report the approximately \$12 million reserved for the risk management fund nor does it report how much of this is attributable to each of the three components of the fund.

Details on the risk management fund should be presented in the proposed budget for a number of reasons. First, it is important for the Board of Supervisors to know which costs are increasing, which are decreasing, and what, if anything, County management has done or can do to control these costs. For example, employee health insurance costs are expected to increase significantly in the next year, an issue that was widely discussed in the budget hearings for FY 2001-02, but it would be useful to present these costs in the context of overall health insurance costs, separate from general liability and worker's compensation costs.

Increases in workers' compensation costs cannot always be controlled but a large increase may raise questions about the extent to which County management has implemented safety training programs for employees. Similarly, a rise in risk management costs should be reviewed to determine if certain exposures resulting in frequent claims have been effectively dealt with by management.

The proposed budget document for FY 2001-02 presents information about the Risk Management office that is part of the Chief Administrative Office. The document presents revenues and costs for the Risk Management office, including County staff, claims payments and other administrative cost, as follows:

Exhibit 4.1
Risk Management Revenues and Costs
Presented in the Proposed FY 2001-02 Budget
FY 1999-00 through FY 2001-02

	Actual	Approved	CAO Recommended
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
Revenues:			
Charges to Departments	\$12,764,911	\$14,824,755	\$17,194,416
Use of Money & Property	684,255	594,007	527,506
Fund Balance	-	1,199,008	366,515
Other Sources	1,500	4,000	1,500
<u>Miscellaneous</u>	<u>103,356</u>	<u>166,667</u>	
Total	\$13,554,022	\$16,788,437	\$ 18,089,937
Expenditures:			
Salaries & Benefits	378,356	415,759	427,897
Services & Supplies	13,914,111	16,165,149	17,427,744
Other Charges	159,663	207,531	231,094
<u>Intrafund Transfers</u>	<u>2,390</u>		<u>3,200</u>
Total	\$14,454,520	\$16,788,439	\$18,089,935

As can be the Services and Supplies expenditure line items of \$17.4 million for FY 2001-02 represents the bulk of risk management annual costs. Since this is such a large amount and is comprised of a number of different costs, more detail should be provided in the budget including

Section 4: Internal Service Funds

how much is for claims payments, legal services, the third party administrator, excess insurance premiums, and other costs, for each of the three risk management fund components.

Staffing for the office and workload indicators are presented in the proposed budget document as is a description of the office's programs and the Chief Administrative Officer's recommended changes in the budget.

Determining Appropriate Reserve Levels for Internal Service Funds

The revenue discussion includes the statement that the fund will be relying less on fund balance than it has in the past for health and worker's compensation. The discussion reports that reserves for the General Liability program are greater than what is needed and that Worker's Compensation reserves are lower than needed according to an actuarial analysis performed for the County. The Chief Administrative Office reports that it has prepared a five year plan to achieve reserves at a 70 percent confidence level for both the General Liability and Worker's Compensation fund. The 70 percent confidence level is described as a reserve level that will statistically be sufficient or better in 70 percent of the cases and inadequate 30 percent of the time.

While it is laudable that the budget discloses the imbalance in reserves found in the two funds and a plan to correct it, the discussion has some deficiencies from a public decision making perspective. First, the actual amount of reserves in the two fund components are not presented in the budget nor is the fiscal impact of adopting the 70 percent confidence level approach clearly laid out. Alternative reserve scenarios are not presented so that the Board could see the fiscal impact of choosing other approaches to funding reserves for these funds at the 70 percent confidence level.

The choice of a lower reserve level, which would not prevent the County from meeting its current year claims payment obligations, could potentially mean millions of dollars available for other purposes in the budget. On the other hand, the Board of Supervisors may want to adopt a higher reserve level policy that would require increasing the charges paid by departments to increase reserve levels in the fund. To make an informed decision, the budget should include the following:

- o Current amounts in reserve, shown separately for Workers' Compensation, General Liability and Health Benefits
- u Three years of projected actual expenditures for the budget year and the next five to ten years, shown separately for Workers' Compensation, General Liability and Health Benefits
- u The amount needed to fund reserves at alternative confidence levels, covering the spectrum of possible approaches ranging from no reserves for future year expenses if a "pay as you go" policy is adopted, funding to cover the current year and some future costs, funding to cover the current year and some but not all projected future costs, and funding to cover the current year and all projected future costs.

Section 4: Internal Service Funds

Counties and public jurisdictions have varying policies on reserves. On one end of the spectrum, some counties and other public jurisdictions simply budget for their expected payments in the budget year. Others choose to maintain reserves to fully cover all known current and future liabilities and some counties choose a position between these two.

The Board of Supervisors should be involved in deciding the level of reserves for each of these funds. To inform this decision, the budget document should include information in a table such as presented in the example in Exhibit 4.2:

**Exhibit 4.2
Example of Information
to Provide to the Board of Supervisors
for Consideration of Alternative Insurance Reserve Levels
for Internal Service Funds**

Confidence level	Reserves required 000s
Pass you o	None
<u>20%</u>	\$3,000
35%	\$3,500
50%	\$4,000
65%	\$4,500
70%	\$5,000
80%	\$5,500
<u>100%</u>	<u>\$6,000</u>

The County's financial statement for the fiscal year ending June 30, 2001 showed that the Risk Management fund had approximately \$12.9 million in cash reserves for future costs. The liability for noncurrent insurance payments was reported in the financial statement as \$11.9 million. In other words, there was enough cash in the fund to cover all known and projected pay outs for the current and future years that would have to be paid if the County suddenly went out of business and never received any more payments from its customer County departments. Since the likelihood of the County actually going out of business is quite small, the Board may want to consider a lesser reserve level. By presenting the projected pay outs for future years in the proposed budget, the Board would be better informed for deciding the optimal level of reserves.

A summary of information that should be presented is shown in the following two exhibits. The numbers are for illustration purposes only and do not reflect the actual or projected expenses of El Dorado County. The information in Exhibit 4.3 would provide a snapshot of retained earnings, annual revenues, annual costs, and cash reserves on hand for the future and projected future liabilities, all in one table.

Exhibit 4.3
 Example of cash reserve, revenue and expenditure
 information to be presented in the proposed
 General Liability and Workers' Compensation Fund budgets
 (in 000s)

	<u>General Liability</u>	<u>Workers' Compensation</u>
a Retained earnings: end of FY 00-01	\$2,900	\$3,600
b Revenues from <u>charges to departments</u> FY 01-02	3,700	4,200
c Total funds available (a+b)	6,600	7,800
• FY 01-02 Claims pay outs/legal costs,	2,000	2,600
• FY 01-02 Third party administrator costs	400	300
• FY 01-02 Excess insurance costs	1,500	1,000
• FY 01-02 Staff and administrative costs	150	200
h Total costs FY 01-02 (d through g)	4,050	4,100
i Retained earnings: end of FY 01-02 c-h	2,550	3,700
J Cash reserves on hand	6,600	3,300
k Future Year Liabilities	6,500	4,200

Note: Amounts shown are for illustration purposes only and are not actual El Dorado County amounts.

Actual historical expenditures should be shown to provide information about typical annual expenditures, what is likely to be needed in future years and to help determine how much cash should be kept in reserve to meet those expenses.

Exhibit 4.4
 Example of payment data to be presented in budget
 for General Liability and Workers' Compensation Funds (in 000s)

Fiscal Year	<u>General Liability</u>	<u>Workers' Compensation</u>
1995-96	1,500	1,600
1996-97	1,700	1,500
1997-98	1,800	1,900
1998-99	2,000	1,900
1999-00	2,700	2,500
2000-01	2,500	2,700

Information such as that shown in Exhibit 4.4 should be presented to the Board of Supervisors to identify average annual expenditures in the past and as a basis for future projections. The historical numbers would have to be tied to some sort of appropriate index such as number of employees to determine an average cost per employee and then project forward based on expected increases in the County work force. Other variables should also be considered in the projections such as changes in County services that might result in changes in risk exposures.

Fleet Management Fund

Fleet management fund information in the budget document is less comprehensive than risk management fund information. The fleet management function is a function of the General Services Department and is included in that department's budget. Because the department covers so many functions, such as capital projects, communications, purchasing, airports and parks and grounds, and because the expenditure level is lower, the level of reporting is lower for fleet management than risk management.

In spite of its smaller size, similar information should be presented in the budget as discussed for risk management. The budget document should include cash on reserve (approximately \$3.7 million as of June 30, 2001), annual revenues and historical and five year projected fleet maintenance and replacement costs. Unlike insurance costs, the County would not have future vehicle maintenance and replacement obligations if it went out of business but some reserve level is appropriate to cover unanticipated expenses such as replacement of critically needed vehicles before their expected replacement dates due to accident or unplanned repair costs exceeding the vehicle's value. This information and reserve options would assist the Board of Supervisors in making decisions on funding levels and appropriate charges to customer departments for this fund.

Recommendations

It is recommended that the Board of Supervisors:

- R4.1 Adopt a policy establishing reserve levels for the three components of the risk management fund and the total fleet management fund based on information provided by the Chief Administrative Officer including: (a) a year by year schedule of all known and estimated liabilities for the health benefits, workers' compensation and general liability funds; and, (b) the amount needed to fund reserves at alternative confidence levels ranging from "pay as you go" to fully funded;
- R4.2 Require the Chief Administrative Officer to provide details on historical and projected claims payment expenditures each year in the proposed budget for all internal service funds, with the three components of the risk management fund presented separately;
- R4.3 Require the Chief Administrative Officer to clearly present the amounts in reserve each year by each internal service fund or component thereof;
- R4.4 Require the Chief Administrative Officer to provide more detail on the approximately \$17 million in annual Services and Supplies expenditures for the risk management fund and each of its component funds.

Costs and Benefits

There would be no new direct costs associated with the above recommendations. Benefits would include better information about internal service fund funding levels provided to the Board of Supervisors and the public and, potentially, one time funds available for other purposes if the Board should choose to reduce reserve levels allocated to the funds.

Responses Required for Findings

F4.1 through F4.4 El Dorado County Board of **Supervisors**

Responses Required for Recommendations

R4.1 through R4.4 El Dorado County Board of Supervisors

CRIMINAL JUSTICE COMMITTEE

Allegations of Violation of Ethics in Government Act

Citizen Complaint #01/02–C-025

Reason for the Report

A citizen complained that he gave two guns to the Sheriff's Department to be raffled and the money used to provide protective vests for the Sheriff's Department police dogs (K-9 Unit). The proceeds from the sale of the guns were not used for the intended purpose. The Grand Jury elected to inquire into the propriety of these events.

Scope of the Investigation

The Sheriff's Department property room was checked on April 17, 2002.

The following persons were interviewed:

- The Sheriff, twice;
- The Complainant, twice; and
- An Elections Department clerk.

The following documents were reviewed:

- Citizen Complaint #01/02–C-025; and
- The Sheriff's Form 700, Statement of Economic Interest, and Schedule E, Income-Gifts, for entries on April 1, 2001, April 1, 2002, and May 8, 2002.

Findings

- F1: The complainant personally gave two guns (a Weatherby rifle and a shotgun) to the Sheriff to be raffled with the intention that the proceeds be used to buy protective vests for the K-9 Unit. He claimed that on several occasions dogs were injured because such vests did not protect them.
- F2: It is the position of the Sheriff that there was no need for protective vests for the K-9 Unit, and that if there were such a need the Department would find the money to buy the vests.
- F3: It is the position of the Sheriff that the guns were a personal gift to him from the complainant.
- F4: The guns were not logged into the property records of the Sheriff's Department, as they should have been if they were a gift to the Department.

- F5: The Sheriff is a "designated employee" as described in the County's Conflict of Interest Code, Resolution No. 25-98, adopted by the Board of Supervisors (Board) on February 24, 1998, and as amended by the Board by Resolution No. 036-2001 on February 27, 2001. Accordingly, pursuant to Title 2, California Code of Regulations, Section 18730(b)(7)(B)(1), the Sheriff was required to file, with the County Elections Department, a Form 700, Schedule E, disclosing the value of each gift which he received if the gifts exceeded fifty dollars (\$50) in value.
- F6: Section 89503(a) of the California Government Code, a portion of the Ethics in Government Act of 1990, provides that "[n]o ... elected officer of a local government agency ... shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250)." Pursuant to Section 89503(f) of the Government Code, see Title 2, California Code of Regulations, Section 18730(b)(8.1), that monetary limitation has been adjusted upward to meet inflation, to the point where it is now three hundred twenty dollars (\$320).
- F7: The instruction form for Schedule E of Form 700 informs that it is the acceptance of a gift, not the ultimate use to which it is put, that imposes a reporting obligation. Such gifts must be disclosed even if they are never used and even if they are given away to another person, unless, within thirty (30) days after receipt, they are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.
- F8: When the Sheriff filed his various Annual Statements of Economic Interest, he did not declare the receipt of or the value of the rifle or the shotgun, as he should have if they were personal gifts.
- F9: The Sheriff sold the Weatherby rifle, through a consignment arrangement with a gun store for \$500.00. The \$500 was credited to the Sheriff's personal account at the store. The shotgun is still in the Sheriff's personal possession.
- F10: The Sheriff decided to turn over the sale proceeds and the shotgun to the complainant to resolve the matter.
- F11: As of April 20, 2002, the complainant has received neither the money nor the gun.
- F12: On May 8, 2002, the Sheriff filed an amended Schedule E to Form 700, Statement of Economic Interests (Income – Gifts), with the County Elections Department. That amended Form 700 was "certif[ied] under penalty of perjury," with a representation that the Sheriff had "used all reasonable diligence in preparing this statement," and that "to the best of [his] knowledge the information contained [in it] and in any attached schedules is true and correct." Although the Form 700 indicated that "[t]he period covered [was] 12/31/99 through December 31, 2001," and not a "leaving office" type of statement, the amended Schedule E indicated that it was both a "2001/2002 Annual" and a "Leaving" type of statement.

F13: The amended Schedule E filed by the Sheriff on May 8, 2002, contained the following statements:

- The Sheriff had received a Weatherby rifle and a single-barrel shotgun from a named individual
- The rifle was attributed a value of \$275 to \$375 as of 1999.
- The shotgun was attributed a value of \$25, with the explanation "used gun, hard to estimate."

F14: There is a \$125 - \$225 discrepancy between the \$500 actual credit received by the Sheriff and the valuation amount reported by him.

F15: In the "Comments" section of Schedule E, the Sheriff made the following statements:

"This man gave me a rifle and shotgun in 1999, I think. At the time I saw it as he wanted to ge [sic] rid of them and so he gave them to me. At the time I did not think them a reportable gift. As I am finishing my term and leaving elected office I was advised that maybe I should file to set the record straight."

Recommendations

R1: The Sheriff's Department should review the need to purchase protective vests for its dogs.

R2: The Sheriff should turn over to the complainant both the proceeds from the sale of the Weatherby rifle, and the shotgun.

R3: The County should review its Conflict of Interest Code policy regarding receipt of gifts by elected County officials.

R4: Gifts received by County Officials should be recorded by their departments and letters of acknowledgement sent to the donors.

R5: The Board of Supervisors should review the list of "designated employees," the limitations on personal gifts from reportable sources, the County's Conflict of Interest Code, the Ethics in Government Act and the rules and regulations promulgated by the Fair Political Practices Commission thereunder, and disseminate all necessary information to ensure that all county employees are fully aware of gift acceptance and gift reporting requirements.

R6: The El Dorado County District Attorney should investigate the conduct of the Sheriff described above.

Responses Required for Findings

F1 through F14 El Dorado County Sheriff
El Dorado County Board of Supervisors
El Dorado County District Attorney

Responses Required for Recommendations

R1 through R6 El Dorado County Sheriff
El Dorado County Board of Supervisors
El Dorado County District Attorney

CRIMINAL JUSTICE COMMITTEE

Allegations Regarding the 2002 Sheriff's Election

Citizen Complaints #01/02-C-027 and #01/02-C-035

Reason for the Report

Two citizens' complaints were received alleging inappropriate and unprofessional election campaign conduct by Sheriff's Department employees. Both candidates for the office of Sheriff and their respective supporters were accused of inappropriate campaign conduct, such as misuse of county time and pressuring merchants to put up their campaign signs.

Scope of the Investigation

The following documents were reviewed:

- Complaint #01/02-C-027;
- Complaint #01/02-C-035;
- California Government Code §3206;
- Sheriff's Office General Order 3-07;
- Civil Service Ordinance 2.60.090;
- Human Relations Department draft policy regarding "Political Activities," May 2001;
- Sheriff's Department General Order, Section 3-07, July 2, 2001;
- Sheriff's Department General Order, Section 3-05, July 2, 2001;
- Memo from Sheriff's Department Captain to Sheriff, January 18, 2002; and
- Sheriff's Department Policy/Planning, April 1999.

The following persons were interviewed:

- Sheriff;
- UnderSheriff;
- Lieutenant, Sheriff's Department;
- Sergeant, Sheriff's Department;
- Deputy Sheriff, Sheriff's Department; and
- Community Services Officer.

Findings

F1: The only formal electioneering guidance given by the County, to County employees is Civil Service Code 2.60.090, which reads as follows:

“No person employed under the system created by this chapter shall seek or accept election, nomination or appointment as an officer of a political club or organization, take an active part in a county political campaign favoring or opposing any candidate for election or nomination to a county office, or distribute badges, pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election or for nomination to a county public office. This chapter does not prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, from attending political meetings or from seeking or accepting election or appointment to public office.”

F2: Section 3206 of the California Government Code provides as follows:

"No officer or employee of a local agency shall participate in political activities of any kind while in uniform."

F3: To implement that provision of state law, El Dorado County Sheriff's Office General Order No. 3-07, after citing Section 3206, provides as follows:

"To ensure compliance with this section, no employee of the El Dorado County Sheriff's Office shall participate in any political activities, including but not limited to, appearing as a candidate or supporting a candidate for public office, either in person or in any visual media while wearing the official uniform or clearly identifiable official patch or badge of the El Dorado County Sheriff's Office."

F4: Restriction of campaigning by Sheriff's Department employees is especially important because of the possibility that members of the public may feel intimidated when confronted by law enforcement officers.

F5: The Sheriff's election in 2002 was the first highly contested Sheriff's election in many years. Some inappropriate electioneering behavior and possible violations of law occurred during the course of campaigning in 2002 for the position of Sheriff.

F6: Both candidates claimed that they had specifically directed their active supporters to obey the law regarding elections, and that they enforced those directives.

F7: The Sheriff requested that the Department of Human Resources (HRD) develop a policy which would specifically state what is appropriate, or inappropriate, employee campaign behavior.

F8: HRD drafted a proposed policy in May 2001. The policy was sent to County Counsel's office for review, but has yet to be issued.

- F9: Although the policy has yet to be approved, the Sheriff issued the draft policy to managers and supervisors prior to the 2002 election, to assist them in their direction of subordinates.
- F10: Managers were directed to discuss the draft policy in their management meetings.
- F11: Sergeants were directed to discuss the draft policy in pre-shift meetings.
- F12: Managers had follow-up discussions; most sergeants had such discussions, but at least one did not.
- F13: The draft policy regarding elections was to be incorporated into ongoing Sheriff's training programs.
- F14: The Sheriff claims that individually reported violations have been followed-up and dealt with appropriately.
- F15: Even when off-duty and out of uniform, law enforcement officers are viewed as officers. The distinction between on- and off-duty is blurred. Therefore, when an officer is handing out campaign literature in front of a business or nailing a campaign poster onto a telephone pole, civilians (or even other officers) probably would not know if that officer is off-duty.
- F16: County managers, such as Sheriff's Department Captains and Lieutenants are allowed to utilize their respective 96 or 80 hours of management leave for personal purposes, including electioneering. These hours are sometimes used during regular eight-hour shifts, creating the impression that the Captains or Lieutenants may be campaigning on county time.
- F17: Internal election battles waged within the Sheriff's Department and the resulting bad feelings affected relations among Sheriff's personnel and between Sheriff's personnel and the public.
- F18: There are residual bad feelings among some of the Sheriff's personnel. Many believe it will take years for healing to take place.
- F19: There are seven elected county department heads. Elections for Sheriff are frequently contentious because:
- Opposing candidates are generally long time employees of the Department.
 - The Sheriff's Department has a greater number of employees.
 - Departmental employees are highly visible in uniform.
 - The type of work, such as responding to emergencies, is stressful.
 - Persons attracted to law enforcement are usually assertive, tough minded and confrontational.

- The culture and traditions of law enforcement encourage such contentiousness.
- F20: The Sheriff’s Team of Active Retirees (STAR) are uniformed volunteers who assist the Sheriff’s Department with a variety of functions. There are more than 200 STAR volunteers. They are viewed by the public as being departmental employees.
- F21: The 2002 election is over. The unsuccessful candidate has already announced that he will be a candidate in 2006. That announcement may result in continued contentiousness for the next four years.

Recommendations

- R1: The draft policy entitled “Political Activities,” dated May 2001, should be immediately reviewed, approved or revised, and then disseminated and implemented.
- R2: County Counsel should provide legal advice in a timely manner. This is especially important in situations which could lead to acrimony among county employees and potentially affect the quality of services provided to the public.
- R3: The County should establish an independent body to investigate campaign violations by Sheriff’s Department employees.
- R4: The Sheriff’s Department should develop procedures that specifically address appropriate and inappropriate election behavior for Sheriff’s Department employees.
- R5: The “Political Activities” policy should be incorporated into all Sheriff’s Department training programs.
- R6: Sheriff’s Department Captains and Lieutenants should be held accountable for the campaign conduct of their subordinates.
- R7: The personnel practice allowing Sheriff’s Department Captains and Lieutenants to use their respective 96 or 80 hours of personal management leave for election activities should be amended to preclude the use of such time for election activities.
- R8: STAR volunteers should receive training in appropriate election campaign behavior and be held accountable to the same standards as the sworn deputies.

Responses Required for Findings

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|----------------|---|
| F1 through F21 | El Dorado County Board of Supervisors
El Dorado County Sheriff
Director, Human Resources Department |
| F8 | County Counsel |

Responses Required for Recommendations

R1 through R8	El Dorado County Board of Supervisors El Dorado County Sheriff Director, Human Resources Department
R2	County Counsel

CRIMINAL JUSTICE COMMITTEE

El Dorado County Jail, Placerville

Reason for the Report

The California Penal Code requires that Grand Juries inspect and report annually on the operations of all public prisons located within the boundaries of each county.

Scope of the Investigation

Members of the Grand Jury toured and inspected the El Dorado County Jail in Placerville twice during January 2002. The tours were conducted by the Administrative Lieutenant and a Senior Sergeant. After the second tour, members of the Grand Jury and jail management met for a discussion and review of the following documents:

- Policy and Procedure Manual;
- Board of Correction Report (2001);
- County Health Inspection Report (2001);
- County Fire Marshal Report (2001);
- United States Marshal Report (2000);
- Jail statistical reports;
- Prior Grand Jury Reports for 98/99, 99/00, and 00/01;
- Monthly Jail Profile Survey, two reports dated July 17, 2001 and December 4, 2001;
- Jail Organizational Chart;
- Jail Budget; and
- Jail forms: Personnel Complaint, Classification Questionnaire, and Custody Assessment Scale.

Findings

F1: This Grand Jury notes the concerns of the 98/99 Grand Jury. Those concerns have apparently been addressed. One of the major concerns then was that the inmate count was high and increasing. It is now considerably lower. We concur that the facility is well managed with a minimum of problems.

F2: This Grand Jury agrees with the 1999/2000 Grand Jury's Report following Findings.

- The housing units were clean and the noise level was low.
- The kitchen and dining areas were clean and orderly, and the food adequate.
- The infirmary was in good shape.

- The Inmate Welfare Fund is adequate, providing telephones, the library and visiting amenities for families, e.g. vending machines, toys for the children, and athletic equipment, etc.
 - Inmates may get some training in the kitchen.
- F3: This Grand Jury agrees with the 2000/2001 Grand Jury's Report following Findings:
- The laundry and shower areas were clean.
 - The medical room was clean, and well organized, with licensed medical staff on duty 24/7.
 - Some cleanliness problems still exist in loading dock area.
- F4: The Jail has 243 beds.
- F5: On January 15, 2002, there were 161 inmates: 133 men and 28 women. The jail was, therefore, at 66% of capacity with over 80 beds available.
- F6: The Jail is relatively new and is in very good condition.
- F7: When the Jail was constructed, it was designed for additional housing units to be built in the future. The Jail has an oversized booking area and kitchen anticipating future expansion.
- F8: The Jail was under a Federal Court Order to maintain the jail population at or below the 243-inmate capacity.
- F9: The Jail is staffed by 2 Lieutenants, 7 Sergeants, and 51 Correctional Officers.
- F10: The Jail was designed to be a "direct supervision" jail, and is staffed and supervised so that inmates are in direct contact with staff.
- F11: The inmates were well groomed and their clothing was clean.
- F12: Medical needs are met through a contract with a private medical services company.
- F13: The Jail is inspected by management monthly and other times as necessary.
- F14: There is an effective inmate grievance policy.
- F15: Upon arrival, inmates receive an orientation of procedures and policies, and are given a copy of the rules.
- F16: The Jail looks and smells clean and is well ventilated.

- F17: The voluntary jail education program had 34 students on the day the Committee toured. There is a teacher and several volunteers. Students may complete a GED or complete high school courses.
- F18: The Jail has an exceptional library, both in numbers of books and kinds of materials available including a law library.
- F19: Inmates assigned to the kitchen may receive training in culinary arts.
- F20: Some trusted inmates are assigned to jobs in the jail, e.g. janitorial, laundry, clerical, painting, and repairing, etc.
- F21: Male and female inmates are assigned to separate work duties.
- F22: Alcoholics Anonymous, Narcotics Anonymous, and a variety of religious programs are provided by volunteers from the community.
- F23: The booking area appeared cluttered.
- F24: The loading dock was not clean.
- F25: Overall, the management of the Jail appeared to be considerably above average.

Recommendations

- R1: During January 2002, over 80 beds were available. The County, therefore, should rent jail beds to defray the daily expenses associated with managing a facility of this size. Potential renters are the Federal Marshal, Immigration Department, neighboring counties, and the State Department of Corrections (for detained parolees).
- R2: The booking area should be better organized.
- R3: The loading dock should be clean.

Commendations

The Jail is a clean and well-managed facility. This can be attributed to the staff. Programs are available for interested inmates. The County is to be commended for its foresight in anticipating growth in the inmate population.

Responses Required for Findings

F1 through F25

El Dorado County Board of Supervisors
El Dorado County Sheriff

Responses Required for Recommendations

R1 through R3

El Dorado County Board of Supervisors
El Dorado County Sheriff

CRIMINAL JUSTICE COMMITTEE

El Dorado County Jail, South Lake Tahoe

Reason for the Report

The California Penal Code authorizes and directs Grand Juries to inspect and report annually on the operations of all public prisons located within the boundaries of each county.

Scope of the Investigation

Members of the Grand Jury made an announced inspection of the South Lake Tahoe Jail facility on August 15, 2001.

- Members of the Grand Jury were given a comprehensive tour of the jail by the Administrative Sergeant.
- Members of the Criminal Justice Committee had a post-tour meeting with the Jail Commander.
- The following written materials were reviewed by the Committee and discussed with the Jail Commander:
 - Policy and Procedures Manual;
 - Inmate Orientation booklet;
 - Job Description Manual;
 - Statistical Reports regarding Inmate Population;
 - Board of Corrections Inspection Report.
- Grand Jury Reports for 1998/99, 1999/00, and 2000/01 were reviewed.

Findings

- F1: All areas of the jail were exceptionally clean.
- F2: The jail is generally well maintained – painting, equipment, appliances, etc.
- F3: Staff was well groomed and cooperative.
- F4: When arrestees are received and booked, the process is taped.
- F5: Personal visits are restricted to immediate family members; the visits are non-contact.
- F6: Staff training appears to be adequate.

- F7: Every security position has written orders, which are reviewed by the assigned correctional officer, and are signed and dated by that officer.
- F8: Non-lethal weapons, such as gas, are stored in a locked room – only staff have access. Within the room, the non-lethal weapons are in a locked locker – only the Jail Commander and the Sergeants have keys. Note: The 00/01 Grand Jury found a problem with weapons storage. The problem has been corrected.
- F9: Staffing appears adequate considering the type of facility, construction, and numbers and kinds of inmates:
- 1 Lieutenant
 - 6 Sergeants
 - 26 Correctional Officers
 - 7 Sheriff's Assistants
 - 1 Aide
- Note: Only the Lieutenant is a peace officer. Therefore, the Sergeants and Correctional Officers cannot use lethal weapons (i.e. guns).
- F10: The medical program is provided by a contract company – RN on days, LVN at night, and an MD always on call.
- F11: Programs such as AA, Narcotics Anonymous, and Anger Management are provided to inmates by volunteers from the community.
- F12: Inmate appeals and discipline are handled appropriately as prescribed by the Board of Corrections, Title 15, California Code of Regulations.
- F13: No “musty odor” was noticed. The 00/01 Grand Jury Report documented a “musty odor” especially in the access area.
- F14: All members of the Grand Jury were impressed by the knowledge, dedication, and high level of interest of the Jail Commander.
- F15: Cracks in the concrete were observed in various parts of the jail. Of special concern were the cracks found in the kitchen.
- F16: The ADA pedestrian ramp located in the front of the jail is cracked and buckling. This is an obvious safety issue. Approval was granted to fix the ramp in 1998 and no action has been taken.

Recommendations

- R1: The cracks in the concrete found in various parts of the jail need to be repaired, especially the one in the kitchen.
- R2: The ADA pedestrian ramp located in front of the jail should be removed, redesigned and replaced. In addition, a canopy should be placed over it so in the winter ice and snow are not a problem. This project has been authorized and approved since 1998, however has still not been started. This creates a hazard for all who need to use the ramp and a potential liability for the county. It is strongly recommended that this project be completed before winter of 2001-2002.

Commendations

The Grand Jury again commends the Jail Commander, Lt. Lovell, and his staff for the outstanding work they are doing. The jail is clean, orderly, and the staff performs many tasks in a professional manner.

Responses Required for Findings

F1 through F16 El Dorado County Board of Supervisors
El Dorado County Sheriff

Responses Required for Recommendations

R1 through R2 El Dorado County Board of Supervisors
El Dorado County Sheriff

CRIMINAL JUSTICE COMMITTEE

El Dorado County Juvenile Hall

Reason for the Report

The California Penal Code requires Grand Juries to inspect and report annually on the operations of all public prisons located within the boundaries of each county.

SUMMARY OF IMMEDIATE CORRECTIONS NEEDED

Fire and life safety measures are inadequate. The Juvenile Hall is constructed of materials that will not burn, but the interior contains flammable materials. In places of confinement, smoke is the primary threat. The facility does not have adequate equipment or procedures in place to deal with the potential devastating effects of fire in a locked facility.

Scope of the Investigation

The following inspections and presentations were made:

- Members of the Grand Jury inspected the facility on September 19, 2001.
- Members of the Criminal Justice Committee inspected the facility on three additional occasions.
- The Chief Probation Officer made a formal presentation to the Grand Jury.

The following documents were reviewed:

- The future plan for juvenile beds as presented to the Board of Supervisors (BOS);
- Title 15, Code of California Regulations (CCR), State Board of Corrections;
- South Lake Tahoe Juvenile Hall building plans;
- Detention Survey submitted monthly by Probation Department;
- Board of Corrections Inspection Report;
- Public Health Report;
- Fire Marshal Inspection Report (August 20, 2001);
- Building Department Annual Inspection (August 29, 2001);
- Juvenile Justice and Delinquency Prevention Commission Inspection Report (August 20, 2001);
- Environmental Management Inspection Report (September 5, 2001);
- Needs Assessment, 2000, Suzie Cohen and Associates;
- Grand Jury Reports, 1998/1999, 1999/2000, and 2000/2001;
- County budget; and

- Superior Court Order imposing population cap on Juvenile Hall.

The following persons were interviewed:

- Chief Probation Officer;
- Chief Deputy Probation Officer in charge of Juvenile Hall;
- City of Placerville Fire Marshal; and
- Chairman of the Juvenile Justice and Delinquency Prevention Commission.

Findings

F1: This Grand Jury agrees with 98/99 Grand Jury's Report following Findings and Recommendations:

- Facility overcrowded;
- Good job by staff with the resources provided; and
- Build additional Juvenile Hall, South Lake Tahoe.

F2: This Grand Jury agrees with the 99/00 Grand Jury's Report following Findings and Recommendations:

- Recreation space inadequate;
- Security and supervision good;
- Juvenile Hall is overcrowded; and
- Juvenile Hall needs to be expanded.

F3: This Grand Jury agrees with 00/01 Grand Jury's Report following Findings and Recommendations:

- Generally clean and well run;
- Food, education services good;
- No running water, toilet, or blankets in Health Facilities Room;
- No room available for counseling;
- Males and females use common facilities on different schedules;
- Facility inadequate; and
- Especially need to correct the inadequacy of the Facility.

F4: To the staff's credit, they are trying to function in a very inadequate facility.

F5: Adequate space is not available for programs. For example, counselors are required to meet with wards in a corner of the general-purpose gym.

- F6: The Juvenile Hall was designed for 20 wards; the count is typically over 40. Accordingly, all space (living, recreation, program, visiting, administration, food service) is undersized.
- F7: The number of wards with mental problems continues to increase.
- F8: The number of wards with drug abuse problems is also increasing.
- F9: Juveniles who probably should be detained are not being detained because of lack of space. This problem exists in both the South Lake Tahoe and Placerville areas.
- F10: There are no rooms to place wards in need of removal from the general population of the Juvenile Hall.
- F11: There are some cleanliness issues. For example, the windows need washing, and the kitchen should be cleaner.
- F12: Outside and inside recreation space is inadequate.
- F13: Several thousand square feet of the facility are being utilized for community programs. This space is found on the lower level of the facility.
- F14: The Ward Education Program is outstanding. The teachers have devised methods to individualize programs for wards and methods to interest them and reinforce learning.
- F15: The Chief Probation Officer must request waivers from the State Board of Corrections' Title 15 CCR requirements almost monthly because of the space and staffing problems.
- F16: The current problems regarding the serious inadequacy of the facility have a long history of disclosure without having been corrected.
- F17: The Juvenile Justice and Delinquency Prevention Commission are aware of the problems at the Hall and are supportive in developing short-term solutions.
- F18: The Probation Department has developed a plan, which the Board of Supervisors (BOS) has adopted, to correct the major juvenile bed deficiencies within the County. The elements of the plan are to:
- Build a 40-bed Hall in South Lake Tahoe, the opening of which is anticipated in 2003;
 - Build a new 40-bed Hall, financing for which has been requested from the State Board of Corrections, next to the main jail in Placerville; and
 - Renovate the existing Hall to house only 20 wards, in accordance with the original design capacity.

- F19: As the county population and its problems grow, the need to provide more juvenile beds and appropriate programs will certainly increase.
- F20: Fire doors were propped open on the day of inspection. This was a violation of both Juvenile Hall procedure, and fire and life safety requirements.
- F21: The Hall is constructed of non-flammable materials. Any fire, however, would create smoke conditions, which could cause serious harm to anyone in the facility. This potential problem is exacerbated because, within the facility, there are:
- No smoke alarms;
 - No central fire alarm;
 - No air packs (portable, self-contained breathing apparatus);
 - No sprinklers;
 - No training for smoke conditions; and
 - No centrally controlled unlocking system (each room must be unlocked manually).
- F22: The Probation Department staff checks the rooms every 15 minutes, conduct regular security/fire inspections, conduct monthly fire drills, and keep combustible load, such as paper products in wards' rooms, to a minimum.
- F23: In their last inspection reports, the Fire Marshal, the County Delinquency Commission, and the Board of Corrections did not report that the fire and life safety issues, found by this Grand Jury, were a problem. This Grand Jury chooses not to ignore those issues.
- F24: Since 1997, there has been a Superior Court Order limiting the number of wards in Juvenile Hall to 40. Any deviation triggers reports to the Court. The Hall count of 40 is frequently exceeded each month.
- F25: Renovating Juvenile Hall might mean that the State Board of Corrections would impose 2002 facility standards. The much greater risk, however, is doing nothing about these problems.

Recommendations

- R1. A sprinkler system should be installed throughout Juvenile Hall.
- R2: Air packs should be made available in Juvenile Hall.
- R3: Smoke alarms should be appropriately installed in the control room.
- R4: A central alarm system should be installed in the Control area of the Hall.
- R5: Staff training in the use of air packs during smoke conditions should be conducted.

- R6: A centrally controlled unlocking system should be installed in Juvenile Hall.
- R7: The BOS should contract with a space management expert to review the current facility and make recommendations about better utilization of the space in the upper and lower levels.
- R8: The BOS should continue to pursue the plan described in F18. If the State Board of Corrections decides not to provide funding for the plan this year, alternate sources of funds should be pursued and a request for funding should be made next year (2003).
- R9: The Cohen and Associates Report of 2000 needs to be updated. It should set forth current county demographics and future trends. It should include not just numbers of juvenile anticipated to become wards in detention but also other relevant information such as gender, age, type of problems and type of programs that will be needed.

Commendations

The El Dorado County Probation Department is well led by experienced, professional supervisors and managers. They know the problems and want them corrected. The line-staff are functioning with an inadequate facility not designed or constructed for the numbers of wards or programs. The educational program for wards is excellent. The Probation Department has developed a plan which should correct the problems by 2006.

Responses Required for Findings

F5 through F25	El Dorado County Board of Supervisors El Dorado County Probation Department
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Responses Required for Recommendations

R1 through R9	El Dorado County Board of Supervisors El Dorado County Probation Department
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CRIMINAL JUSTICE COMMITTEE

Growlersberg Conservation Camp, Georgetown, CA

Reason for the Report

The California Penal Code requires Grand Juries to inspect and report annually on operations of all public prisons located within boundaries of each county.

Scope of the Investigation

Members of the Grand Jury inspected the Growlersberg Conservation Camp on October 10, 2001. The members were given an escorted tour of the facility by the Assistant Camp Commander and the Camp's Stationary Engineer. Several hours were spent in a general discussion regarding all aspects of the camp operation. The following documents were reviewed:

- Inmate Orientation Handbook;
- Policies and Procedures Manual;
- Camp Reports;
- California Department of Corrections (DOC) Quarterly Reports issued October 1, 2001; and
- Grand Jury Reports for 1998/1999, 1999 /2000, and 2000/2001.

Findings

F1: This Grand Jury agrees with the 1998/1999 Grand Jury's Report following Findings and Recommendations:

- The DOC and the California Department of Forestry (CDF) administer the camp jointly.
- The design capacity of the camp is 80.
- Current population was 131.
- Inmates are typically confined at the camp for 9 months.
- This is a minimum-security facility, with open dorms and no fences.
- Only carefully screened minimum security inmates are assigned to the camp;
- Inmates do conservation and rescue work and fire suppression.
- Every inmate has a full-time job either working on a conservation crew or in camp (kitchen, clerks).
- The Grand Jury recommended that there be more publicity about the good work done by the inmates and staff.

F2: This Grand Jury agrees with the 1999/2000 Grand Jury's Report following Findings:

- Housing areas were clean and well kept.
- The food preparation area was clean, and the food was good.
- Inmate welfare and recreation was provided for.
- The kitchen needed to be updated, especially the range vent hood.
- Management by the correctional staff seemed to be very efficient and professional.

F3: This Grand Jury agrees with the 2000/2001 Grand Jury's Report following Findings:

- The range hood was a danger.
- Housing areas were clean and orderly.
- The food preparation area was clean and orderly, and the food was good.
- There was virtually no compliance with the Americans with Disabilities Act (ADA).

F4: The camp is well organized; every inmate is fully employed. The camp is maintained by the inmates under staff supervision.

F5: The CDF, subject to the Governor's planning and budget process and legislative approval, is planning to replace the original buildings (circa 1965) beginning in FY 03/04.

F6: The camp is designed for 80 with a present population of 137. It is anticipated that the 137 will be reduced to 120 in the near future.

F7: Over the past 37 years the camp has enjoyed excellent relationships with its neighbors and neighboring communities.

F8: All staff assigned to this camp is experienced with many years' managing inmates, facilities, and programs.

F9: No weapons are kept at the camp. All DOC staff members maintain weapons in their homes. If necessary they will arm themselves to respond to emergencies (for example, an escape).

F10: Any inmate in need of a program not offered at this camp (such as education or mental health) is transferred to another State DOC facility.

Recommendations

R1: The State should rebuild the 1965 buildings to bring the camp up to 2003 standards.

- R2: The State should increase the size of the living areas and all other parts of the camp to accommodate the increased number of inmates.
- R3: The State should insure that the public access areas of the camp meet ADA requirements.
- R4: The State should replace the range hood.

Commendations

The State Departments of Corrections and Forestry are to be commended for their excellent work at this camp during the past 37 years. Although fire fighting is what they are best known for, they spend much of the year working on conservation projects such as maintaining forest roads, trails, camp sites, streams, parks and a host of other federal, state, county and community projects.

Responses Required for Findings

F1 through F10 California Department of Corrections
 California Department of Forestry

Responses Required for Recommendations

R1 through R4 California Department of Corrections
 California Department of Forestry

EDUCATION COMMITTEE

Golden Ridge School, Juvenile Hall

Reason for the Report

The Education Committee was concerned about the availability of educational opportunities for juveniles detained in Juvenile Hall (Hall).

Scope of the Investigation

Members of the Education Committee inspected Golden Ridge School on August 1, 2001. The following persons were interviewed:

- Two teachers, one male and one female, both with 15 years experience in the Hall;
- Deputy Probation Counselor; and
- Supervising Probation Officer.

The Committee reviewed a myriad of educational materials used by the teachers and students, and the 2000/2001 Grand Jury Report.

Findings

- F1: The Grand Jury agrees with the 2000/2001 Grand Jury's Recommendation that the Principal and County Superintendent of Schools be consulted when the County reviews plans for the new Juvenile Hall in Placerville.
- F2: There are two rooms being utilized for education.
- F3: Those rooms are crowded with students, furniture, equipment, computers, files and bookcases filled with books.
- F4: Each student has an individually assigned workstation.
- F5: Computers are available. Thirty percent of a class can be assigned to a computer at any one time.
- F6: Both boys and girls are detained at the Hall. Typically, classes consist of 10 boys and 3 girls.
- F7: Many of the students have the following traits in common:

- Have attended many schools;
- Are deficient in basic academic skills;
- Do not know how to learn;
- Have low maturity levels and cannot sit still in class for long periods of time;
- Have substance abuse problems;
- Come from dysfunctional families;
- Have been in the Hall more than once; and
- Their time in the Hall varies from several days to several months.

F8: The educational program consists of the following:

- Individualized assessments when the wards are first assigned to the program;
- Individualized plans based on personal needs and school resources;
- Classes emphasizing both academic and social skills;
- Tokens for rewards granted for correct behavior;
- Consistent discipline;
- No ‘social promotions’; and
- Compulsory attendance.

F9: The teachers are motivated and innovative. Because of their seniority, they could be assigned to any teaching positions in the El Dorado County Office of Education. They choose to remain at the Hall.

F10: The teachers find ways to “make do” with the resources available.

F11: There is a high level of cooperation between the probation and education staffs.

Recommendations

R1: More space should be provided for education programs in the present Hall.

R2: Education staff should be consulted as plans are developed for the new Hall in Placerville.

Commendations

The education staff of the Hall, supported by the probation staff, is doing an outstanding job. They “make do” with inadequate space and deal with troubled, socially crippled wards who are in classes for relatively short periods of time. This does not deter them from their mission of presenting the best individually designed programs possible.

Responses Required for Findings

F1 through F13 El Dorado County Board of Supervisors
El Dorado County Board Of Education
El Dorado County Probation Department

Responses Required for Recommendations

R1 through R2 El Dorado County Board of Supervisors
El Dorado County Board Of Education
El Dorado County Probation Department

EDUCATION COMMITTEE

Central Sierra Regional Occupational Program

Citizen Complaint #01/02-C-006

Reason for the Report

The Grand Jury investigated a complaint alleging that the El Dorado Union High School District (EDUHSD) had failed to advertise vacant positions for Regional Occupational Program (ROP) instructors and certificated teachers in that District. After investigating the complaint, the Grand Jury determined that the EDUHSD was not violating written policies in ROP hiring practices.

There were, however, other matters discovered relating to ROP governance and practices that warranted further investigation of the Central Sierra Regional Occupation Center/Program (ROC/P), hereinafter referred to as ROP, and participating school districts. The extent of program integration and collaboration between and among public education agencies is not generally understood. Accordingly, the Grand Jury's investigation of ROP was expanded to obtain information about policies, practices, and problems in connection with ROP in El Dorado County.

Scope of the Investigation

Members of the Grand Jury attended a regular meeting of the Joint Powers Authority (JPA) Governing Board, Central Sierra ROP.

The following documents were reviewed:

- Central Sierra ROP Policies relating to recruitment, hiring, and certification procedures, adopted January 6, 1983;
- Central Sierra ROP Vacancy Postings at EDUHSD between September 15, 1999, and September 25, 2001, for various positions;
- State of California Designated Subjects Vocational Education Teaching Credentials Regulations effective May 10, 1995;
- Central Sierra ROP Staff Check List, Fall 2001;
- Memorandum from EDUHSD Assistant Superintendent dated October 1, 2001, with attachments on Hiring Procedures for Trades and Industry Positions in the EDUHSD;
- EDUHSD Purchase Order Records for Central Sierra ROP "Help Wanted" Advertisements in the Placerville Mountain-Democrat Newspaper between September 7, 1999, and January 30, 2001;
- "Seven Ways to Form an ROC/P" with Education Code References;
- Minutes of Central Sierra ROP Board Meetings as follows:

- September 13, 2000;
 - December 13, 2000;
 - March 14, 2001;
 - June 13, 2001;
 - September 12, 2001; and
 - December 12, 2001.
- Central Sierra ROP Board Agenda and attached information for the Regular Meeting on March 7, 2002;
 - List of Central Sierra ROP Board Members from March 1995 through March 2001;
 - Central Sierra ROP Participation Agreements dated March 17, 1995, for coordination of responsibilities and duties between the El Dorado County Board of Education/Office of Education (EDCOE) and the EDUHSD, the Black Oak Mine Unified School District (BOMUSD), and the Lake Tahoe Unified School District (LTUSD);
 - Report for Central Sierra ROP/P End of Year Close, dated September 12, 2001;
 - El Dorado High School Master Schedule 2001/2002 dated October 11, 2001, for teaching assignments and class periods;
 - EDUHSD Annual Notice to Parents/Guardian for 2001/2002 School Year; and
 - Mountain Democrat Newspaper Article dated May 15, 2002.

The following persons were interviewed:

- Coordinator for ROP, now called the Director of Career Preparation, in EDUHSD;
- Assistant Superintendent/Director of Personnel at EDUHSD;
- Assistant Superintendent of EDCOE;
- Director of ROP;
- The Complainant; and
- By telephone, a teacher in the EDUHSD.

Findings

- F1: The Central Sierra ROP is a state-funded vocational education program. The Central Sierra ROP is also a Local Education Agency (LEA). The governance structure of ROP is a Joint Powers Authority (JPA) consisting of three participating school districts. By agreement of the governing boards of EDUHSD, BOMUSD, and LTUSD, statistical records and centralized accounting for ROP revenues and expenditures are handled by EDCOE.
- F2: The regional Central Sierra ROP was originally comprised of school districts in three adjoining counties: El Dorado, Amador, and Calaveras. This arrangement was disbanded in 1994/1995. The ROP retained the name Central Sierra and state-required "regional" status by providing services to three districts (one 9-12 union high

school district and two K-12 unified districts) with large attendance areas. The three districts together cover all of El Dorado County.

- F3: It is the stated goal of the Central Sierra ROP that all El Dorado County students, eligible and requesting ROP services, receive an appropriate program without regard to the district of residence.
- F4: It is the stated intent of the Central Sierra ROP JPA that ROP programs be coordinated and operated throughout the County in accordance with the JPA's governance structure. The current Director of ROP has occupied a .4 FTE (full time equivalent) position in EDCOE since Fall 2001, which means the employee is authorized to spend 40% of his time on ROP JPA administration and management. The preceding Director of ROP was a full time employee in EDUHSD responsible for administration and management of the Central Sierra ROP JPA and coordination of all ROP personnel and programs for EDUHSD.
- F5: ROP programs are intended to provide students, age 16 and older, advanced vocational instruction in occupations currently in demand in their communities. There is a minimum age requirement for enrollment in ROP classes, but no maximum age limit. ROP students need not be enrolled in other educational classes in a school district and need not be attending school for the purpose of earning a high school diploma.
- F6: Any adult seeking vocational training can enroll in an ROP class. Classes may be offered in fields such as: cosmetology, electronics, automotive repair, construction, medical services, etc. More than 20 ROP classes were offered in the County during the 2001 Fall Semester.
- F7: ROP class instructors are employed in two different ways. Some ROP instructors are hired directly by the JPA on contract and are called "joint powers teachers" or "categorical teachers." Other ROP class instructors are hired directly by school districts as contract employees. Contracts are offered to ROP instructors on a semester-by-semester basis with no tenure. The stated purpose of this "semester by semester" contract arrangement is to allow school districts the flexibility to try out and to change ROP class offerings as changes in technology and demands for skilled workers occur.
- F8: Some ROP instructors may have state-granted General Education teaching "credentials" earned by education and teaching experience in a "designated subject." Others may have state-granted "certifications" of work experience in a profession, skill or trade. Some ROP instructors may have teaching credentials that are unrelated to their certifications as ROP instructors. Regardless of the combination of credentials and certifications, however, ROP instructors must have the work experience required by ROP to teach ROP classes.

- F9: Confusion arises because a class may be offered as an ROP class one period and the same class may be offered as an elective class in the regular secondary school curriculum at another period in the same semester. The teacher may be the same teacher in each class. That teacher may have certification as an ROP instructor for a particular vocational class like "ROP Metals" and may also have a teaching credential for the "designated subject," called industrial arts or "metal shop" in the secondary curriculum.
- F10: ROP hiring practices are especially difficult to understand and to explain, even for those who are familiar with ROP. Practices vary. The Education Code of the State of California, however, **does not require** school districts to publish notices or advertise vacant positions for **credentialed** teachers.
- F11: The Central Sierra ROP Board Policies for Personnel have not been amended or updated since adoption on January 6, 1983. Policy 4111 states:
- "Instructors and administrators for the ROP shall be recruited from university placement centers, organizational placement offices, local newspaper advertising or through personal correspondence with qualifying candidates. The objective in recruitment shall be to obtain the best possible certificated personnel."
- F12: Policy 4111 **does not require** the publication or advertisement of vacant ROP positions for **certificated** personnel, nor does it mention the most common current venues for recruitment efforts, the ROP and EDCOE websites on the Internet, among others.
- F13: Policy 4116, Personnel - Certificated, Probation, states:
- "According to the provisions of Education Code, Section 44910, all teachers employed by the ROP shall be termed designated subject certificated staff and shall not require permanent status."
- F14: EDUHSD policy on advertising vacancies is not in writing, but EDUHSD's practice is to advertise all ROP vacancies in addition to posting vacant positions within the school district. District teachers do not usually qualify for ROP instructor positions, however, because they do not have recent work experience in the applicable profession, skill or trade.
- F15: Purchase order records at EDUHSD were examined to identify newspaper advertisements of vacant ROP positions. Paid purchase orders for advertisements in a local Placerville newspaper for approximately 10 ROP instructor positions were identified for the period between September 22, 2000, and January 30, 2001. According to paid purchase order records, no advertisements for vacant ROP positions for an entire fiscal year were placed in a more widely circulated Sacramento newspaper between July 1, 2000, and June 30, 2001.

- F16: EDUHSD does not keep a file of actual newspaper clippings of advertisements for vacant ROP positions (or for regular curriculum positions) to match the printed job descriptions attached to purchase orders, even though past practice **indicates** that they have been advertised. Without such clippings, EDUHSD has no proof that the advertisement was published.
- F17: Recruitment of ROP instructors for vacant positions often takes place by informal networking among ROP administrators at regional meetings and competitions.
- F18: The ROP JPA and EDUHSD do not keep formal contact lists of eligible and qualified ROP instructors who have indicated their interest in applying for vacant ROP teaching positions in specific schools or school districts. It is the practice of EDUHSD not to accept applications for ROP positions unless they have been posted or advertised. The complainant mistakenly believed that a position that was vacant and had been filled by EDUHSD without advertisement was an ROP instructor's position for an ROP class. In fact, that class was not an ROP class for that semester, although it had been an ROP class in previous years. At the time of the vacancy, the class was being offered as an elective in the regular secondary school curriculum.
- F19: The ROP JPA and EDUHSD do not have a review or appeal process, formal or informal, for applicants who are not selected for vacant ROP teaching positions and who believe they are as qualified or more qualified than the person(s) selected.
- F20: Some full time teachers who have both General Education credentials and ROP certifications are assigned to teaching positions in ROP classes because school districts have not been able to fill their teaching schedules with regular curriculum classes. Most ROP instructors, however, are given part-time contract assignments for one or two classes because they work at other full time occupations.
- F21: The student screening process for ROP classes is not rigorous. Some students are allowed to take ROP classes because of scheduling problems or as "elective classes" with the understanding that they will be "introduced" to the subject matter as a "survey course" to determine whether or not they are interested in that vocation, profession, skill or trade. This practice contradicts the intent of the original state legislation, which established ROP programs to provide advanced vocational training to serious students who are seeking career training.
- F22: It is important for the ROP JPA and participating school districts to maintain ROP enrollments and to increase ROP revenues. For example, by offering ROP classes in computer training to adults of all ages, including retired persons without job prospects or career plans, school districts circumvent the intent of state ROP legislation to augment the work force with well-trained, job-oriented, and career-minded graduates.
- F23: ROP JPA Board members select the Board's officers every year in March. JPA Board representation depends on the three participating school district boards, who select assignments from their own board memberships. The JPA Board meets once

each quarter, and its members serve as liaisons with the school district boards they represent.

- F24: Almost no criteria are established for the selection of the three ROP JPA Board members, all of whom represent the participating school districts. The only criteria for those board members are that they (i) be registered to vote, (ii) reside in the school district they represent, (iii) be elected or appointed to one of the participating school boards, and (iv) be selected by their participating school district boards to sit on the ROP JPA Board. There are no attendance requirements.
- F25: JPA Board members are almost entirely dependent on the information, research and guidance provided by EDCOE administrative and management personnel, as well as the Executive Committee composed of the EDCOE Superintendent and the Superintendents of the participating school districts.
- F26: Understanding ROP JPA policies, agreements, financial reports, and complex financing issues involving asset transfers, program delivery costs, and enrollment caps are difficult at best. Making decisions based on independent research and investigation is impossible without extensive study and personal experience. Few ROP JPA board members are willing or equipped to do this. There is no JPA staff separate from EDCOE and school district administrative personnel.
- F27: It is extremely difficult for the ROP JPA Board to make independent decisions on ROP governance issues because of the lack of frequent interaction among the board members and because of the structure of the ROP JPA. Attendance at board meetings is inconsistent. Seven ROP JPA Board meetings were held between September 13, 2000, and March 7, 2002. The same three appointed board members were present at only two of the seven meetings. An alternate board member for one participating school district was present at another meeting. Only two board members, the bare minimum necessary to establish a quorum, were present at four of the seven meetings.
- F28: One of the objectives of the ROP JPA Board and administration is to preserve the base enrollment and maintain the revenues for the ROP program, currently in excess of \$1.8M, in order to supplement other revenues for general education purposes. The additional ROP allowance is \$3,100 per student over and above the standard average daily attendance (ADA) per pupil allowance. This \$3,100 allowance is a significant inducement to maintain and increase ROP enrollment, even though ROP enrollment is capped or limited by the amount of student eligibility established by funding formulas when the Central Sierra ROP was established.
- F29: The EDUHSD is serving more adults in ROP classes than in previous years by coordinating with the CalWORKs program to provide vocational training classes for welfare recipients. BOMUSD and LTUSD are just beginning to serve adults in ROP classes.

- F30: Enrollments in ROP classes generate more revenue for school districts than enrollments in Adult Education classes. Adult Education classes are also capped, but unlike ROP classes, they receive substantially less than \$3,100 per ADA. Accordingly, school district administrators and the ROP JPA Board have a dilemma. They can choose to provide instruction to enhance personal skills or hobbies, such as “Computer Applications for Adults Age 55 and Over,” in Adult Education classes where it properly belongs, or they can attempt to generate greater revenue by designating the same course as an ROP class. The latter choice results in students taking ROP classes when they have no job-related purposes. This creates a credibility problem for ROP, which is regarded as a serious vocational training effort by some and a "cash cow" for school districts and a waste of taxpayer-generated state funding by others.
- F31: In-service training for school district teachers and support personnel also can be conducted under the auspices of ROP. This opportunity creates a potential conflict between the desire of school boards to generate revenue through ROP and their responsibility to protect the interests of taxpayers by spending tax-generated dollars only for bona fide vocational students.

Recommendations

- R1: The ROP JPA Board should review its 1983 policies and adopt up-to-date policies for governance of the Central Sierra ROP.
- R2: In order to obtain applications from a larger pool of qualified ROP certificated persons, the ROP JPA Board should amend Policy 4111 to require widespread advertising of vacant ROP positions.
- R3: The ROP JPA and participating school districts should consider establishing a formal review process for applicants who have not been offered contracts as ROP instructors and who wish to be reconsidered for ROP instructor positions.
- R4: The ROP JPA Board should address the issue of absenteeism by board members. Teleconferencing and/or video conferencing should be used to conduct business when a board member is unable to attend regular meetings in person because of weather, work, travel, or other reasons.
- R5: The ROP JPA Board should schedule regular board meetings more than four times a year.
- R6: The ROP JPA Board should initiate policy discussions with participating school districts to clarify the appropriateness of using ROP when the identical class can be provided either in ROP or in Adult Education programs.
- R7: The ROP JPA should require participating school districts to clarify the distinctions between admissions requirements for ROP classes and admissions requirements for regular elective classes. Students should be screened accordingly.

- R8: The ROP JPA should monitor more strictly school district screening of students who enroll in ROP classes to ensure that all ROP students meet the criteria for ROP vocational instruction.
- R9: Participating school districts should establish written policies requiring the publication of vacant positions and advertising for applicants for ROP instructor positions.
- R10: Participating school districts should keep files of clippings with corresponding purchase orders for printed advertisements and print-outs of web site postings in conjunction with advertised job openings, including positions for contract employees like ROP instructors.
- R11: Participating school districts should review student enrollment in ROP classes such as computer training to ascertain that all enrollees meet the criteria for ROP vocational instruction,

Commendation

The Grand Jury commends Roger Musso, Board Member, Black Oak Mine Unified School District, for his commitment to vocational training, his support for the ROP program, and his years of dedicated service on the Central Sierra ROP JPA Board.

Responses Required for Findings

- F1 through F31 Central Sierra ROP JPA Board
 El Dorado County Office of Education
 El Dorado Union High School District Board of Education
 Black Oak Mine Unified School District Board of Education
 Lake Tahoe Unified School District Board of Education

Responses Required for Recommendations

- R1 through R11 Central Sierra ROP JPA Board
 El Dorado County Office of Education
 El Dorado Union High School District Board of Education
 Black Oak Mine Unified School District Board of Education
 Lake Tahoe Unified School District Board of Education

GOVERNMENT & ADMINISTRATION COMMITTEE

Final Reports - Introduction

The 2001/2002 El Dorado County Grand Jury (Grand Jury) issued a dated Final Report on January 23, 2002, recommending that the El Dorado County Board of Supervisors ("Board") strengthen the powers, duties and authorities of the position of the Chief Administrative Officer of the County of El Dorado (County).

In that Report, the Grand Jury noted that:

- It had observed a widespread lack of accountability in connection with the performance of the duties required of county employees.
- Some department heads, division heads and supervisors were attentive to the problem, while others were not.
- Lack of accountability for non-performance has a negative effect upon county efficiency.
- Many employees performed "above and beyond" the requirements of their positions.
- Outstanding performance was often unrecognized and uncompensated, although it was of substantial benefit to the County.
- Employees who do not meet performance standards cause considerable expense to the County.

The Grand Jury promised that it would continue to investigate and inquire into issues of accountability (and/or lack thereof) within county government, and that it would disseminate a more comprehensive Final Report on the subject at the end of its term.

This is the Government & Administration Committee's portion of that Report. It is divided into three separate segments, each of which is presented by a separate subcommittee of the Committee, as follows:

- Subcommittee on the Department of General Services;
- Subcommittee on Personnel; and
- Subcommittee on Government Structure.

The Subcommittee on Government Structure is presenting two separate reports. One is preliminary and addresses the way directives of the Board of Supervisors are (or are not) communicated to affected departments, employees and to the public. The other follows up on the Board's responses (or lack of response) to four "dated final reports" issued by the Grand Jury during the course of its term.

Scope of the Investigation

Members of the Grand Jury reviewed:

- The County's Charter (Charter);
- The County's Ordinance Code (Ordinance Code);
- Various Board Resolutions, specifically including (but not limited to) the Compensation Administration Resolution (No. 227-84), the Personnel Management Resolution (No. 228-84), the Employer-Employee Relations Resolution (No. 10-83) as amended (No. 112-86), and others;
- Agendas, agenda packets and conformed agendas (minutes) of various meetings of the Board;
- The Board's manual of policies and procedures;
- Various departmental manuals of policies and procedures;
- Numerous internal memoranda, both intra- and inter-departmental in nature;
- The County's Personnel Policy No. 3, Management Evaluation Program, adopted February 2, 1988 and revised December 1, 1989;
- Job descriptions for various positions within the County;
- The County's Memorandum of Understanding (MOU) with the General, Professional, and Supervisory Bargaining Units of Public Employees Local Union No. 1 (Local No. 1), for the period from July 1, 1999 through June 30, 2003;
- The County's MOU with the Trades & Crafts Bargaining Unit of Operating Engineers Local Union No. 3 (Local #3, Trades & Crafts), for the period from November 21, 2000 through September 30, 2003;
- The County's MOU with the Probation Bargaining Unit of Operating Engineers Local Union No. 3 (Local #3, Probation), for the period from July 1, 1999 through June 30, 2004, plus the Letter of Understanding amendment thereto dated September 19, 1999, plus a further amendment thereto dated November 2000;
- The County's MOU with the Corrections Bargaining Unit of Operating Engineers Local Union No. 3 (Local #3, Corrections), for the period from January 1, 2001 through December 31, 2004;
- The County's MOU with the Deputy Sheriffs' Association Law Enforcement Unit (DSA, Law Enforcement), for the period from December 20, 2000 through December 31, 2007;
- The County's MOU with the DSA, Correctional Unit (DSA, Correctional), for the period from December 20, 2000 through December 31, 2007;
- The County's Salary and Benefits Resolution for Unrepresented Employees, as amended by Resolution 261-2000 on December 12, 2000;
- The 00/01 Grand Jury's Report on Employee Evaluations, and the Board's Response thereto;
- The County's 2001-2002 Proposed Budget and Workplan (Budget/Workplan);

- The 2001-2002 Budget for the County;
- The Board's Responses to the 01/02 Grand Jury's dated Final Reports of October 4, 2001, January 16, 2002 and January 23, 2002;
- The Sheriff's Response to the 01/02 Grand Jury's dated Final Report of October 10, 2001;
- The County's Purchasing Ordinance;
- The Reports of the Harvey M. Rose Accountancy Corporation, the Grand Jury's Consultant, on its reviews of the Child Protective Services division of the Department of Social Services and of the County's Budget Process; and
- Various redacted personnel files.

Members of the Committee and its subcommittees, and other members of the Grand Jury, interviewed numerous current and former county employees, including the Interim Chief Administrative Officer, the County Counsel, the Director and two former Assistant Directors of the Department of Human Resources, various other department heads, division heads, managers, supervisors, and clerical and field workers. They also interviewed several officers, directors, responsible employees and other members of Local No. 1 and of the DSA. Some of the most revealing information that the Grand Jury was able to obtain came from rank-and-file employees of the County.

Members of the Grand Jury also attended numerous regular meetings of the Board, and several Board "workshops," several countywide training sessions, and reviewed various newspaper articles pertaining to the issue of accountability.

GOVERNMENT & ADMINISTRATION COMMITTEE

Department of General Services

Reason for the Report

The Grand Jury investigates various departments of El Dorado County government to determine whether or not the Board of Supervisors (the Board):

- Adopts governance policies which identify clear levels of accountability;
- Selects qualified department directors to direct operations according to written departmental policies and procedures;
- Provides adequate oversight of department directors; and
- Provides adequate funding for the operation of specific departments.

The 2001/2002 Grand Jury conducted such an investigation of the Department of General Services (DGS) to determine whether the Board is fulfilling its above-described responsibilities and to evaluate problems that are apparent within DGS.

DGS serves a unique role in county government DGS provides to all county departments direct management of support services and resources that are critical to their operations, as well as direct services to the public at large. DGS, with a staff of approximately 90 employees, is organized in six divisions: Facilities Services, Support Services (Central Stores and Purchasing), Communications & Transportation (Vehicle Fleet Services), Airports, Parks & Grounds, Fiscal and Administration Services, and Real Property Planning and Administration.

DGS has a broad range of responsibilities for management of resources and provision of services to other county departments and the public. These include cemeteries, airports, river rafting permits, radio and telephone communications, fleet vehicles, purchasing, property leasing, equipment leasing, printing, park development, recreation programs, real estate acquisitions, grounds maintenance, cable television franchise contracts, museums, etc.

The DGS Director has presented a plan for reorganization. This plan includes revising the job description and then filling the position of Assistant Director, realigning divisions, and reassigning responsibilities for division managers. The Director is also transferring division equipment, budget, and responsibilities to other departments. The purpose of this reorganization is to increase accountability for use of the division resources and operations. To her credit, the Director is pursuing improved organizational strategies addressing many of the findings contained in this report.

Findings

General Departmental Findings

- F1: DGS occupies a unique position and function as a department because the services provided by DGS are critical to the operations of every other county department. In addition, DGS provides direct services to the public.
- F2: DGS has had a significant and destabilizing turnover of department directors, amounting to nine directors, appointed and interim, within the last 10 years. One of them served on two separate occasions. This turnover has had an unsettling effect on DGS personnel and has affected the morale of employees negatively.
- F3: DGS has experienced significant reorganizations following the appointment of each new department director.
- F4: The DGS portion of the 2001-2002 Budget/Workplan provides for the continuance of the position of Assistant Director. This position, however, has been vacant for more than 10 months. Managers from divisions within DGS have been called upon to perform the duties of Assistant Director on an interim basis.
- F5: When the duties of the position of Assistant Director of DGS are assumed by an assigned employee who holds another management position in DGS, that employee is required to carry out the duties of two full-time positions for only a 5% pay differential.
- F6: Divisions in DGS have operated for extended periods with interim managers or without assigned managers. The result has been under-filled or vacant positions, or positions filled by employees who have been assigned responsibilities and duties above and beyond their normal scope of duties. This frequently occurs without additional compensation. Job descriptions have been ignored.
- F7: Over the past few years, various responsibilities have been transferred from other county departments to DGS. Examples include Vehicle Fleet Services (Fleet Services), Radio, and Airports, which were transferred from the Department of Transportation (DOT) to DGS, when administration personnel were transferred from DOT to DGS. In the example of Fleet Services, staffing was reduced 50%, from six employees at DOT to three employees at DGS, without a reduction in workload. This is significant because the DGS Fleet Services unit does not have adequate staff to cover absences and vacancies.
- F8: Frequently, responsibilities for the performance of duties have been assigned based on individual personalities and abilities rather than structural efficiency.
- F9: In February 2002, the current Director proposed another significant reorganization of the department into seven divisions, five of which would be headed by managers, one

of which would be headed by a supervisor, and one of which would be headed by an Assistant Director. The Assistant Director would be assigned direct responsibility for Fleet Services and Special Districts.

- F10: As part of the proposed DGS reorganization, Radio would be transferred to the Sheriff's Department, and Communications (telephone services) would be transferred to the Information Services Department, thereby eliminating that portion of the DGS division called Communications.

Facilities Services Division Findings

- F11: The Project Management unit of the Facilities Services Division now consists of four staff positions: one Senior Architectural Project Manager, two Architectural Project Managers, and one Senior Engineering Technician. The Senior Project Manager position is new; the Board approved it in September 2001 with the adoption of the 2001-2002 Budget/Workplan. This new position has not been filled. One Architectural Project Manager position has been vacant since November 2001. The Facilities Services Manager position is currently vacant. This leaves two employees to handle the project management workload until such time as qualified staff can be recruited and trained.
- F12: Sixty-seven Capital Improvement Projects (CIP) were listed in the 2001-2002 Budget/Workplan. Responsibility for 63 of those CIP projects was assigned to the Facilities Services Division.
- F13: Of the 67 CIP projects named in the 2001-2002 Budget/Workplan, 18 were New Facility Projects, 45 were Carryover Facility Projects, and 4 were New Parks Development Projects. Some carryover projects, including those required by the Americans with Disabilities Act (ADA) and those relating to life/health/safety issues, have been set forth in budget proposals since 1997 without being completed.
- F14: Projects are not placed on the CIP list by priority, e.g., by the importance of ADA compliance and life/health/safety issues. The Grand Jury has been unable to determine what criteria are used to place projects on the New Facility Projects list or the Carryover Facility Projects list. Written policies or criteria do not exist within the Facilities Services Division for priority ranking of project requests.
- F15: The Facilities Services Division purchased the software program MP2 for managing work orders, preventive maintenance, and facility planning over three years ago. As of November 26, 2001, \$16,246 had been expended to pay the vendor for software, services, and support. That expenditure did not include county staff time spent in training and working on the MP2 program.
- F16: Less than 30% of the capability of the MP2 program is used because of inadequate division staffing, limited training, and frequent staff turnover. Original data entered

at the time of purchase has not been verified or maintained. Significant staff time will be required to update the existing MP2 database.

- F17: MP2, as currently used, does not provide useful and reliable information for the Facilities Services Division and the new Maintenance Division, its proposed offshoot. More efficient operation and use of data in the MP2 program can be accomplished. That would result in major cost savings of thousands of dollars each year.
- F18: Unlike the architectural, engineering and construction industries, the Facilities Services Division does not use computer-assisted drafting and design (CADD). The Division does not have designated hardware or software programs for CADD or trained staff able to perform CADD functions. The Division has made no effort to acquire this capability in order to achieve both prevailing standards of communication and efficiency and cost savings common in the referenced industries.
- F19: Unbelievably, the County does not have an up-to-date Facilities Master Plan that addresses long range planning, acquisition of real property, disposal of real property, and leasing of facilities, even though a Master Plan has been a high priority of previous DGS directors.
- F20: In adopting the 2001-2002 Budget/Workplan (P. 59), the Board authorized a budget allocation in Department 15 (General Fund Other Operations) of approximately \$250,000 for an "other capital projects/countywide capital facilities programming and financing plan." Notwithstanding the Board's adoption of this 2001-2002 Budget/Workplan in September 2001 and dissemination of a Request for Qualifications by the Facilities Services Division, a consultant has not signed a contract. It is unclear when, or if, this \$250,000 allocation will result in a comprehensive Facilities Master Plan.
- F21: In the absence of a Facilities Master Plan, the Board has not made, and cannot make, informed decisions in the area of capital improvement projects. As one example, the Board purchased the vacant Logan Building in Diamond Springs, then searched for appropriate uses for the building, and then planned to expend discretionary funds for tenant improvements in amounts exceeding the County's original purchase price, which itself was more than the appraised value of the property. The total expenditures may exceed \$4.5 million.
- F22: The Interim Chief Administrative Officer, in August 2001, prior to the adoption of the proposed 2001-2002 Budget/Workplan, represented to the Board that capital facility construction needs were "unquantified" and that the State was in a budget crisis. In spite of this, the Board adopted a budget in September 2001 allocating \$7 million for a new Community Enhancement Fund (CEF). This Fund would be used to provide money for a myriad of constituent-requested projects and programs with little reference to department-requested New Facility Projects or Carryover Facility Projects.

F23: Criteria for CEF projects were not written or publicly discussed by the Board. The Board did not instruct constituents to consider existing CIP projects, some dating back to 1997, in preparing "wish lists" for CEF funds. Moreover, members of the Board selectively chose, and recommended approval of, new CEF projects in November 2001 for the 01/02 fiscal year without direct involvement from the DGS Director or the Facilities Services Division. It does not appear that the Board gave any consideration to current workloads and staffing problems in existing divisions of DGS that would be directly responsible for coordination with requesting parties, contract issuance, and project management.

Support Services Division Findings

F24: With its adoption of the 2001-2002 Budget/Workplan, the Board approved a reorganization of the Support Services Division and created a new Manager of Procurement and Contracts position. Support Services is now headed by that Manager, who has been delegated authority to act as the Purchasing Agent. Purchasing is now staffed by four full-time commodity buyers (one of whom is a Senior Buyer) and a Contract Analyst (Department Analyst) to write and process professional services contracts.

F25: The purpose of this reorganization and increase in staffing was to relieve departments from the time required to obtain informal quotations and process service agreements. Increased staffing was intended to re-institute centralized purchasing practices and capture detailed commodity utilization information to provide data for trend analysis. In turn, trend analysis results are supposed to support appropriate recommendations for revisions to the Purchasing Ordinance.

F26: Currently, limits for signature authority, purchase orders, and contracts without competitive bidding are being studied by the Manager of Procurement and Contracts in order to recommend appropriate changes for Board consideration.

F27: Board policy and county ordinance establish departmental signature authority up to \$499.99 for direct or "over-the-counter" purchases of materials and supplies without formal purchase orders. The limit was increased from \$99.99 to \$499.99 in 1997 at the request of DGS. It has not been increased since 1997 in spite of increasing costs for materials and supplies. The \$499.99 limit restricts the ability of the Facilities Services, Maintenance, Communications, and Radio units to respond quickly to requests for immediate repairs. As the County's buildings and equipment deteriorate from age and inadequate maintenance, and as inflation drives up costs, the \$499.99 limit for "over-the-counter" purchases appears to be unrealistic.

F28: The County's purchase-order limit is currently \$10,000 without competitive bids. This limit has not been adjusted for inflation and may be unrealistic given the amount of inflation that has occurred since the limit was set.

F29: The DGS Director is allowed to contract for services that do not exceed \$10,000. The Purchasing Officer can require a department to seek competitive bids for contract work under \$10,000. All contracts for services exceeding \$10,000 must be bid competitively. This limit, also, has not been adjusted for inflation, and it may no longer be efficient for handling service contracts.

Communications and Fleet Services Findings

F30: The existing call accounting system, a software program used for cost analysis and billing telephone charges to each department, has been in operation since 1993. Periodic upgrades have been installed, but the original vendor is out of business and no longer supports this software. A new call accounting system software costing approximately \$53,000 has been requested repeatedly, but those requests consistently have been rejected.

F31: The existing call accounting system software is exceedingly time-consuming to use for billing purposes, although it was considered "state of the art" at the time of purchase. Without vendor support, the time necessary to recover from software failures greatly impedes the ability of the Communications Division to perform interdepartmental telephone billing functions.

F32: Although no official reorganization plan had been adopted to transfer radio and telephone operations out of DGS, Communications was informed in midyear that the Information Services Department would assist it in budget preparation for FY 2002-2003. Likewise, Radio was informed in midyear that the Sheriff's Department would assist it in budget preparation for FY 2002-2003. This unofficial midyear plan has created a problem for the employees in these units because the lines of authority are no longer clearly defined. There is uncertainty about how these units will operate in different departments in the coming fiscal year.

F33: There are no apparent policies and guidelines in existence that deal with the preparation of budgets for Radio by the Sheriff's Department or for Telephones by the Information Services Department.

F34: Fleet Services is responsible for purchasing, maintaining, disposing of, and interdepartmental billing for all county-owned vehicles.

F35: There are presently over 550 county-owned and operated vehicles, approximately 100% more than existed five years ago. This has dramatically increased the workload of the entire staff in Fleet Services. The Board, in September 2001, approved a new position for a Fleet Services Technician in South Lake Tahoe.

F36: Technicians provide specialized installation and maintenance of lights, consoles, radios, computers, etc., in vehicles. Routine maintenance continues to be performed countywide by outside vendors.

- F37: Fleet vehicles are fueled at a county-owned gas pump operated by DGS. Fuel can be pumped without providing accurate vehicle identification numbers and odometer readings, thereby distorting records for interdepartmental billings. As a result, certain departments are not billed for all mileage and vehicle use by employees of those departments. Consequently, budget preparations by those departments do not incorporate accurate cost projections.
- F38: Administrative responsibility for Fleet Services was transferred in September 2001 from the Supervisor of the Communications and Fleet Services Division of DGS to the Manager of the Airports, Parks and Grounds Division. The most current reorganization proposal is to transfer responsibility for Fleet Services from the Manager of Airports, Parks and Grounds, which is now a vacant position, to the Assistant Director of DGS, which is also a vacant position. Line authority has not been clearly defined for making and reporting decisions, and the continuing changes have had an adverse effect on employee morale.
- F39: The position of Fleet Services Supervisor has been vacant for more than six months. During this time the duties and responsibilities of Fleet Services Supervisor have been carried out by an employee who has not been given official supervisory authority or a pay differential.
- F40: Because of inadequate staffing and inconsistent management, interdepartmental billings for use of fleet vehicles fell months behind schedule. Requests for administrative assistance and for substantial fiscal and clerical help were ignored or denied. As a result, interdepartmental billings were not completed for certain departments in the 2000-2001 fiscal year, resulting in incomplete data for preparation of budgets for the 2001-2002 fiscal year. In an effort to address these problems, in September 2001 the Board approved a new position, Fiscal Technician, for Fleet Services.
- F41: For years, Fleet Services was housed in an old leaky trailer with damp, moldy interior wall spaces. Even though this condition was reported, the Department allowed this unhealthy work environment to continue to exist and did nothing to remedy the situation. Finally, action was taken in August 2001 by the new Interim Director of DGS. The new Manager of Airports, Parks, and Grounds was assigned responsibility for Fleet Services, and the old leaky trailer was replaced with a new trailer.
- F42: The Fleet Services trailer location is isolated from other DGS offices. This has contributed to administrative problems, separation of employees from support systems, and inadequate oversight by management.
- F43: Supervisory and management personnel at various levels of DGS have failed to address obvious conduct and performance issues. Some employees have performed well above required standards. Other employees have failed to meet standards for attendance and productivity. This has resulted in unfair workloads for some

employees and a potential risk to the County of increases in workers compensation claims.

- F44: In the recent past, critical vehicle registration documents were not processed properly or timely for fleet vehicles. Among other consequences, this lack of proper documentation jeopardized the safety of law enforcement officers using Fleet Services vehicles in undercover investigations. Extra Help employees could perform critical functions in Fleet Services. With limited staff and no backup, absences for vacations, sick leaves, family leaves, administrative leaves, and scheduled training result in tremendous workloads for the remaining employees.
- F45: The "fleet rate" set by DGS for interdepartmental billing includes administrative costs. It is unclear why the "fleet rate" was higher when DOT administrative costs were a factor and why the "fleet rate" decreased after Fleet Services was transferred to DGS. The "fleet rate" is critical to develop accurate budget proposals for every county department.

Airports, Parks, and Grounds Division Findings

- F46: The Airports Division is authorized to have one Airport Supervisor and two Airport Technicians to cover the Placerville and Georgetown Airports. The position of Airport Supervisor has been vacant for more than a year and currently is under-filled on a temporary basis by one of the Airport Technicians.
- F47: Board Policy F-9, dated October 19, 1993, Subject: Airports-Portable Hangar Color, and Board Policy F-10, dated April 19, 1994, Subject: Minimum Standards for Commercial Aeronautical Activities for El Dorado County Airports, refer to the Department of Transportation (DOT) as responsible for airport operations. DGS is currently the responsible department and has been handling all matters related to county owned and operated airports for more than three years.
- F48: Board Policies F-9 and F-10 refer to the Airport Commission as the recommending body to the Board for airport matters. The Airport Commission no longer exists; it has been replaced by two Airport Advisory Committees, one for the Placerville Airport and one for the Georgetown Airport.
- F49: Subsequently, the Board revised Policy I-3, September 16, 1999, Subject: El Dorado Airport Commission, to create two Airport Advisory Committees -- the Placerville Airport Advisory Committee and the Georgetown Airport Advisory Committee. This revised policy abolished the Airport Commission, but did not indicate which department has primary jurisdiction over airport matters. The original Policy I-3 indicated that DOT had primary jurisdiction. Primary jurisdiction, however, is now with DGS, but no written document has established this fact.
- F50: Administrators of Fleet Services and Airports must interface with federal and state transportation agencies regarding policies and operating requirements. These units in

DGS clearly have management issues and reporting responsibilities that are aligned with federal and state transportation matters.

Fiscal and Administrative Services Findings

- F51: According to the 2001-2002 Budget/Workplan, DGS is responsible for work plans and budgets set forth in five separate funds: Fund 10 is the DGS General Fund Budget for general operations; Fund 12 is for Special Districts (County Service Areas #2, #3, #5, and #9); Fund 13, the Accumulated Capital Outlay (ACO) Fund, sets forth the County's capital improvement projects for facilities and parks; Fund 31, the Airports Enterprise Fund, provides separate budgets for the Placerville and Georgetown airports; and Fund 32 is the vehicle Fleet Management Internal Service Fund.
- F52: The Fiscal Administration Manager (FAM) is responsible for the operations of the Fiscal and Administration Services Division of DGS and for the work plans and budget preparations for the five Funds.
- F53: Considerable money was spent for overtime during February and March to prepare DGS budget requests for submission to the CAO's budget analyst in early April 2001. The process, however, extended into May, and the FAM and DGS Director (then interim) were required to make major revisions with insufficient notice to complete revisions without additional overtime. Communication with division managers during this process was insufficient to keep them informed of critical budget requests, which were deleted from the final proposal by the FAM and the CAO's budget analyst.
- F54: The CAO presented the DGS budget to the Board for approval without including substantial details on the full scope of budget needs for each division. The Board was not informed as to the nature or priority of requests deleted from the final DGS budget. It appears that the CAO's budget analyst is too far removed from the operational requirements of DGS divisions, project design, and construction management to make critical budget recommendations. For example, at one time the construction of a toilet facility in a county park was approved, but, unbelievably, the septic system required for the toilet facility was deleted from the budget.
- F55: Some capital facilities projects for the county are identified in the budget of Department 15 (General Fund Other Operations), which is composed of discretionary county revenues and expenditures, rather than in the DGS budget for Fund 13 (Accumulated Capital Outlay projects). Examples of those discretionary projects set aside in the Department 15 Fixed Asset budget include the South Lake Tahoe Juvenile Hall (\$4.5 million) and the "capital facilities programming and financing plan" (\$250,000).
- F56: It is not clear why the Department 15 budgeted item of \$250,000 for a "capital facilities programming and financing plan" did not appear in the narrative for the

DGS 2001-2002 Budget/Workplan. DGS has divisions of Real Property Planning and Administration and of Facilities Services, both of which should be (but have not been) fully informed and involved in the creation and execution of this "plan," referred to in previous Findings as "Facilities Master Plan."

Real Property Planning and Administration Division Findings

- F57: The Real Property Planning & Administration (RPPA) Division of DGS has authorized positions for a Manager, Administrative Secretary, Senior Administrative Analyst, and Administrative Technician. There is one additional position of Storekeeper for Records Management, which is filled by two "extra help" employees, each working one half time, or .5 full time equivalent (FTE).
- F58: RPPA is responsible for purchasing, leasing, and disposing of county facilities, analyzing space needs, contacting realtors and property owners, coordinating department moves, managing county cemeteries, negotiating cable television franchises, and monitoring property leases in the Sacramento Placerville Transportation Corridor.
- F59: In addition to the above listed duties, RPPA provides storage for all permanent county records and documents in the basement of the main library building and the lower floor of county-owned Building C. Record storage and retrieval requests are processed daily. Records disposal is accomplished on a schedule determined by county ordinances and departmental regulations. The Grand Jury's inspection of the records storage areas was conducted without notice. Storage areas appeared to be organized, clean, and adequate. The present library building and Building C, however, were not designed to provide permanent, safe storage for county records in the event of a manmade or natural disaster.
- F60: In 2001, RPPA prepared and published an excellent manual to assist county departments in planning, organizing and completing department or division moves from one facility to another, or reconfiguring existing space.
- F61: Administration of cable television franchise contracts with five different cable companies was assigned to RPPA without a commensurate increase in staff and resources. RPPA does not have sufficient staff or expertise to address all the issues that must be resolved if the County is to collect higher revenues from franchise contracts. Communication with the responsible people in each company is difficult because of constantly changing ownership resulting from mergers and acquisitions in the telecommunications industry. Franchise contracts have been difficult to track and renegotiate. One company is seriously delinquent in paying franchise fees to the County, and collection of these delinquent fees has not been accomplished.
- F62: Management of county-owned and county-operated cemeteries has required increased staff time and record keeping. RPPA personnel are required to respond frequently, often on very short notice, to the public, concerned citizens, and mortuaries in order

to provide services and monitor compliance with state laws and county ordinances. They are required to be present at all interments in county cemeteries. Management of historic pioneer cemeteries has become a matter of public debate and concern.

- F63: The Sacramento Placerville Transportation Corridor (SPTC) is an abandoned railroad right-of-way that was deeded to El Dorado County. There are 537 parcels in the SPTC. The County is the lessor for 77 of these parcels. RPPA requested an initial budget allocation of approximately \$30,000 for Professional and Special Services. This money would be used for parcel appraisals in order to establish realistic values and lease rates. The Department has not been able to negotiate lease renewal contracts at realistic rates that are advantageous to the County. RPPA has begun eight parcel appraisals with the initial \$24,000 in approved funding. Additional appraisals will be completed for future lease agreements as these leases are renewed.

Recommendations

- R1: The Board should contract with a professional management consulting firm for a comprehensive management audit of DGS to determine if the department is organized in a manner which enables it to perform its assigned responsibilities and functions efficiently and effectively with current resources and personnel. Among other management issues, this study should address and explain reasons for frequent vacancies and high turnover of Directors, Assistant Directors, Managers, and Supervisors in DGS.
- R2: The Board should consider consolidating the physical offices of all DGS divisions at one site to improve administrative oversight, accountability, communication, operational efficiency, and working conditions.
- R3: The Board should adopt general policies and identify specific procedures for the transfer of functions and responsibilities within departments and from one department to another.
- R4: The Board should immediately institute intensive manager and supervisor training programs for DGS personnel. The Department should require such training before those employees complete probation as managers and supervisors.
- R5: The Board should direct the Human Resources Department (HRD) and the DGS Director to remove unnecessary requirements for post-secondary degrees from job descriptions for DGS division managers when the jobs do not require certification, registration, or licensing.
- R6: The Board should authorize the DGS Director to hire contract employees as "Extra Help" to work on construction projects which are short term and seasonal.
- R7: The DGS Director, with the assistance of the HRD, should recruit and hire staff for the Project Management unit who are proficient in CADD. The Director should

budget for upgraded computer hardware and software to facilitate and expedite the design and construction management of facilities projects.

- R8: The DGS Director should request, and the Board should make appropriate budget allocations for, staff and training to enable the Facilities Services Division and the proposed Maintenance Division to use the MP2 program consistently for repair orders, maintenance orders, and facilities planning.
- R9: The DGS Director, the CAO, and the Board should undertake a comprehensive review of outside contract services available to expedite design, engineering, construction and repair of county facilities. The Board should determine the economy of abolishing the Facilities Services Division and contracting all design and construction management to private enterprise. Privatization of functions of the Facilities Services Division should be considered for the following reasons:
- Volume of work;
 - Current vacant positions;
 - Inability of current managers and staff to perform work in a timely manner;
 - Difficulty in recruiting and training qualified project design and management staff;
 - Antiquated manual construction project design and drafting methods; and
 - Staff turnover.
- R10: The Board, with full participation of DGS administrative and management personnel, should proceed immediately to create a comprehensive Facilities Master Plan (the Plan) to guide this Board and future Boards in planning, acquiring, and disposing of real property and to assure more efficient and economical operation of all county buildings and facilities. The Plan must identify all currently owned and leased properties, determine the condition of current facilities, evaluate maintenance and repair requirements, estimate capital outlay costs for future growth, establish priority for acquisitions based on department needs, and recommend adequate budgets for continuing maintenance and repairs for long term planning.
- R11: The Board and the CAO, with the assistance of DGS staff, should adopt policies, which establish criteria to prioritize all Capital Improvement Projects (CIP), including New Facility Projects, Carryover Facility Projects, and New Parks Development Projects.
- R12: The CIP should be placed on a proposed list by the DGS director, CAO's Office, and Risk Management in order of priority, based on ADA compliance requirements, life/health/safety issues, and other established criteria.
- R13: Assuming the Board is willing to delegate authority to the CAO based on the reasons set forth in the Grand Jury's Report on the CAO/CEO dated January 23, 2002, the CAO should determine, and explain to the Board, the reasons why each CIP project

- was not contracted or completed before recommending re-authorization of that project in the following fiscal year.
- R14: If CIP projects are not contracted or completed within the fiscal year, the Board should re-authorize each specific project for the following fiscal year only after determining to its satisfaction the reasons why projects were not contracted or completed as planned.
 - R15: The Board and the DGS Director should review the current ordinances on bidding requirements for service contracts. The Board should consider revising policies and ordinances for such contracts to increase the limit from \$10,000 to \$15,000. County ordinances requiring bids for New Facility Projects, Carryover Projects, and New Park Development Projects costing less than \$15,000 appear to be out-of-date and do not reflect increased costs resulting from inflation.
 - R16: The Board should increase the present \$499.99 limit of signature authorization for materials and supplies to \$999.99 to expedite work by DGS personnel on installation, repair, and maintenance projects.
 - R17: The Board should take appropriate action to approve and acquire new call accounting system software. This is a matter of urgency because the Communications Division cannot obtain software support for the original call accounting system.
 - R18: The Board should take appropriate action to transfer Fleet Services and Airports from DGS back to DOT.
 - R19: A complete review and analysis of the formula used to establish the vehicle "fleet rate" in DGS should be undertaken by the DGS Director, the CAO, and the Board to determine why the overhead costs in the DOT formula and the overhead costs in the DGS formula are different. The Board should receive a full explanation of the reasons for any change in the "fleet rate" which would result from transferring Fleet Services from DGS to DOT.
 - R20: The DGS Director should immediately order the installation of a system that will require the identification of the county employee, the vehicle, and the vehicle's mileage before pumping fuel at the county fuel pump. Employees who attempt to bypass these identification requirements should be identified by the system, reported to the appropriate department, and disciplined.
 - R21: If the Board does not adopt the recommendation to transfer Fleet Services back to DOT, the DGS Director, the CAO, and the Board should consider providing budget support, training, and authorizing positions for "Extra Help" in DGS.
 - R22: The DGS Director, the CAO, and the Board, with the assistance of HRD, should initiate a thorough analysis of the compensation schedule for the authorized position of Airports Supervisor.

GOVERNMENT & ADMINISTRATION COMMITTEE

Subcommittee On Personnel

Reason for the Report

During the course of other investigations being pursued by the Grand Jury, a number of critical comments and statements were received dealing with the subject of personnel practices. This caused the Government & Administration Committee of the Grand Jury to form a Subcommittee on Personnel and to inquire into various issues pertaining to personnel matters. This Report is the result of those inquiries. The inquiries did not, however, look into the policies and practices of law enforcement agencies, except indirectly as those policies and practices contrasted with the policies and practices of the Department of Human Resources (HRD) and other civilian departments. Matters pertaining to personnel policies and practices of law enforcement agencies, however, are not encompassed in this report.

Department of Human Resources - General

F1: Human Resources departments are established to assist department heads in the administration of personnel matters within their departments. In El Dorado County (County), HRD is responsible for the general administration of employment and personnel policies.

F2: As described in the 2001/2002 Budget/Workplan, HRD is responsible for the Employee Benefits Budget and six personnel programs:

- Recruitment & Testing;
- Training & Orientation;
- Classification/Salary Administration;
- Operations Support;
- Labor Relations; and
- Discipline, Equal Employment Opportunity (EEO) Discrimination Complaints.

F3: HRD has inadequate staff and expertise to carry out its many functions.

Recruitment & Testing

F4: In the 2001/2002 Budget/Workplan, the function of recruitment and testing is described as follows:

“Initiating appropriate advertising and outreach criteria to maximize reasonable competition. Identifying critical dimensions for testing; selecting appropriate testing devices; testing content; administering tests, and preparing departmental certifications, consistent with Federal, State and local laws and ordinances.”

- F5: Approximately 200 employees, or slightly over 10% of the County's total workforce, terminate their employment with the County each year.
- F6: Many vacated positions are filled by people whose employment and/or educational history has not been verified.
- F7: Section 404.2 of El Dorado County Resolution No. 228-84, the County's Personnel Management Resolution, reads as follows:
- “Background Investigations - The Personnel Office **may** conduct such investigation of the applicant's training and experience and mental, physical and personal fitness as may be necessary to verify and clarify statements contained in the application.”
(Emphasis supplied.)
- F8: HRD does not conduct background investigations as a matter of consistent and uniform practice. To the extent that such checks are conducted, they are generally conducted by the department or division head of the particular department or division into which the successful job applicant would be assigned.
- F9: Department and division heads are not trained in the complexities of the many federal and state employment laws, which are often confusing and may seem contradictory even to human resources professionals. Department and division heads in county government, however, are expected to perform background investigations themselves rather than being able to rely upon HRD to do so.
- F10: This practice of requiring departments and/or divisions to perform background checks is purportedly justified by the proposition that the department or division head is the “appointing authority.” In fact, however, it is the County which is the employer, not the department or division to which a new hire would be assigned.
- F11: It is the position of HRD that the cost of verifying information provided on applications, estimated by HRD to be \$99.00 - \$250.00 per applicant, would be financially burdensome and too time consuming to justify. That estimate, however, assumes that the job applicants themselves are not required to furnish documentation verifying their education and experience claims.
- F12: Copies of degrees, professional licenses, and/or other documents confirming education and prior experience are not routinely requested by HRD to be submitted with job applications.
- F13: Applications of persons who are qualified for the position they applied for, but were not hired, are only kept in an active file for a very short period of time. This has the effect of making those persons unavailable for possible consideration to fill other similar positions that become open after the expiration of that short period of time.

This is significant because the County suffers from a limited supply of potentially qualified applicants.

- F14: Initial testing of job applicants, even by HRD itself, does not always appear to address the requirements of the jobs being filled.

Employee Orientation and Training

- F15: In the 2001/2002 Budget/Workplan, the function of employee training and orientation is described as follows:

“Conducting orientation sessions for new hires; explaining County organization, mission, general employment standards, and employment benefits. The Training Program identifies and communicates information on topics of training which have applicability across departmental lines; and provides training as appropriate with budgetary limitations.”

- F16: Training for our new employees in El Dorado County is almost non-existent. What little training is available often fails in achieving its goal, and frequently is "on-the-job, sink-or-swim" training at best.
- F17: Effective training programs are critical in order to keep employees updated on technology and job specific issues, to prepare employees for increased responsibility and promotional opportunities, and to maintain morale.
- F18: Notwithstanding the existence of current funding in excess of \$900,000 spread among all departments for staff development, there is a lack of coordination, planning, and accountability for the effective use of those funds. At least one department director, who had submitted a department budget to the Board of Supervisors (Board) for approval, had difficulty in identifying what monies were available to that department for training and staff development.
- F19: The only mandatory countywide employee training programs currently being conducted are prevention of workplace violence and four hours of new employee orientation within the first 60 days of employment.
- F20: There is no discernable documentation of on-the-job training (as distinguished from in-service training) given or received.
- F21: Review of proposed county budgets and workplans reveals no identified requests for a full-time training officer. This evidences a lack of concern or commitment to training both by the employee bargaining units and by senior county management.

- F22: Board Personnel Policy #9 mandates Drug and Alcohol Abuse training for all supervisors. This policy is “more honored in the breach than in the observance,” however. There is no accountability for noncompliance with the Policy.
- F23: Matters of fire and life safety in the workplace present major risk management issues. There is little attention given to them by way of training, and a lack of accountability for failure to take affirmative action to address them.
- F24: Most supervisors and managers are skilled in technical matters, but may lack skills and techniques in the areas of human relations, training ability and supervision. Appropriate training programs can teach those skills and techniques.
- F25: Newly appointed supervisors and managers do not receive basic training in these skills prior to receiving their promotions, and do not receive specific, additional training upon promotion.
- F26: Although the County participates in a Supervisor Academy program, in many cases it is not available within a reasonable time of being promoted, and attendance or participation in the program is not mandatory.
- F27: No feedback is given to the managers concerning supervisors’ performance in the Academy. Such feedback would provide information for the manager to coach subordinates, focus on their weaknesses and further develop their strengths.

Classification/Salary Administration

- F28: In the 2001/2002 Budget/Workplan, the function of classification and salary administration is described as follows:

“Conducts analytical studies to ensure that employees are working within stated classifications; maintains and revises the classification plan to appropriately reflect span or responsibility, typical duties, and required qualifications in accordance with Federal, State and local laws, local ordinances, rules and policies. Includes responsibility for interpretation and correct implementation of wage and hour requirements mandated by the Fair Labor Standards Act and labor contracts.”

- F29: Barriers to promotion of competent and qualified (and sometimes superior) employees exist in job description education pre-requisites that appear to have little relevance to actual job requirements and responsibilities. Such prerequisites sometimes constitute absolute bars to employment and/or promotion regardless of the actual experience of the applicant. Moreover, lack of uniformity with regard to those education prerequisites appears to be arbitrary and capricious; for example, there is currently no educational prerequisite for the position of Chief Administrative Officer.

- F30: Many county employees do not have current or updated official job descriptions, notwithstanding the fact that they are expected to perform duties and functions not set forth in job descriptions appropriate to their positions.
- F31: There is not any formalized procedure for the reclassification of either employees or their job responsibilities, with built-in timetables or sequences for events.
- F32: Some county employees are performing duties that have become more complex over time but which are not officially documented in their job descriptions.
- F33: Some employees are not working within their position description at all. They perform the clerical work within their offices because of a lack of clerical support. Such employees have little or no time to do the technical work that they were hired to do. Clerical work is not within their job descriptions.
- F34: Conversely, some clerical personnel are required to perform technical, supervisory, and even managerial functions and duties without appropriate promotions or compensation. One of the reasons for this is that vacancies in such positions are not being filled expeditiously.
- F35: Some employees have to work more hours, in order to complete their work, than they are documenting and/or for which they are being paid.
- F36: Policy makers are aware of these problems, but are not taking measures to address them.

Operations Support

- F37: In the 2001/2002 Budget/Workplan, the function of operations support is described as follows:
- “Responding to all public and departmental contacts; processing and verifying all payroll/personnel changes; maintaining personnel files; developing and modifying payroll and personnel policies and systems; records maintenance, and all miscellaneous departmental support activities, including employee counseling; development of Countywide personnel programs, policies and supervision of staff.”
- F38: The County provides little leadership and systems organization to aid department heads. For example:
- Each department has its own time sheet forms;
 - Each department designs its own personnel evaluation forms; and

- Each department devises its own Employee Recognition Program.

This lack of systems standardization and uniformity is purportedly justified as recognizing departmental independence and autonomy. Such a practice and procedure can also be interpreted, however, as constituting an abandonment of responsibility and a lack of leadership.

F39: Monthly meetings by HRD with department heads have only recently been initiated.

Telecommuting and Alternative Work Sites

F40: There is not a written policy permitting county employees to telecommute or otherwise work at home or other alternative work sites. The County's Compensation Resolution, No. 227-84, states that there is only one official duty site for county employees. Nevertheless, some county employees do in fact telecommute or work at alternative work sites. In the absence of written standards, including provisions for supervisorial approval, the County cannot ascertain the propriety of those activities.

Exit Interviews

F41: As indicated in Finding F5 above, approximately 200 employees, or slightly over 10% of the County's total workforce, terminate their employment with the County each year. HRD does not have a policy, either written or oral, for exit interviews to be conducted when employees separate from the County. Accordingly, accurate information is unavailable to analyze, disclose and/or inform the County as to the reasons why employees terminate their employment. This lack of information also suggests that there are no ongoing plans aimed at reducing employee turnover and the costs to taxpayers associated with it. These costs are significant, both in terms of productivity and dollars.

F42: Wages, benefits and other employee costs represent the largest portion of the County's budget. Accordingly, it is in the best interest of the County to retain qualified employees. Exit interviews would enable the County to obtain valuable information which it does not have. Such information would be useful in evaluating how County departments operate, why employees leave, and in developing strategic plans to reduce employee turnover.

Labor Relations

F43: In the 2001/2002 Budget/Workplan, the function of labor relations is described as follows:

“Under the Meyers Millias Brown [sic] Act, negotiates and administers all labor contracts; investigates grievances; and meets and confers on the development and modification of all Countywide and Departmental policies affecting wages,

hours, terms and conditions of employment. Includes responsibility for overseeing all bargaining unit modifications and determinations; and responds to all grievances preparatory to binding arbitration or Civil Service hearings.”

- F44: The manner in which the County's existing procedures for interest-based bargaining is being implemented evades difficult county employee issues and hinders their resolution. The process protects neither the bargaining unit employees nor the interests of the County. Too much time and effort is wasted on the process, and not enough is directed toward the substance of the issues.
- F45: Much of HRD’s time and energy is expended on labor negotiations. Once those negotiations have been completed, it appears to be HRD’s view that employee relations problems do not exist in the field unless specific complaints are received from employee bargaining representatives. Few such complaints have been received. This Grand Jury, however, heard many examples of serious employee relations problems throughout the County. The matters discussed in the following findings constitute examples of problems that have not been addressed by HRD.

Probationary Employees

- F46: The system whereby the County evaluates the performance of its probationary employees is dysfunctional. In addition to the generalized findings of the Personnel Subcommittee rendering this Report, an independent management audit of the Child Protective Services division of the Department of Social Services was conducted by the Harvey M. Rose Accountancy Corporation. That audit, a copy of which appears elsewhere in the Grand Jury's Final Report, reaches a similar conclusion.
- F47: The foregoing situation is the result of failures by both HRD and the county employees' bargaining representatives to ensure that there is compliance with the various Memoranda of Understandings (MOUs) between them.
- F48: The Grand Jury attempted to review personnel files of probationary employees to ascertain whether the terms and provisions of the MOUs were being enforced. With the exception of two former probationary employees who gave the Grand Jury express waivers of confidentiality, the Grand Jury was significantly hindered and delayed in its attempt by the defiance of some managerial employees within the Child Protective Services division of the Department of Social Services, aided and abetted by representatives of County Employees Association, Local No. 1. This defiant attitude was particularly puzzling given the fact that the purpose of the Grand Jury's inquiries was to ascertain the extent to which, if at all, probationary employees (who presumably were under the protection of Local No. 1) were being abused by policies and practices of the County.

- F49: The probationary period for most county employees, both newly hired and newly assigned to positions (excluding law enforcement employees) is one year. For some positions/employees, that period is too long. It does not always take that amount of time to determine new employees' skills and aptitudes **if** supervisors are alert and provide input to employees early in their employment.
- F50: A form entitled "Expectations Information" is given to new employees to read and sign, and a copy is supposed to be placed in their personnel files. No "Expectations Information" statements, however, were found in the files that the Grand Jury was permitted to examine.
- F51: Monthly performance reviews of probationary employees covered by MOUs are required. Month-by-month reviews or evaluations were not found in the files that the Grand Jury was permitted to examine. It appears to be HRD's practice that any such reviews that may occur are not to be documented in records maintained by the County. This is a violation of Article 11, Section 1-D, of the Local No. 1 MOU, which requires that after the probationary period has ended the documents are to be submitted to HRD.
- F52: If reviews of probationary employees are in fact documented in writing, the MOUs direct supervisors keep those documents until the completion of the probationary period. This is so probationary employees cannot claim rights not to be terminated except for cause.
- F53: When supervisors leave county employment or transfer to other departments, their continued possession of such documents may cause the County to be ignorant of the contents of those probationary employee reviews, or of the manner in which the probationary employee(s) performed.
- F54: If a supervisor does not meet with and/or review a probationary employee under his/her supervision, the employee's performance is considered by the County to have met expectations. In the absence either of direct communication between the supervisor and the department head or delivery of such review documentation to the department head, there is no way for substandard performance of employees to be brought to the attention of department heads.
- F55: On two occasions, the employment of probationary employees was terminated in the eleventh month of their probationary terms even though those employees had consistently received satisfactory (or better) evaluations. This was contrary to the County's obligations under its MOU with the Employees Association. Local No. 1 took no action to support those probationary employees, however, when they were terminated.
- F56: On more than one occasion, six-month "Satisfactory" evaluation forms, dated later than the sixth month of employment, appeared in the files. It appeared those forms

had been generated on an "after-the-fact" basis, and they did not reflect contemporaneous reviews.

Promotions and Performance Evaluations

- F57: In September 1999, pursuant to negotiated agreements in MOUs, the policy and practice of annual written performance evaluations was "eliminated" on an experimental basis. Instead, it was agreed between the County and the employee bargaining units that, as a two year pilot program, there would be a practice of "encouraging" monthly "discussions" and feedback between employees and supervisors, and that those "discussions" would be documented.
- F58: The ambiguity of words such as "may," "encourage," and similar words in the context of rights and duties, renders them unenforceable.
- F59: Notwithstanding the language of the newly negotiated MOUs, some departments never adopted the experimental system, while other departments used it only for a short time. Within six (6) months when it became recognized that the new experiment was ineffectual, those departments followed neither the old system nor the new.
- F60: The foregoing situation is the result of failures by both HRD and the county employees bargaining representatives to see to it that there is compliance with the various MOUs between them.
- F61: To this date, no systematic policy or practice for documenting employee performance has been either agreed upon or imposed, and no such policy or practice is presently in place. This results in such potential problems as:
- Risk of wrongful termination lawsuits;
 - Increased costs because of substandard performance by employees; and
 - Failure to recognize and reward superior performance by employees.

Discipline, EEO, Discrimination Complaints

- F62: In the 2001/2002 Budget/Workplan, the function of discipline, EEO and discrimination complaints is described as follows:

“Assists departments in the preparation of disciplinary actions; investigates discrimination complaints; interprets laws, rules and procedures, and maintains Equal Employment Opportunity (EEO) policies and standards to ensure compliance with Federal, State and local laws and regulations. Includes providing professional and clerical staff support to the Civil Service Commission.”

Civil Service Commission

- F63: The Civil Service Commission (Commission) is established by Section 502.2 of the County Charter. The Board appoints the members of the Commission. Each board member has one appointment, and that appointee's term runs concurrently with the term of the appointing board member.
- F64: Section 205 of County Resolution 228-84 identifies those county employees who may potentially invoke the jurisdiction of the Commission.
- F65: Matters are brought to the attention of the Commission through review of decisions of department heads. The Commission's caseload is generated through procedures initiated by employees through HRD. There is not a provision for the direct filing of complaints with the Commission. HRD attempts to resolve employee complaints before they are brought to the Commission, and employee complaints generally reach the Commission only as a last resort.
- F66: The Commission is authorized to hear only the following types of matters:
- Claims of unlawful discrimination in personnel matters;
 - Disciplinary matters involving classified employees with permanent status; and
 - Such other matters as may be provided for in personnel rules, MOUs between the County and recognized employee organizations, or Board Policy.
- F67: The Commission has authority to cause subpoenas duces tecum to be issued for matters within its lawful jurisdiction.
- F68: The Commission is empowered only to affirm, modify or reverse decisions of the "appointing authority," generally the department heads, in disciplinary actions.
- F69: Findings and decisions of the Commission in disciplinary actions are final and binding, subject only to judicial review.
- F70: Remedies available to county employees through access to the Commission are seldom sought, and accordingly, the Commission is not used to its full capacity. The Commission has not had a contested hearing for approximately a year. The most recent contested matter brought before the Commission for hearing was the complaint of a sergeant in the Sheriff's Department.
- F71: On occasion, properly requested information has not been provided to the Commission in a timely manner.
- F72: The Director and/or other employees of HRD:
- Act as the Executive Officer for the Commission;
 - Receive all mail directed to the Commission concerning appeals and grievances;

- Provide a secretary to the Commission;
- Prepare the budget for the operation of the Commission, without the Commission's participation; and
- Administer the expenditure of funds for the Commission.

This state of affairs essentially removes any opportunity for confidential communications from employees to the Commission without the necessity of initiating formal proceedings.

Recommendations

Department of Human Resources – General

- R1: An audit of HRD should be conducted to evaluate management procedures and practices, and to ascertain those functions that it is best equipped to perform and those that should be performed by other County entities or by outsourcing.
- R2: Adequate staffing should be provided to HRD so that it can adequately perform the functions properly assigned to it.

Recruitment and Testing

- R3: All information provided in connection with employment applications should be verified. Applications should be screened prior to any testing and/or interviewing.
- R4: HRD or an outside contractor should conduct background checks of potential employees. This responsibility should not be delegated to individual departments.
- R5: Job applicants should be required to provide copies of degrees, professional licenses, and/or other documents confirming education and experience along with their original job applications.
- R6: Supplemental questionnaires specifically designed for each department or specific skill should be developed cooperatively by HRD and the departments/divisions.
- R7: Following all recruitment efforts, applications of qualified applicants should be kept on file for at least one year to create a pool of potential employees who might be able to fill similar positions should they become available.

Orientation and Training

- R8: The Board should provide resources separate from HRD to be accountable for training functions, including:
- Board mandated training;
 - Orientation training;

- Supervisory and management training;
 - Specially requested training for individual departments that employees from other departments could also attend;
 - Training for trainers, aimed primarily at preparing each department to train its own new employees; and
 - Training to prepare permanent employees for promotion and advancement within county government.
- R9: New employee orientation should be completed within 10 days of employment rather than the 60 days presently allowed.
- R10: Coordination of in-service training and advancement opportunities should be provided for permanent employees. For example, HRD should establish a two-phase training program for employees interested in promotion:
- Phase I: A pre-test voluntary training available to all non-supervisory personnel, which should cover basic elements of supervision.
 - Phase II: Required training initiated prior to being placed in new supervisory position. The curricula would include County policies and procedures and expand on Phase I matters with emphasis on employee/employer relations.
- R11: All Board policies that mandate training should be reviewed and updated into one cohesive program policy statement.
- R12: There should be reliable records of participation in training (both on-the-job and in-service) programs.
- R13: All supervisors should annually attend mandatory refresher supervisory training.

Classification/Salary Administration

- R14: All county job descriptions should be reviewed and updated. In addition to HRD personnel, the individuals presently holding jobs whose descriptions are being reviewed should participate in those reviews.
- R15: HRD should establish an orderly process for the reclassification of employees and jobs with reasonable deadlines built into the procedure. The process should include a requirement that managerial personnel document the specific matters requiring upgrade and/or reclassification.
- R16: All employees must be paid for all hours worked. All overtime or extra work time should be approved in advance. Repeated requests should be evaluated to determine if adequate staffing is in place.
- R17: HRD should review all minimum qualifications to determine their relevance to particular jobs. HRD should give recognition to relevant experience in lieu of higher

education requirements. This recommendation does not, however, suggest that professional and other licensing requirements should be ignored.

Operations Support

- R18: Regular meetings between the HRD Director and department heads should continue to occur on a regularly scheduled basis.
- R19: HRD should design and distribute standardized procedures that cross departmental lines, establishing uniformity in all matters, including but not limited to time sheets, personnel evaluation forms, and the Employee Recognition Program.
- R20: The County should establish a written policy and standards, including a provision for management approval, for telecommuting and for work at alternate work sites.
- R21: HRD should establish and implement a policy of requiring exit interviews of County employees who are terminating their employment. The information should be memorialized, reviewed, analyzed and interpreted periodically.
- R22: HRD should develop specific strategies aimed at reducing employee turnover, present them to the Board for approval, and evaluate the success of those strategies on an on-going basis.

Labor Relations

- R23: The County should hire either an in-house unrepresented employee or an outside professional negotiator, to negotiate the terms and provisions of MOUs with recognized county employee associations.
- R24: HRD should develop a standard review and evaluation procedure for all employees, including probationary employees. Supervisors should give early and consistent feedback to all employees regarding their performance. Performance meeting or exceeding job standards should be recognized, and performance not meeting standards should be addressed and documented.
- R25: The County should implement procedures to assure that monthly evaluations of probationary employees are performed and documented as required in MOUs.
- R26: Agreements establishing experimental programs should be reviewed, in accordance with predetermined standards and criteria, not less than quarterly. Provision should be made in those agreements for the immediate termination or adjustment of such programs if they are found to be ineffective.
- R27: HRD should anticipate alternative future courses of action if agreed-upon experimental programs fail, so that those alternative courses of action can be implemented expeditiously.

Discipline, EEO, Discrimination Complaints

- R28: To preserve the independence and appearance of impartiality of the County's Civil Service Commission, the Executive Officer of the Commission, secretarial and other clerical services to the Commission should be independent of HRD.
- R29: The Chair of the Commission should be the Executive Officer of the Commission.
- R30: The Commission's budget should be separate from HRD's budget, and members of the Commission should have input before the budgetary request is submitted to the Chief Administrative Officer.
- R31: Time should be scheduled during new employee orientation for one or more Commission members to explain what the Commission is, its functions, and how and when to contact it. A pamphlet containing such information should be prepared and given to new employees during their orientation.
- R32: All information properly requested by the Commission relevant to a pending proceeding should be furnished to it expeditiously.

Commendations

The Workplace Violence Prevention mandated training for El Dorado County employees appears to be an exemplary display of inter-departmental cooperation in this lonely field of training. Risk Management is doing a credible job in documenting the training. Reception of this training seems to be high at all levels of participation. The Office of Emergency Services (OES) staff has demonstrated excellent coordination effort in bringing competent instructors from Risk Management, Mental Health, and the non-profit Women's Shelter to bear on this critical issue.

El Dorado County employees have an opportunity to continue their education relating to their jobs. Upon successful completion they can be reimbursed for a portion of the cost of that continuing education. This opportunity is not widely known or used. It appears in the County's MOU with Employees Association, Local No. 1, General, Professional, and Supervisory Bargaining Units, July 1, 1999 to June 30, 2003. This policy is both a wise investment and displays the Board's concern for improving opportunity to those employees with initiative.

Responses Required for Findings

- F1 through F72 El Dorado County Board of Supervisors
Director, Department of Human Resources
- F63 through F72 El Dorado County Civil Service Commission

Responses Required for Recommendations

- | | |
|-----------------|--|
| R1 through R32 | El Dorado County Board of Supervisors
Director, Department of Human Resources |
| R28 through R32 | El Dorado County Civil Service Commission |

Government & Administration Committee

Procedures for the Board of Supervisors in Responding To Grand Jury Final Reports

Reason for the Report

The 2001/2002 El Dorado County Grand Jury ("Grand Jury") has generally been pleased with the responsiveness of the members of the current Board of Supervisors in considering its concerns. The Grand Jury, however, is dissatisfied with the process followed by the Board in connection with its adoption of a Draft Response to the Final Report of the 2000/2001 El Dorado County Grand Jury ("Previous Grand Jury"), and with the manner in which the Board's ultimate Response to that Final Report was modified and then finalized. In particular, the Grand Jury is dissatisfied with the Board's failure, in several instances, to follow its own policies and procedures. Accordingly, the Grand Jury elected to inquire into methods and procedures whereby the response process can be improved.

Scope of the Investigation

The Grand Jury reviewed the following:

- Sections 933 and 933.05 of the California Penal Code;
- Section 703 of the El Dorado County Charter;
- Policy No. A-11 of the El Dorado County Board of Supervisors ("Board");
- Final Report of the Previous Grand Jury;
- Responses of public entities other than the County of El Dorado ("County") to that Final Report;
- Responses of the County's elected department heads to that Final Report;
- Draft Response of the Board to that Final Report, as disclosed in the Board's agenda packet for its September 18, 2001 regular meeting;
- Undated, unaddressed, unsigned letter-memorandum commenting on the contents of that Draft Response;
- Motion adopted by the Board at its September 18, 2001 regular meeting, directing further study of the Draft Response in light of that letter-memorandum;
- Memorandum from the El Dorado County Counsel ("County Counsel") to the Board, dated November 1, 2001;
- Conformed Agenda of the regular meeting of the Board on November 6, 2001; and
- Letter dated December 17, 2001, to the Honorable Suzanne Kingsbury, Presiding Judge of the El Dorado County Superior Court ("Presiding Judge"), from Penny Humphreys, Chair, Board of Supervisors.

The Grand Jury also considered reports of discussions which occurred at a meeting on October 5, 2001, between the Foreman and one member of the Grand Jury, the County's

Interim Chief Administrative Officer ("CAO"), County Counsel, and a board committee consisting of two of its members.

Members of the Grand Jury also attended the regular meetings of the Board on September 18, October 16, and November 6, 2001, at which there were agenda items addressing the subject of the Board's Response to the Previous Grand Jury's Final Report.

Members of the Grand Jury also attended a special workshop meeting conducted by the Board, dealing with the subject of its Response to the Final Report of the Previous Grand Jury, on November 5, 2001.

Findings

F1: Section 933(a) of the California Penal Code ("Penal Code") provides, in part, as follows:

"Each grand jury shall submit to the presiding judge of the superior court a final report of hits findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors"

F2: Section 933(c) of the Penal Code provides, in part, as follows:

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls."

F3: Penal Code § 933(d) provides that, as used in Section 933, the term "agency" includes a department.

F4: For the reasons stated in Findings F5 through F8, it was the view of the previous Grand Jury, and is the view of this Grand Jury, that the word "elected" as used in Section 933(c) of the Penal Code applies only to the term "county officer," and does not apply to the term "agency head."

F5: Section 933.05(b)(3) of the Penal Code provides that if a response to a grand jury's recommendation is that the recommendation requires further analysis, the response

shall include a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This requirement of agency or department head action is not limited to elected persons. The reference to “including” governing bodies of public agencies “when applicable” implies that the requirement may be imposed upon both non-elected agency or department heads and the governing bodies of those agencies.

- F6: Section 933.05(c) of the Penal Code provides, “If a finding or recommendation of the grand jury addresses budgetary or personnel matters or a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury,” (Emphasis supplied.) Thus, Section 933.05(c) expressly addresses only county agencies or departments “headed by an elected officer.”
- F7: The difference in language between Section 933.05(b)(3) and Section 933.05(c) of the Penal Code, by referring to elected officers in the latter but not to elected agency or department heads in the former, implies that non-elected department heads may be required to respond, directly to the Presiding Judge, at least to some portions of some Grand Jury Final Reports.
- F8: Further, the use of the word “or” rather than of the word “and,” in Section 933(c) of the Penal Code, implies that the terms “county officer” and “agency head” refer to separate and distinct categories of respondents, and that the word “elected” is intended to refer only to the description which it immediately precedes and not to all descriptive terms within the sentence in which it appears.
- F9: Even ignoring the matters set forth in Findings F1 through F8, however, it appears to be the view of the Board of Supervisors that the word “elected” applies to both the terms “county officer” and “agency head.” The Grand Jury believes this view to be incorrect.
- F10: Section 703 of the El Dorado County Charter provides, “The Board of Supervisors shall establish the format for county responses to the Grand Jury Report.”
- F11: Board Policy No. A-11, “Responding to Grand Jury Reports,” has been adopted “to specify a uniform procedure and a standard format for all departments to follow when responding to the annual Grand Jury Report.” Among the stated benefits anticipated from Board Policy No. A-11 are the following:
- Provision to the Board of a structurally consistent document;
 - Assistance to appointed department heads and the CAO in providing appropriate draft responses;
 - Assistance to the Board in evaluating the proposed responses;
 - Ensuring continuity in the Grand Jury process from year to year; and
 - Assistance to the Grand Jury in tracking its findings and recommendations.

F12: Board Policy A-11 contains the following relevant requirements and provisions:

- Paragraph 1 requires each county appointed department head to prepare responses in accordance with the Board Policy A-11 format, and to submit those responses to the CAO within 45 days from the issuance of the Grand Jury Report.
- Paragraph 2 requires that the CAO, after receiving the responses of the appointed department heads, prepare a draft response, and that both the departmental responses and the draft response be presented to the Board. No time period for the preparation of that draft response, or for the presentation of the departmental responses and the draft response to the Board, is specified in Board Policy A-11.
- Paragraph 3 provides that the members of the Board “shall be allowed at least one week to review the departmental responses and to comment on the draft response prior to including it on their agenda.”
- Paragraph 4 provides that, after the review and comment period described in Paragraph 3 has elapsed, the CAO shall:
 - Prepare a proposed Final Draft Response and a proposed letter of transmittal from the Board Chairman to the Presiding Judge of the Superior Court (“Presiding Judge”), and
 - Cause copies of the Final Draft Response to be (1) distributed to all members of the current and immediate past grand juries and (2) made available to the public in the office of the Board Clerk.
- Paragraph 5 provides that members of the immediate past Grand Jury “shall be invited to participate in the public hearing review of the responses to the Final Grand Jury Report which they offered.”
- Paragraph 8 requires that “responses received from the elected department heads ... be appended to the Board’s final response.”
- Paragraph 9 provides (1) that the CAO shall send correspondence to all entities identified in the Grand Jury Report alerting them to their reporting obligation under Section 933(c) of the Penal Code, (2) that the CAO shall request a courtesy copy of their response, and (3) that such courtesy copies shall be made available for public viewing in the Board’s office.
- Paragraph 10-E provides, where a response to a recommendation is that further analysis is required, that there be a detailed explanation stating the scope and parameters of the study with a time frame stating when, not to exceed six (6) months from the date of publication of the Grand Jury’s report, the matter will be prepared for discussion and disposition.

F13: The previous Grand Jury publicly issued its final report on June 27, 2001. As required by Section 933.05(f) of the Penal Code, copies of that final report were delivered on June 25, 2001 to all persons and entities designated as “Respondents,” including but not limited to the members of the Board, 48 hours prior to public release. Some department heads, both elected and non-elected, were designated in that report as “Respondents.”

- F14: Numerous responses from respondents who were elected county officers or elected department (agency) heads were received by the 2001/2002 El Dorado County Grand Jury (“this Grand Jury”) in July and August, 2001.
- F15: Numerous responses from respondents who were public agencies and/or entities other than the County were received by this Grand Jury in July and August 2001.
- F16: No responses were received by the Presiding Judge or this Grand Jury at any time from respondents who were neither elected county officers nor elected department (agency) heads.
- F17: It was the view of the previous Grand Jury, and is the view of this Grand Jury, that responses and/or proposed responses to the previous Grand Jury’s Final Report, from respondents who were both elected and non-elected county officers or elected department (agency) heads, were required to be submitted to the Presiding Judge, on or before August 24, 2001.
- F18: It was the view of the previous Grand Jury, and is the view of this Grand Jury, that responses and/or proposed responses to the previous Grand Jury’s Final Report, from respondents who were both elected and non-elected county officers or department (agency) heads, were required to be submitted to the Board, on or before August 24, 2001.
- F19: Responses from elected county officers or elected department heads to the previous Grand Jury’s Final Report were submitted to the Board on some date, unknown to this Grand Jury, prior to preparation by county staff and submission to the Board of the Draft Response on September 7, 2001.
- F20: Proposed responses to the previous Grand Jury’s Final Report from respondents who were neither elected county officers nor elected department (agency) heads were not submitted to the Board. (See Finding F12-b.)
- F21: Proposed responses to the previous Grand Jury’s Final Report from respondents who were neither elected county officers nor elected department (agency) heads have never been submitted either to the Presiding Judge, the previous Grand Jury, or this Grand Jury. (See Finding F12-d.)
- F22: The Draft Response to the previous Grand Jury’s Final Report, prepared by the CAO, was not submitted to the Board until September 7, 2001. That draft response was not accompanied by proposed responses from respondents who were neither elected county officers nor elected department (agency) heads.
- F23: The Draft Response to the previous Grand Jury’s Final Report was not made available to the public until it was included within the publicly available Board

Agenda Packet for the Board's September 18, 2001 regular meeting on September 13, 2001.

- F24: The Board was required by Section 933(c) of the Penal Code, and Board Policy A-11, to submit its final response to the Previous Grand Jury's Final Report on or before September 23, 2001.
- F25: Insufficient time existed between September 7, 2001 when the Draft Response was submitted to the Board, and September 18, 2001 when the Board was scheduled to review, modify, change and/or adopt the Draft Response as its own Response, for the members of the Board to carefully and critically review and assimilate the contents of the Draft Response.
- F26: On September 17, 2001, an unaddressed, undated, and unsigned letter-memorandum ("Undated Letter") was delivered to a member of the Board. In summary, that Undated Letter asserted that the Draft Response appeared to contain and consist of responses from county staff rather than responses from the Board. The Undated Letter also asserted that, by adopting the Draft Response in response to the previous Grand Jury's Final Report without careful and critical review and assimilation of its contents, the Board would simply be "rubber stamping" the views of county staff rather than communicating its own views.
- F27: On September 18, 2001, at the Board's regularly scheduled meeting and in response to that Undated Letter, a motion was made, seconded and carried, that the Board "adopt the staff's recommended responses, with the exception of the responses listed on an attached list, and that two supervisors work with the CAO and the County Counsel to prepare potential alternative responses and bring them back to the Board no later than October 16, 2001.
- F28: The "attached list" appended to the Motion described in Finding F27 identified 60 specific Findings, and 26 specific Recommendations, contained in the previous Grand Jury's Final Report.
- F29: This Grand Jury believed that, pursuant to the Motion described in Findings F27 and F28, the Board intended, in fact, to review and consider "alternative responses" to each of the Findings and Recommendations identified therein, on an item-by-item basis, and that such review and consideration would have constituted appropriate action on the part of the Board.
- F30: No formal request was made to the Grand Jury by the Board at that September 18, 2001 meeting, or otherwise, for an extension of the September 23, 2001 deadline for responding to the previous Grand Jury's Final Report. Nevertheless, based on its understanding, as set forth in Finding F29, the Grand Jury did not object to the implicit extension of time to October 16, 2001, set forth in the Motion and action of September 18, 2001. (See Finding F27.)

- F31: On October 5, 2001, the Foreman and one member of the Grand Jury met with the CAO, the County Counsel, and a committee consisting of two Board members, to discuss the Undated Letter, specifically, the perceptions articulated in the Undated Letter that the Draft Response presented to the Board appeared not to view the previous Grand Jury's Final Report as a matter deserving of serious consideration by the Board itself. The meeting was an amicable one, although no specific actions were developed or agreed upon at the meeting.
- F32: By October 16, 2001, when the Board's regularly scheduled meeting was held, no "alternative responses" to the Draft Response, as required by the Board's action of September 18, 2001, had been prepared or brought back to the Board.
- F33: Accordingly, on October 16, 2001, the Board requested that the Grand Jury further extend the deadline for its response to the previous Grand Jury's Final Report to November 6, 2001. The Board represented to the Grand Jury that it would conduct a workshop devoted to that subject on November 5, 2001.
- F34: The foregoing request was presented to the Grand Jury on October 17, 2001 and was approved by the Grand Jury. The Grand Jury directed the Foreman to advise the Board that the Grand Jury would not look favorably upon any further request by the Board for extended time to submit its response. The Foreman so advised the Chairperson of the Board.
- F35: Thereafter, the County Counsel submitted to the Board a twelve-page memorandum dated November 1, 2001 ("November 1 Memo"), to which the Undated Letter was attached. A copy of that November 1 Memo was first delivered to the Grand Jury on the morning of November 5, 2001, shortly before the Board's Workshop on the afternoon of November 5, 2001.
- F36: The November 1 Memo did not discuss, on an item-by-item basis, the 60 Findings or the 24 Recommendations that were the subject of the Board's September 18, 2001 Motion and action described in Findings F27 and F28. Instead, it set forth a discussion of the Undated Letter described in Finding F26, characterizing that letter as "raising four 'generic' objections and seven specific concerns" regarding the proposed Response to the previous Grand Jury's Final Report.
- F37: None of the matters discussed in the "generic objections" portion of the November 1 Memo identify, by number or page, any specific Finding or any specific Recommendation in the previous Grand Jury's Final Report. Much of the content of the November 1 Memo, while legally and factually correct, was not responsive to the Board's action of September 18, 2001 for the reasons set forth in Finding F36.
- F38: Numerous statements made in the November 1 Memo were incorporated either verbatim or substantially verbatim into a nine-page letter dated December 17, 2001, described in Findings F45 and F46 ("December 17 Letter"), signed by the Chairperson of the Board and addressed to the Presiding Judge.

F39: The November 1 Memo contains the following policy statements, which the Grand Jury agrees:

- “In the final analysis, the critical requirement is that the Board feel confident in adopting the draft response as its own.” (Page 1)
- “For this process to work properly, of course, the Board must have sufficient time to review and consider the proposed responses before finally adopting them. County Counsel agrees that there is valid concern in this regard. ... {T}iming problems are driven by the size and complexity of the required responses,” (Page 2)
- “Because there are areas of *overlapping* control, of course, it may often – although not necessarily always – be appropriate for the Grand Jury to receive responses from both [elected officials and the Board] on a single issue.” (Emphasis in original.) (Page 2)
- “County Counsel suggests that the Board clarify where appropriate whether (and why) it has adopted an elected official’s response without review, or only after some exercise of independent judgment.” (Page 3)
- “Developing a recommendation to address the timing issues raised by this portion of the letter is challenging. The fundamental problem is the tight statutory timelines.” (Page 3)
- “... ‘Past practice’ and unwritten policies are a poor basis for County operations – a point with which County Counsel, and no doubt the Board, agrees.” (Page 7)
- “In a time-pressured environment, the focus naturally is more on meeting legal requirements than on providing the most comprehensive response possible.” (Page 8)

F40: The November 1 Memo contains the following policy statements, which the Grand Jury disagrees, either in whole or in part:

- “Communication of the Board’s position to the Grand Jury may be by letter rather than amendment to the formal responses in order to avoid further delay.” (Page 1)

In the Grand Jury’s view, the exclusive procedure for responses to grand jury final reports is mandated by Section 933.05 of the Penal Code, as implemented by Board Policy A-11.

- “Given that each grand jury report requires responses to literally hundreds of factual findings and recommendations within ninety days, it is simply infeasible for Board members to personally investigate and respond to each one without staff assistance.” (Page 2) That statement is also set forth in the December 17 Letter. (Page 2)

In the Grand Jury’s view, that statement begs the relevant question. Because it is agreed (See Finding F39-a above.) that the Board must “feel confident in adopting

the response as its own,” the question is how the Board reaches that “confidence level.”

In the Grand Jury’s view, an investigation by Board members is required where:

- Serious and substantial disagreements appear between findings and recommendations of a grand jury and responses thereto proposed by staff.
- The reason for the staff’s disagreement do not appear convincing or conclusive on their face.

This would not require investigations by Board members of “literally hundreds” of proposed responses, because it would not require investigations of:

- Those responses which agree with the findings and/or recommendations;
- Those responses which, although disagreeing in whole or in part with a finding or recommendation, set forth convincing explanations of reasons for such disagreement; and
- Those responses which propose a further investigation of the subject.

It is only those findings and/or recommendations which do not fall into any of the foregoing categories that the Grand Jury believes should be the subject of independent inquiries by the members of the Board before the Board adopts the responses which are proposed by staff.

- “The CAO and other senior staff members do spend considerable time providing review, oversight and drafting for Grand Jury responses.” (Page 3) The December 17 Letter (page 3) states, “The CAO and other senior staff members do spend considerable time providing review, oversight and drafting for *all* Grand Jury responses.” (Emphasis in original.)

The Grand Jury does not necessarily disagree with this statement as an accurate representation of present practice. Depending upon the meaning of the term “other senior staff members,” however, the Grand Jury may disagree that this is the way the process should operate. In the Grand Jury’s view, it is the division heads and managers who have the most hands-on operational knowledge of the matters which are the subject of Grand Jury reports. It is they who should have the primary responsibility for the preparation of proposed responses to factual findings in those reports, which the department heads, the CAO’s office, and perhaps County Counsel have only minimal editorial oversight responsibility with regard to such findings. Moreover, Board Policy A-11 requires that the original proposed responses of the department heads, as well as the Draft Response of the CAO, be presented to the members of the Board, but this policy has not been followed in practice.

- “The issue, therefore, is whether the Board should engage in a practice of ongoing updates and amendments to Grand Jury responses when relevant new information

comes to light. County Counsel does not recommend adopting this practice, because it would turn the annual Grand Jury process into an ongoing, evolutionary dialogue with no finality. As a practical matter, Grand Jury reports and responses necessarily reflect snapshots in time.” (Page 10) The December 17 Letter (page 7) states that “the fundamental issue is whether the Board should engage in a practice of ongoing updates and amendments to Grand Jury responses when relevant new information comes to light. We respectfully decline to adopt this practice, because it would turn the annual Grand Jury process into an ongoing, evolutionary dialogue with no finality. As a practical matter, Grand Jury reports and responses necessarily reflect snapshots in time.”

The Grand Jury does not assert that “the annual Grand Jury process” should involve “an ongoing, evolutionary dialogue with no finality,” but precisely because Responses “necessarily reflect snapshots in time,” they should accurately reflect the facts as of the point in time at which they are adopted by the Board, and not at some undefined prior point. In the example referenced in the previous paragraph, the Draft Response was agendized for action to be taken on September 18, but new information was available to the public at least by September 13, and was possibly available to at least some of the members of the Board prior to that date.

Additionally, the December 17 Letter (Page 9) refers to a subcommittee which “will be reporting back to the Board on December 11.” On December 11, however, as indicated in Findings F40-e and F46, the Board took action on the subject of closed session record keeping, but that action was not reflected in the December 17 Letter. It appears, from the dates set forth on Pages 2 through 9 of the December 17 Letter, that that letter may actually have been produced on November 21, 2001. The “snapshot in time” approach should have focused on information available as of the proposed response adoption date, September 18, and on the date of transmittal of the December 17 Letter to the Presiding Judge, respectively, and not some undefined prior date or dates.

Aside from “the annual Grand Jury process,” the Grand Jury believes that “an ongoing, evolutionary dialogue” between the Board and the Grand Jury is a desirable thing.

- “The Grand Jury’s convenience needs to be weighed against the chilling effect of a tape recorder’s presence in closed session discussions” (Page 12) That statement was not included in the December 17 Letter. As indicated above, however, the December 17 Letter (Page 9) does recite that the Board “is still weighing the issue of closed session record keeping,” and that a “subcommittee will be reporting back to the Board on December 11.”

The Grand Jury does not believe that its efforts to obtain the most accurate information possible in pursuing its statutorily authorized and/or mandated

investigations are matters of mere “convenience,” as indicated by County Counsel. The Grand Jury is heartened, however, by the Board’s actions in:

- Directing the establishment of a subcommittee to inquire into the issue of record keeping at closed sessions; and
- Adopting, on December 11 as Agenda Item No. 67, a resolution establishing that, henceforth:
 - County Counsel would take limited notes [i.e., motions and votes] of actions taken in Closed Session.
 - Notes would be circulated to and initialed by the Board members indicating their concurrence.
 - The initialed notes would then be delivered to the Board’s Clerk for safekeeping.

F41: At its regular meeting of November 6, 2001, the Board:

- Adopted the Response to the Previous Grand Jury Report as originally recommended by staff, subject to a rewriting of the response to Recommendation R1 on page 8 of the Draft Response, the specifics of which were to be developed by staff and brought back to the Board for approval.
- Appointed two of its members as a subcommittee to work on possible solutions to the issue of record keeping of closed sessions and to report back to the Board by December 11, 2001.
- Directed the CAO to establish a methodology to ensure that departments follow up on those recommendations for which the Board’s Response states that follow up will occur.
- Directed County Counsel to prepare for signature by the Board’s Chair, a letter to the Grand Jury transmitting the responses to “Generic Objections” as set forth on Pages 2-5 of the November 1 Memo, including clarifications proposed in the County Counsel’s November 1 Memo to specific concerns, numbers 2, 3, 4, 7B, 7D and 7E. The Board’s action on this point did not specify any date by which the letter is to be completed.

F42: The Board’s action of November 6, 2001 was not a response to the eighty-four (84) specific items contained in the previous Grand Jury’s Final Report as had been anticipated by the Grand Jury following the Board’s Motion and action of September 18, 2001. (See Findings F27 and F28.)

F43: The matters discussed in the “Specific Concerns” portion of the November 1 Memo specifically identify eleven (11) [out of 60 listed on September 18] Findings, and seven (7) [out of 24 listed on September 18] Recommendations for specific response. Some other Findings and Recommendations may also have been intended for response, but they are not specifically identified by number or page in the November 1 Memo.

- F44: The Board, on November 6, 2001, also adopted the County Counsel's recommendation "that staff be directed to contact other counties to see if they experience the same [insufficiency of time to prepare responses to grand jury reports] difficulties and report back on [his] findings." (Page 3 of November 1 Memo.)
- F45: In the Grand Jury's view, the proposed contact and inquiry described in Finding F44 is inadequate, in that it does not include inquiry of the grand juries in those other counties to ascertain whether those grand juries believe their counties' responses to their reports to be adequate or appropriate. Counties that profess to have no problems in rendering their responses to grand jury reports, but which submit responses that their grand juries believe to be inadequate or inappropriate, are not models which this Board should follow.
- F46: On or about December 17, 2001, the December 17 Letter was transmitted to the Presiding Judge. That letter purported to constitute compliance with the Board's directive of November 6, 2001. (See Finding F36.)
- F47: The contents of the December 17 Letter are substantially similar, but not totally identical, to the contents of the November 1 Memo. The December 17 Letter asserts that it "is meant to clarify some of the Board's adopted responses and to address certain objections and concerns ... that the Board believes are more appropriately addressed in correspondence to the Grand Jury than in its formal responses."
- F48: The December 17 Letter does not constitute an adequate or proper board response, or amendment or modification to the Board's Responses, to the prior Grand Jury's Final Report for the reasons set forth above in Findings F36, F37 and F40-a.
- F49: In the Grand Jury's view, the length of the 45-day response period for appointed department heads referenced in Finding F12-a creates an unnecessarily short period of time for independent review, consideration, and analysis of those responses by the Board.
- F50: Because departmental responses of the type described in Findings F12-b and F20 were not presented to the Board separately from the Draft Response presented by the CAO, the Board was unable to review or consider any changes that may have been made by the CAO to the departmental responses, in connection with the preparation of the Draft Response.
- F51: In the Grand Jury's view, a period of one week for the members of the Board to review departmental responses and to comment on a draft response, as referenced in Finding F12-c, is inadequate time for serious and thoughtful review and analysis of those documents, and for further inquiry by the Board members into the details contained therein.

- F52: No distribution of departmental responses of the type described in Findings F12-b and F20 was required by law or existing policy to be made, and no such distribution was made, to either the previous Grand Jury or this Grand Jury.
- F53: No distribution of the Final Draft Response was made to the members of either this Grand Jury or the previous Grand Jury, as required by Paragraph 4 of A-11 and described in Finding F12-c.
- F54: No invitation of the type referenced in Paragraph 5 of A-11, as described in Finding F12-e, was made. One member of the previous Grand Jury became aware of the contents of the Draft Response prior to the Board's September 18 meeting. That awareness occurred, however, only because the Draft Response was contained in the Board's Agenda Packet for its September 18 meeting, available in the Board Clerk's office.
- F55: No correspondence of the type referenced in Paragraph 9 of A-11 and described in Finding F12-g was sent, or request made, or copies of non-County responses made available for public viewing in the Board's office.

Recommendations

*"Work expands so as to fill the time
available for its completion."*

C. Northcote Parkinson, 1958

- R1: Because division heads and managers are presumed to be familiar with the operations of their units, the Board should amend Paragraph 1 of Board Policy A-11, referenced in Finding F12-a, to shorten the time period set forth for input to the CAO from 45 days to 21 days or less. (See Finding F40-c.)
- R2: Because input to the CAO should be submitted in substantially finished form, the Board should amend Paragraph 2 of Board Policy A-11, referenced in Finding F12-b, to establish a time period of 21 days or less from the date the CAO receives the responses of the appointed department heads for transmittal of the Draft Response to the Board, and to establish a procedure which assures that the responses of the appointed department heads are transmitted to the members of the Board concurrently with the transmittal of the Draft Response.
- R3: Whether or not it can require responses within such a time period, the Board should also amend Paragraph 2 of Board Policy A-11, referenced in Finding F12-b, to encourage elected department heads to respond to final reports of grand juries within 21 days or less, rather than 60 days, from their receipt of those final reports.
- R4: The Board should also amend Paragraph 2 of Board Policy A-11, referenced in finding F12-b, to require that the items to be presented to the Board also be presented concurrently to the Grand Jury.

- R5: In order to comply with the 90-day requirement of Penal Code § 933(c) while allowing the Board adequate time to perform its required duties, and in light of the foregoing recommendations and Paragraph 7 of Board Policy A-11, the Board should amend Paragraph 3 of Board Policy A-11, referenced in Finding F12-c, to expand its review and comment period from “at least one week” to “not more than 21 days,” to allow sufficient time thereafter for the agendizing of the Draft Response on the Board’s calendar for review, consideration, adoption and/or modification (“adoption hearing”).
- R6: The Board should establish a procedure which assures that there will be compliance with the provisions of Paragraph 4 of Board Policy A-11, referenced in Finding F12-d, requiring that copies of the Final Draft Response be distributed to all members of the current and/or issuing Grand Jury prior to the agendizing of that draft response on the Board’s calendar for adoption hearing.
- R7: The Board should establish a procedure which assures that there will be compliance with the provision of Paragraph 4 of Board Policy A –11, referenced in Finding F12-d, requiring that copies of the Final Draft Response be distributed to all members of the issuing Grand Jury prior to the agendizing of that draft response on the Board’s calendar for adoption hearing.
- R8: The Board should establish a procedure which assures that there will be compliance with the provisions of Paragraph 5 of Board Policy A-11, referenced in Finding F12-e, requiring that the members of the issuing Grand Jury be invited to participate in the public hearing review of the Final Draft Response to the Final Report of that issuing Grand Jury.
- R9: The Board should establish a procedure which assures that there will be compliance with the provision of Paragraph 9 of Board Policy A –11, referenced in Finding F12-g, requiring that the CAO send correspondence to all entities identified in the Final Report of the issuing Grand Jury:
- Alerting them to their reporting obligation under Section 933(c) of the Penal Code.
 - Requesting that those entities supply a courtesy copy of their responses to the County.
 - Making such courtesy copies available for public viewing in the Board Clerk’s office.
- R10: Whether or not such action is required by Section 933(c) of the Penal Code, the Board should amend Board Policy A-11 to require that non-elected County agency or department heads, when requested to do so by a grand jury, respond to final reports of grand juries in the same manner as elected County agency or department heads.

GOVERNMENT & ADMINISTRATION COMMITTEE

Communication of Board of Supervisors' Directives

Reason for the Report

During the course of its various inquiries, members of the Grand Jury ascertained that, with some frequency, county employees (and sometimes even department heads) were unaware of Resolutions and other directives made by the Board of Supervisors (Board) which impacted their duties and responsibilities. This fact sometimes resulted in the communication to the public, by those employees, of incorrect information. One example of this situation is discussed below.

Because this information came to the Grand Jury late in its term, this Grand Jury was unable to undertake anything more than a preliminary investigation of the problem, which is potentially widespread. Accordingly, this Grand Jury recommends that its successor undertake a full investigation on the problem.

Scope of the Investigation

The County Registrar of Voters was interviewed.

The following documents were reviewed:

- Memoranda to the 2001/2002 Grand Jury Members from the Office of the Registrar, signed by the County's Registrar of Voters and dated June 27, 2001 and March 1, 2002;
- Resolution No. 25-98 and the attached Conflict of Interest Code adopted on February 24, 1998, and signed by the Chairman of the County Board of Supervisors (Board);
- Resolution No. 036-2001 and the attached amended Conflict of Interest Code adopted on February 27, 2001, and signed by the Chairman of the Board; and
- The County Ordinance Code published on the County's website at www.co.el-dorado.ca.gov.

Findings

F1: Members of the Grand Jury received written memoranda in June 2001 and April 2002 from the Registrar of Voters in El Dorado County (County) with instructions for filing "conflict of interest" disclosure forms. Reference was made in the memoranda to Board Resolution #25-98 as the County's "Conflict of Interest Code." The members assumed that the information which had been given to them was correct, that Resolution #25-98 was currently operative, and that they were required by that Conflict of Interest Code to file Form 700 -- Statement of Economic Interest. That information was not correct.

- F2: Board Resolution #25-98 was adopted in February 1998. It identified the position of Grand Juror as a "designated position," requiring the filing with the County by Grand Jurors of Conflict of Interest disclosure forms.
- F3: Board Resolution #25-98 was superseded in February 2001 by Board Resolution #036-2001. Board Resolution #036-2001 deleted all reference to the position of Grand Juror, and thus abolished the County's requirement that Grand Jurors file Conflict of Interest disclosure forms.
- F4: The Grand Jury is informed and believes that the reason for that deletion was the County's recognition of the transfer of jurisdiction over the Courts from County control to State control, pursuant to the Trial Court Funding Act of 1997, which became effective on January 1, 2001.
- F5: Nevertheless, for reasons unknown to this Grand Jury, the members of this Grand Jury were advised by the Registrar of Voters, in June 2001 and again in April 2002, that they were required to file Conflict of Interest disclosure forms with the County.
- F6: After the transfer of authority over the Courts from County jurisdiction to State jurisdiction, there does not appear to have been any corresponding state legislation or regulation requiring the filing of Conflict of Interest disclosure forms or statements by members of Grand Juries.
- F7: This Grand Jury has not received any instruction from the Superior Court on the subject of whether Grand Jurors are or are not required to file Conflict of Interest disclosure statements, and if so, on what forms and with whom.
- F8: Because of the shortness of time, this Grand Jury has not investigated the policy and practice of communicating Resolutions to the affected departments heads, recipients, and the public.
- F9: The County's Conflict of Interest Code is not published on the County's website, www.co.el-dorado.ca.gov. That website contains the County's Ordinance Codes, but does not contain the Resolutions adopted by the Board if they do not adopt or amend specific Ordinances, even though some and perhaps many of those Resolutions contain information that impose requirements and directives upon county employees and members of the public.
- F10: The County's Ordinance Code, as it appears on the County's website, is not updated on an ongoing basis. Frequently, it has not been updated for periods in excess of a year; it was last updated on January 23, 2001. This fact causes members of the public who rely upon the County's website for information to be misinformed with regard to any county rules, regulations and requirements which may have been adopted subsequent to the updating of the website.

Recommendations

- R1: The Board should establish a procedure by which all of its Resolutions which impose duties and obligations upon either the County's employees or members of the public are (i) disseminated to the County Department Heads responsible for compliance with those duties and obligations, and (ii) published on the County's website and (not or) otherwise disseminated to the public.
- R2: The County's Conflict of Interest Code should be published on the County's website.
- R3: The County's Ordinance Code should be updated on the County's website not less frequently than every three months.
- R4: The El Dorado County Counsel and/or the County's Registrar of Voters should request, from the Attorney General of the State of California and/or Legal Counsel to the Fair Political Practices Commission of the State of California, a definitive opinion as to the disclosure obligations, if any, of members of Grand Juries.
- R5: The Board, the County Counsel and/or the County Registrar of Voters should formally advise the Court Executive Officer and/or the Presiding Judge of the El Dorado County Unified Superior and Municipal Courts that the County is no longer requiring Grand Jurors to file Conflict of Interest disclosure forms, and that the Court may wish to make inquiry into the question of whether it should impose such a requirement.

Commendation

The Grand Jury commends the Registrar of Voters for her immediate reaction upon being informed of the foregoing matters. Within a period of less than 24 hours, she requested appropriate advice from County Counsel's office, including, if necessary, a request for an opinion from the Fair Political Practices Commission. This type of immediate reaction speaks well for the administration of the County's Elections Department.

Responses Required to Findings

F1 through F10 Board of Supervisors
 Registrar of Voters
 County Counsel

Responses Required to Recommendations

R1 through R5 Board of Supervisors
 Registrar of Voters
 County Counsel

GOVERNMENT & ADMINISTRATION COMMITTEE

Subcommittee on Government Structure

Report Replying to Responses of Board of Supervisors to Dated Final Reports of October 4, 2001, October 10, 2001, January 16, 2002 and January 23, 2002

Reason for the Report

The 2001/2002 El Dorado County Grand Jury (Grand Jury) adopted a new procedure of issuing periodic "Dated Final Reports" during the course of its term, rather than leaving all of its reports for issuance at one time by way of "year-end final reports" as had been the tradition with previous Grand Juries. One purpose of doing so was to enable the Grand Jury to Reply to Responses of the Board of Supervisors (Board) to those reports, instead of leaving matters of follow-up exclusively to succeeding Grand juries. Copies of the Board's Responses to the Grand Jury's Dated Final Reports of October 4, 2001, January 16, 2002 and January 23, 2002, are attached to this Report as exhibits. Also attached as an exhibit to this Report is the Grand Jury's Dated Final Report of October 10, 2001, to which the Sheriff has responded but the Board has not.

The Grand Jury has also issued two additional Dated Final Reports which are set forth in this Report by the Committees responsible for them. One, the result of inquiry by the Criminal Justice Committee, was issued on May 1, 2002 [Juvenile Hall Facility]. The other, the result of inquiry by the Special Districts Committee, was issued on May 15, 2002 [Golden West Community Services District]. The time available by law for the making of any responses to those Dated Final Reports has not yet elapsed, however, and accordingly, replies to any such responses are not possible.

This Report, by way of reply, constitutes the Grand Jury's follow-up with regard to the first four of those Dated Final Reports. Because there is not an express provision in the law requiring that there be responses to such replies, the Grand Jury has elected not to require a response to this Report. The Grand Jury would, however, certainly encourage and welcome any response which the Board might care to make.

Findings re Responses to Dated Final Report of October 4, 2001

- F1: The Grand Jury issued a Dated Final Report, dated as of October 4, 2001 (October 4 Report). The subject of that Report involved follow-through by the Board with regard to its promises and representations contained in responses to Grand Jury reports generally.
- F2: In its Response to Finding F15 of the October 4 Report, the Board "acknowledge[d] that future actions promised in prior Grand Jury responses have not always been

- performed," and represented that "[a]s part of finalizing [its] responses to [that] Report, we **have established** procedures to avoid this problem in the future." (Emphasis supplied.)
- F3: Similarly, in its Response to Recommendation R1 of the October 4 Report, which recommended that the Board "implement and follow through" on its representations that it will take, and communicate to the Grand Jury, specific identifiable action, the Board stated that the recommendation "has been" implemented, and that it "ha[s] already established procedures" to avoid lack of follow-through in the future.
- F4: As part of that same Response, however, the Board also stated that it "directed the Interim Chief Administrative Officer (ICAO) to work with department heads **to develop a procedure** to schedule actions required to follow through on Board commitments to the Grand Jury, and that the ICAO "is in the process of carrying out that direction." (Emphasis supplied.)
- F5: Statements that the Board "has established" a procedure, on the one hand, and that it has directed the ICAO "to develop" a procedure and that the ICAO "is in the process of" doing so," are mutually inconsistent unless it is the intention of the Board to treat a delegation of responsibility as a "procedure."
- F6: In its Response to Recommendation R2 of the October 4 Report, the Board represented:
- that "it is the intention of the [Board] to implement" the Grand Jury's recommendation that it be supplied with certain information on the subject of "line authority" of the CAO over department heads, although not precisely in the manner recommended by the Grand Jury;
 - that "the CAO should return to the Board with a recommended third party and scope of work no later than **February 12, 2002**;" and
 - that "the review and report should be completed no later than **April 15, 2002**, and the report should be made available to the public and the Grand Jury." (Emphasis supplied.)
- F7: In its Response to Recommendation R4 of the October 4 Report, the Board represented that "a definite timeline is set by these responses to ensure that the work will be completed in a timely and appropriate manner."
- F8: The foregoing responses have merged and/or melded the Board's responses to two separate issues raised in the Grand Jury's reports. One issue is the procedural issue of follow-up. The other issue is the substantive issue of whether the position of CAO should be converted into a position of CEO. The latter issue is discussed below, in the Grand Jury's Reply to the Board's Response to the Grand Jury's Dated Final Report of January 23, 2002 (January 23 Report). It does not appear, however, that the Board has established a procedure for following up on the implementation of its

responses to Grand Jury Reports generally, as opposed to having furnished an ad hoc response to the January 23 Report.

Findings re Dated Final Report of October 10, 2002

- F9: The Grand Jury issued a Dated Final Report, dated as of October 10, 2001 (October 10 Report). The subject of that Report involved the County Jail at South Lake Tahoe. Responses were requested from the El Dorado County Sheriff and from the Board.
- F10: The October 10 Report contained two Recommendations for construction repair and/or maintenance work, one of which was needed to correct a hazardous condition which created a potential liability for the County. The Grand Jury "strongly recommended" that that particular project "be completed before winter of 2001/2002."
- F11: On December 7, 2001, the Sheriff transmitted his Response to the October 10 Report to the Presiding Judge of the Superior Court, who in turn furnished that Response to the Grand Jury. No similar Response by the Board, however, has been furnished either to the Presiding Judge or to the Grand Jury.
- F12: Construction repair and maintenance projects are under the control of the Facilities Services Division of the County's Department of General Services (DGS), not the Sheriff's Department. This Grand Jury has reported elsewhere on the performance of DGS, including its Facilities Services Division. The Grand Jury is informed and believes that DGS has implemented a temporary repair of the hazardous condition and is in the process of taking steps to effect a permanent repair. It is disappointing to the Grand Jury, however, that the Board itself (as opposed to the Sheriff) has not seen fit to communicate a response to the Grand Jury's recommendation on the subject.

Findings re Dated Final Report of January 16, 2002

- F13: The Grand Jury issued a Dated Final Report, dated as of January 16, 2002 (January 16 Report). The subject of that Report involved a review of the County's procedures pursuant to which the Board responds to Grand Jury Reports generally.
- F14: In several of its findings in the January 16 Report, in an effort at politeness, the Grand Jury prefaced its substantive findings with the statement "In the Grand Jury's view" or words of similar import. See, e.g., Findings F45, F49 and F51, and see also Findings F17 and F18 ("It was the view of the Previous Grand Jury, and is the view of this Grand Jury"). The Board, in responding to those findings, evaded the substance of the findings by agreeing that the statements represented the views of the Grand Juries, without either agreeing or disagreeing with the substance of the findings.
- F15: Responses of the type described in the preceding finding, while literally correct, exhibit a type of "gamesmanship" which makes it difficult to give credence to the

statement, prepared by county staff and adopted by the Board in its Response to Finding F15 of the October 4 Report, that the Board "disagree[s] that the Board or the Chief Administrative Officer's Office regards the work of ... Grand Juries as a nuisance."

F16: Responses of the type described in the two preceding findings appear to have been made selectively on the basis of some criteria unknown to the Grand Jury. It appears that when it has served the interests of the persons drafting the Board's responses, or the Board in adopting those responses, the Board has adopted and issued responses which reach the substance of Grand Jury Findings and Recommendations, even where they:

- are expressed as "the views of" the Grand Jury, see, e.g., Board Responses to Finding F3 of the January 23 Report ("generally agrees with the main thrust of the finding"); or
- contain obvious clerical or ministerial errors, see, e.g., Findings F27 and F42 of the January 16 Report.

F17: The Board, in its Response to Recommendation R3, states that "[t]he time within which the final responses of elected department heads are to be filed is established by statute." While that is true, the statute does **not** say that elected department heads **must take 60 days** to file their responses; it says that such responses shall be submitted **within 60 days**. See California Penal Code §933(c). This is consistent with the Board's direction to the ICAO "to incorporate into the Study consideration of a change to Policy A-11 that would simply encourage elected department heads to expedite their review of Grand Jury final reports and to file their responses as early as is reasonably feasible." It is also consistent with the fact that, where grand jury findings or recommendations "address[] budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors [sic] shall respond if requested by the grand jury," See California Penal Code §933.05(c). It is inconsistent, however, with the Board's Response that the "recommendation will not be implemented because it is not warranted." The Board cannot meaningfully respond to such budgetary and/or personnel findings or recommendations if the agency or elected department heads do not give the Board the relevant information in sufficient time for the Board to respond.

F18: The Board, in its Response to Recommendation R12, has properly articulated a distinction between "policies and procedures" and "more or less 'formal' practices." In moving forward with the study which the Board has directed the ICAO and the County Counsel to conduct, both "policies and procedures" and "all practices of the County" should be included.

Findings re Dated Final Report of January 23, 2002

- F19: As indicated above in Finding F8, the Grand Jury issued a Dated Final Report, dated as of January 23, 2002 (January 23 Report). The subject of that Report involved the scope of authority of the County's Chief Administrative Officer (CAO), and a general recommendation that the occupant of that position be empowered to act more like a Chief Executive Officer ("CEO"), in various specified regards.
- F20: On **January 15, 2002**, prior to the January 23 Report and pursuant to the recommendation of a Supervisor that "discussion of a desired methodology for the Chief Administrative Officer position be scheduled," the Board had previously scheduled a "special Board meeting (workshop) on February 11, 2002 for [that] purpose." At that **February 11, 2002**, meeting, three consultants, one of whom was Don Peterson, were invited to, and did, make presentations. The Board resolved to "enter into a collaborative approach with staff to look at the issues identified in the Grand Jury Report on the matter of a CEO vs. a CAO, and to draft **by March 15, 2002**, a response to same, thereby, at the same time, providing clarity that will assist the Board in its decisions regarding recruitment of an administrative or executive officer." (Emphasis supplied.)
- F21: Such a response was not drafted by March 15, 2002, and the Board did not take any other public action on the subject by that date.
- F22: At its **April 9, 2002**, meeting, "Staff [was] directed [by the Board] to draft a response [to the January 23 Report] indicating that the Board generally supports the concept of a stronger Chief Administrative Officer but that further analysis is required to determine exactly what changes will require a Charter amendment and which would not."
- F23: On **April 16, 2002**, substantially adopting a proposed response which had been submitted to it by its consultant Don Peterson, the Board responded to the January 23 Report generally. It agreed "that the CAO should be given greater authority over and responsibility for the proper and efficient administration of the business of the County," including "a more direct reporting relationship between appointed department heads and the CAO, and a greater degree of accountability of the appointed department heads to the CAO." Board's Response to Recommendation R1 of January 23 Report. Also in that Response, however, the Board stated that:
- It "has not yet completed its review of this matter;" and
 - It "has [not] reached a final determination on the extent to which such authority should be vested in the CAO."
- F24: In that same Response, the Board stated that "the CAO, in conjunction with County Counsel, **is directed** to compile the available information which has been marshaled in the court of the Board's study of this matter, including any additional information deemed relevant, as well as a delineation of possible areas of delegation of authority

to the CAO along with analysis of the steps required to implement the alternative courses of action. The study shall be completed and returned to the Board within **six months** of the publication of the Grand Jury's report." (Emphasis supplied.) Similar comments were made in the Board's Response to Recommendation R2. The term of this Grand Jury will expire prior to that six-month return date.

F25: In Recommendation R3 of the January 23 Report, the Grand Jury recommended that the Director of Human Resources be directed to draft a revised job description for the CAO position. The Board responded to that Recommendation on April 16, 2002, by stating:

- that it "**has directed** staff to work with County consultants to develop and present to the Board a new job description for the CAO reflecting increased authority to the extent feasible without amendments to the County Charter" (Emphasis supplied.);
- that "[f]inalization of the job description will require the results of the studies being conducted under the responses to R1 and R2"; and
- that "[t]he job description will be presented to the Board not later than the studies referenced above," i.e., "within six months of the publication of the Grand Jury's report."

F26: Statements in the Board's April 16 Response to the January 23 Report that the Board "has directed" that a job description be developed and presented, on the one hand, and that County staff "is directed" by that Response to compile available information for purposes of a subsequent report to the Board, are mutually inconsistent.

F27: The Board received, and placed on its **April 30, 2002**, agenda, a recommendation from its consultant Don Peterson concerning a proposed job description to be used in connection with recruitment procedures for a new CAO. That recommendation, while substantially similar in tone and content to the Grand Jury's January 23 recommendations, did not specifically and formally set forth "a new job description for the CAO" as had been requested by the Board.

F28: The day before the April 30, 2002, meeting, the Director of the Department of Human Resources (HRD) submitted a proposed job description. Because that proposed job description had not been submitted in time to be made a part of the Board's public agenda packet, the Board continued the item once again, to **May 14, 2002**. One member of the Board indicated an intention, in the interim, to consider augmenting and/or revising some of the contents of the proposed job description. On May 14, however, that member was not present, and the matter was further continued by the Board to **May 21, 2002**, a date subsequent to the writing of this Reply.

F29: There does not appear to be any substantial reason, when the subject of CAO authority had first been agendized on January 15, 2002, at the request of a member of the Board and without reference to the January 23 Report, why it should take

more than four months from the date of Board action on that agenda item for staff and the County's consultants to produce an acceptable job description. The Grand Jury is aware of various public statements which have been made and reported in the media as to the reason or reasons for that delay. Without attempting to place blame or fault, the Grand Jury believes that the relevant issue is progress, or lack thereof. Accordingly, the Grand Jury merely notes the fact of the delay and makes no finding as to the validity or invalidity of any of those conflicting public statements. The Grand Jury simply says, about the CEO project, **"GET IT DONE!"**

GOVERNMENT & ADMINISTRATION COMMITTEE

Subcommittee on Government Structure

Report Replying to Responses of Board of Supervisors to Dated Final Reports of October 4, 2001, October 10, 2001, January 16, 2002 and January 23, 2002

Reason for the Report

The 2001/2002 El Dorado County Grand Jury (Grand Jury) adopted a new procedure of issuing periodic "Dated Final Reports" during the course of its term, rather than leaving all of its reports for issuance at one time by way of "year-end final reports" as had been the tradition with previous Grand Juries. One purpose of doing so was to enable the Grand Jury to Reply to Responses of the Board of Supervisors (Board) to those reports, instead of leaving matters of follow-up exclusively to succeeding Grand juries. Copies of the Board's Responses to the Grand Jury's Dated Final Reports of October 4, 2001, January 16, 2002 and January 23, 2002, are attached to this Report as exhibits. Also attached as an exhibit to this Report is the Grand Jury's Dated Final Report of October 10, 2001, to which the Sheriff has responded but the Board has not.

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This Report, by way of reply, constitutes the Grand Jury's follow-up with regard to the first four of those Dated Final Reports. Because there is not an express provision in the law requiring that there be responses to such replies, the Grand Jury has elected not to require a response to this Report. The Grand Jury would, however, certainly encourage and welcome any response which the Board might care to make.

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- F2: In its Response to Finding F15 of the October 4 Report, the Board "acknowledge[d] that future actions promised in prior Grand Jury responses have not always been

performed," and represented that "[a]s part of finalizing [its] responses to [that] Report, we **have established** procedures to avoid this problem in the future." (Emphasis supplied.)

- F3: Similarly, in its Response to Recommendation R1 of the October 4 Report, which recommended that the Board "implement and follow through" on its representations that it will take, and communicate to the Grand Jury, specific identifiable action, the Board stated that the recommendation "has been" implemented, and that it "ha[s] already established procedures" to avoid lack of follow-through in the future.
- F4: As part of that same Response, however, the Board also stated that it "directed the Interim Chief Administrative Officer (ICAO) to work with department heads **to develop a procedure** to schedule actions required to follow through on Board commitments to the Grand Jury, and that the ICAO "is in the process of carrying out that direction." (Emphasis supplied.)
- F5: Statements that the Board "has established" a procedure, on the one hand, and that it has directed the ICAO "to develop" a procedure and that the ICAO "is in the process of" doing so," are mutually inconsistent unless it is the intention of the Board to treat a delegation of responsibility as a "procedure."
- F6: In its Response to Recommendation R2 of the October 4 Report, the Board represented:
- that "it is the intention of the [Board] to implement" the Grand Jury's recommendation that it be supplied with certain information on the subject of "line authority" of the CAO over department heads, although not precisely in the manner recommended by the Grand Jury;
 - that "the CAO should return to the Board with a recommended third party and scope of work no later than **February 12, 2002;**" and
 - that "the review and report should be completed no later than **April 15, 2002,** and the report should be made available to the public and the Grand Jury." (Emphasis supplied.)
- F7: In its Response to Recommendation R4 of the October 4 Report, the Board represented that "a definite timeline is set by these responses to ensure that the work will be completed in a timely and appropriate manner."
- F8: The foregoing responses have merged and/or melded the Board's responses to two separate issues raised in the Grand Jury's reports. One issue is the procedural issue of follow-up. The other issue is the substantive issue of whether the position of CAO should be converted into a position of CEO. The latter issue is discussed below, in the Grand Jury's Reply to the Board's Response to the Grand Jury's Dated Final Report of January 23, 2002 (January 23 Report). It does not appear, however, that the Board has established a procedure for following up on the implementation of its

responses to Grand Jury Reports generally, as opposed to having furnished an ad hoc response to the January 23 Report.

Findings re Dated Final Report of October 10, 2002

- F9: The Grand Jury issued a Dated Final Report, dated as of October 10, 2001 (October 10 Report). The subject of that Report involved the County Jail at South Lake Tahoe. Responses were requested from the El Dorado County Sheriff and from the Board.
- F10: The October 10 Report contained two Recommendations for construction repair and/or maintenance work, one of which was needed to correct a hazardous condition which created a potential liability for the County. The Grand Jury "strongly recommended" that that particular project "be completed before winter of 2001/2002."
- F11: On December 7, 2001, the Sheriff transmitted his Response to the October 10 Report to the Presiding Judge of the Superior Court, who in turn furnished that Response to the Grand Jury. No similar Response by the Board, however, has been furnished either to the Presiding Judge or to the Grand Jury.
- F12: Construction repair and maintenance projects are under the control of the Facilities Services Division of the County's Department of General Services (DGS), not the Sheriff's Department. This Grand Jury has reported elsewhere on the performance of DGS, including its Facilities Services Division. The Grand Jury is informed and believes that DGS has implemented a temporary repair of the hazardous condition and is in the process of taking steps to effect a permanent repair. It is disappointing to the Grand Jury, however, that the Board itself (as opposed to the Sheriff) has not seen fit to communicate a response to the Grand Jury's recommendation on the subject.

Findings re Dated Final Report of January 16, 2002

- F13: The Grand Jury issued a Dated Final Report, dated as of January 16, 2002 (January 16 Report). The subject of that Report involved a review of the County's procedures pursuant to which the Board responds to Grand Jury Reports generally.
- F14: In several of its findings in the January 16 Report, in an effort at politeness, the Grand Jury prefaced its substantive findings with the statement "In the Grand Jury's view" or words of similar import. See, e.g., Findings F45, F49 and F51, and see also Findings F17 and F18 ("It was the view of the Previous Grand Jury, and is the view of this Grand Jury"). The Board, in responding to those findings, evaded the substance of the findings by agreeing that the statements represented the views of the Grand Juries, without either agreeing or disagreeing with the substance of the findings.
- F15: Responses of the type described in the preceding finding, while literally correct, exhibit a type of "gamesmanship" which makes it difficult to give credence to the

statement, prepared by county staff and adopted by the Board in its Response to Finding F15 of the October 4 Report, that the Board "disagree[s] that the Board or the Chief Administrative Officer's Office regards the work of ... Grand Juries as a nuisance."

F16: Responses of the type described in the two preceding findings appear to have been made selectively on the basis of some criteria unknown to the Grand Jury. It appears that when it has served the interests of the persons drafting the Board's responses, or the Board in adopting those responses, the Board has adopted and issued responses which reach the substance of Grand Jury Findings and Recommendations, even where they:

- are expressed as "the views of" the Grand Jury, see, e.g., Board Responses to Finding F3 of the January 23 Report ("generally agrees with the main thrust of the finding"); or
- contain obvious clerical or ministerial errors, see, e.g., Findings F27 and F42 of the January 16 Report.

F17: The Board, in its Response to Recommendation R3, states that "[t]he time within which the final responses of elected department heads are to be filed is established by statute." While that is true, the statute does **not** say that elected department heads **must take 60 days** to file their responses; it says that such responses shall be submitted **within 60 days**. See California Penal Code §933(c). This is consistent with the Board's direction to the ICAO "to incorporate into the Study consideration of a change to Policy A-11 that would simply encourage elected department heads to expedite their review of Grand Jury final reports and to file their responses as early as is reasonably feasible." It is also consistent with the fact that, where grand jury findings or recommendations "address[] budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors [sic] shall respond if requested by the grand jury," See California Penal Code §933.05(c). It is inconsistent, however, with the Board's Response that the "recommendation will not be implemented because it is not warranted." The Board cannot meaningfully respond to such budgetary and/or personnel findings or recommendations if the agency or elected department heads do not give the Board the relevant information in sufficient time for the Board to respond.

F18: The Board, in its Response to Recommendation R12, has properly articulated a distinction between "policies and procedures" and "more or less 'formal' practices." In moving forward with the study which the Board has directed the ICAO and the County Counsel to conduct, both "policies and procedures" and "all practices of the County" should be included.

Findings re Dated Final Report of January 23, 2002

- F19: As indicated above in Finding F8, the Grand Jury issued a Dated Final Report, dated as of January 23, 2002 (January 23 Report). The subject of that Report involved the scope of authority of the County's Chief Administrative Officer (CAO), and a general recommendation that the occupant of that position be empowered to act more like a Chief Executive Officer ("CEO"), in various specified regards.
- F20: On **January 15, 2002**, prior to the January 23 Report and pursuant to the recommendation of a Supervisor that "discussion of a desired methodology for the Chief Administrative Officer position be scheduled," the Board had previously scheduled a "special Board meeting (workshop) on February 11, 2002 for [that] purpose." At that **February 11, 2002**, meeting, three consultants, one of whom was Don Peterson, were invited to, and did, make presentations. The Board resolved to "enter into a collaborative approach with staff to look at the issues identified in the Grand Jury Report on the matter of a CEO vs. a CAO, and to draft **by March 15, 2002**, a response to same, thereby, at the same time, providing clarity that will assist the Board in its decisions regarding recruitment of an administrative or executive officer." (Emphasis supplied.)
- F21: Such a response was not drafted by March 15, 2002, and the Board did not take any other public action on the subject by that date.
- F22: At its **April 9, 2002**, meeting, "Staff [was] directed [by the Board] to draft a response [to the January 23 Report] indicating that the Board generally supports the concept of a stronger Chief Administrative Officer but that further analysis is required to determine exactly what changes will require a Charter amendment and which would not."
- F23: On **April 16, 2002**, substantially adopting a proposed response which had been submitted to it by its consultant Don Peterson, the Board responded to the January 23 Report generally. It agreed "that the CAO should be given greater authority over and responsibility for the proper and efficient administration of the business of the County," including "a more direct reporting relationship between appointed department heads and the CAO, and a greater degree of accountability of the appointed department heads to the CAO." Board's Response to Recommendation R1 of January 23 Report. Also in that Response, however, the Board stated that:
- It "has not yet completed its review of this matter;" and
 - It "has [not] reached a final determination on the extent to which such authority should be vested in the CAO."
- F24: In that same Response, the Board stated that "the CAO, in conjunction with County Counsel, **is directed** to compile the available information which has been marshaled in the court of the Board's study of this matter, including any additional information deemed relevant, as well as a delineation of possible areas of delegation of authority

to the CAO along with analysis of the steps required to implement the alternative courses of action. The study shall be completed and returned to the Board within **six months** of the publication of the Grand Jury's report." (Emphasis supplied.) Similar comments were made in the Board's Response to Recommendation R2. The term of this Grand Jury will expire prior to that six-month return date.

F25: In Recommendation R3 of the January 23 Report, the Grand Jury recommended that the Director of Human Resources be directed to draft a revised job description for the CAO position. The Board responded to that Recommendation on April 16, 2002, by stating:

- that it **"has directed** staff to work with County consultants to develop and present to the Board a new job description for the CAO reflecting increased authority to the extent feasible without amendments to the County Charter" (Emphasis supplied.);
- that "[f]inalization of the job description will require the results of the studies being conducted under the responses to R1 and R2"; and
- that "[t]he job description will be presented to the Board not later than the studies referenced above," i.e., "within six months of the publication of the Grand Jury's report."

F26: Statements in the Board's April 16 Response to the January 23 Report that the Board "has directed" that a job description be developed and presented, on the one hand, and that County staff "is directed" by that Response to compile available information for purposes of a subsequent report to the Board, are mutually inconsistent.

F27: The Board received, and placed on its **April 30, 2002**, agenda, a recommendation from its consultant Don Peterson concerning a proposed job description to be used in connection with recruitment procedures for a new CAO. That recommendation, while substantially similar in tone and content to the Grand Jury's January 23 recommendations, did not specifically and formally set forth "a new job description for the CAO" as had been requested by the Board.

F28: The day before the April 30, 2002, meeting, the Director of the Department of Human Resources (HRD) submitted a proposed job description. Because that proposed job description had not been submitted in time to be made a part of the Board's public agenda packet, the Board continued the item once again, to **May 14, 2002**. One member of the Board indicated an intention, in the interim, to consider augmenting and/or revising some of the contents of the proposed job description. On May 14, however, that member was not present, and the matter was further continued by the Board to **May 21, 2002**, a date subsequent to the writing of this Reply.

F29: There does not appear to be any substantial reason, when the subject of CAO authority had first been agendized on January 15, 2002, at the request of a member of the Board and without reference to the January 23 Report, why it should take

more than four months from the date of Board action on that agenda item for staff and the County's consultants to produce an acceptable job description. The Grand Jury is aware of various public statements which have been made and reported in the media as to the reason or reasons for that delay. Without attempting to place blame or fault, the Grand Jury believes that the relevant issue is progress, or lack thereof. Accordingly, the Grand Jury merely notes the fact of the delay and makes no finding as to the validity or invalidity of any of those conflicting public statements. The Grand Jury simply says, about the CEO project, "**GET IT DONE!**"

**EXHIBIT - Response to Report
Dated October 4, 2001**

RESPONSE OF THE BOARD OF SUPERVISORS
TO THE FIRST FINAL REPORT OF THE 2001-2002
EL DORADO COUNTY GRAND JURY, DATED
OCTOBER 4, 2001

Findings

- F1. THE AUDIT AND FINANCE COMMITTEE OF THE 1998-1999 ELDORADO COUNTY GRAND JURY, AS FINDING #7 OF ITS PORTION OF THE FINAL REPORT OF THAT GRAND JURY, MADE THE FOLLOWING FINDINGS:

"DURING THE EXAMINATION OF THE PURCHASES QUESTIONED BY THE AUDITOR/CONTROLLER, THE GRAND JURY EXAMINED THE RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER.

"THE EL DORADO COUNTY CHARTER, ARTICLE III, SECTION 304 GIVES THE CHIEF ADMINISTRATIVE OFFICER SUBSTANTIAL RESPONSIBILITY FOR APPOINTED DEPARTMENT HEADS, EXCEPT FOR COUNTY COUNSEL. THE RESPONSIBILITIES INCLUDE REVIEWING AND APPRAISING THE PERFORMANCE OF APPOINTED DEPARTMENT HEADS. HOWEVER, AUTHORITY FOR APPOINTMENTS, ETC., IS RESERVED TO THE BOARD OF SUPERVISORS (ARTICLE II, SECTION 210A(3)). THE CHIEF ADMINISTRATIVE OFFICER DOES NOT HAVE ANY LINE AUTHORITY. THE BUDGET PROCESS DOES PROVIDE INDIRECT FUNCTIONAL AUTHORITY OVER ALL DEPARTMENTS.

"A SURVEY OF THE CHIEF ADMINISTRATIVE OFFICERS OF OTHER COUNTIES WAS CONDUCTED. THE SURVEY ASKED IF THEY HAD APPOINTING AUTHORITY OVER APPOINTED DEPARTMENT HEADS. THE RESPONSES WERE AS FOLLOWS:

YES:	21
QUALIFIED YES:	7
NO:	23
NO CHIEF ADMINISTRATIVE OFFICER POSITION:	3
TOTAL RESPONSES:	54

"THE QUALIFIED RESPONSES HAD APPOINTING AUTHORITY OVER SOME APPOINTED DEPARTMENT HEADS OR MADE RECOMMENDATIONS FOR APPOINTMENT OR TERMINATION TO THE BOARD OF SUPERVISORS. THE 'YES' RESPONSES WERE A MIXTURE OF SMALL TO LARGE COUNTIES."

Response:

The respondent agrees with the finding. The Audit and Finance Committee of the 1998-1999 Grand Jury made the Finding as stated.

- F2. THE AUDIT AND FINANCE COMMITTEE OF THE 1998-1999 ELDORADO COUNTY GRAND JURY, BASED ON ITS FINDING #7 QUOTED ABOVE, CAME TO THE FOLLOWING CONCLUSION:

"DAY-TO-DAY MANAGEMENT OF APPOINTED DEPARTMENT HEADS IS NOT POSSIBLE FOR A BOARD OF SUPERVISORS THAT NORMALLY MEETS ONCE A WEEK. THE COUNTY CHARTER RECOGNIZES THIS FACT **BY** THE RESPONSIBILITIES ASSIGNED TO THE CHIEF ADMINISTRATIVE OFFICER.

"IF THE CHIEF ADMINISTRATIVE OFFICER IS GIVEN LINE AUTHORITY OVER THE APPOINTED DEPARTMENT HEADS, IT SHOULD RESULT IN INCREASED EFFICIENCIES AND EFFECTIVENESS OF THE DEPARTMENTS. THE CHIEF ADMINISTRATIVE OFFICER CAN BETTER IMPLEMENT COST EFFECTIVE MEASURES WITH LINE AUTHORITY. THE BOARD WOULD HAVE MORE TIME FOR MAJOR DECISIONS, INCLUDING THE SEVERE LAND USE PROBLEMS THEY FACE TODAY. BASED ON THE SURVEY FINDINGS, COUNTY COUNSEL WOULD BE EXCLUDED FROM THE CHIEF ADMINISTRATIVE OFFICER LINE AUTHORITY AS IN OTHER COUNTIES. THE CHIEF ADMINISTRATIVE OFFICER WOULD RECOMMEND DEPARTMENT HEAD APPOINTMENTS, TERMINATIONS, ETC., BUT THE BOARD RETAINS FINAL APPROVAL AUTHORITY. THE GRAND JURY RECOGNIZES THIS RECOMMENDATION REQUIRES A BALLOT MEASURE TO REVISE THE COUNTY CHARTER."

Response:

The respondent agrees with the finding. The Audit and Finance Committee of the 1998-1999 Grand Jury came to the Conclusion as stated.

- F3. THE AUDIT AND FINANCE COMMITTEE OF THE 1998-1999 ELDORADO COUNTY GRAND JURY, BASED ON ITS FINDING #7 AND CONCLUSION #7 QUOTED ABOVE, MADE THE FOLLOWING RECOMMENDATION TO THE 1999 BOARD:

THE BOARD SHOULD DIRECT A STUDY TO DETERMINE THE POTENTIAL ADVANTAGES AND DISADVANTAGES OF THE CHIEF ADMINISTRATIVE OFFICER HAVING LINE AUTHORITY

OVER THE , APPOINTED DEPARTMENT HEADS. THE RESULTS OF THE STUDY SHOULD BE FURNISHED TO THE GRAND JURY."

Response:

The respondent agrees with the finding. The Audit and Finance Committee of the 1998-1999 Grand Jury made the Recommendation as stated.

- F4. IN RESPONSE TO THE FOREGOING FINDING, CONCLUSION AND RECOMMENDATION, THE RESPONSE OF THE 1999 BOARD WAS AS FOLLOWS:

" **THE RESPONDENT AGREES WITH THE FINDING.** THE BOARD WILL REQUEST THE CAO TO PREPARE A REVIEW AND REPORT ON THE MATTER OF LINE AUTHORITY OVER THE APPOINTED DEPARTMENT HEADS. THE REPORT WILL BE SHARED WITH THE GRAND JURY." (EMPHASIS IN ORIGINAL.)

Response:

The respondent agrees with the finding. The 1999 Board of Supervisors made the Response as stated.

- F5. NO SUCH REPORT WAS EVER FURNISHED TO, OR SHARED WITH, THE GRAND JURY.

Response:

The respondent agrees with the finding. Our records indicate that no such report was prepared; therefore, there was nothing to furnish or share with the Grand Jury.

- F6. THE GOVERNMENT & ADMINISTRATION COMMITTEE OF THE 1999-2000 ELDORADO COUNTY GRAND JURY CONDUCTED A "COUNTY OVERSIGHT & REVIEW" INVESTIGATION, AND RENDERED A FINAL REPORT [THEREON.IT](#) STATED THE FOLLOWING AS THE REASON FOR ITS INVESTIGATION:

"GRAND JURY INVESTIGATION OF VARIOUS DEPARTMENTS OF ELDORADO COUNTY GOVERNMENT INDICATES DEPARTMENT HEADS FAILED TO PROPERLY DIRECT OPERATIONS OR PROPERLY OVERSEE THOSE OPERATIONS WITHIN THEIR DEPARTMENTS. THE GRAND JURY CONDUCTED AN INVESTIGATION TO DETERMINE:

IF A SIMILAR MANAGEMENT OVERSIGHT PROBLEM EXISTS BETWEEN THE BOARD OF SUPERVISORS (BOS) AND THE VARIOUS APPOINTED DEPARTMENTS OR THE CHIEF ADMINISTRATIVE OFFICER (CAO) AND THE VARIOUS DEPARTMENTS HE IS CHARGED WITH OVERSEEING. IF THERE IS ANYTHING IN THE COUNTY CHARTER OR :COUNTY ORDINANCES WHICH INHIBITS THE ABILITY OF THE BOS OR THE CAO TO EFFECTIVELY MANAGE THE APPOINTED DEPARTMENTS OF THE COUNTY."

Response:

The respondent agrees with the finding. The Government & Administration Committee of the 1999-2000 El Dorado County Grand Jury gave the reason for its investigation as stated.

F7. IN ITS FINAL REPORT, THE GOVERNMENT & ADMINISTRATION COMMITTEE OF THE 1999-2000 EL DORADO COUNTY GRAND JURY MADE, AMONG OTHERS, THE FOLLOWING FINDINGS:

"#F1: THERE ARE PERIODIC EVALUATIONS OF DEPARTMENT HEADS BASED ON THEIR INDIVIDUAL GOALS AND THEIR PERFORMANCE WITH RESPECT TO THOSE GOALS.

#F2: INTERACTIONS BETWEEN THE BOS, CAO AND VARIOUS DEPARTMENT HEADS ON DAY-TO-DAY MATTERS PROVIDE ONLY LIMITED INSIGHT INTO THE EFFECTIVENESS OF DEPARTMENTS.

#F3: THERE ARE NO SYSTEMATIC, FORMAL PERFORMANCE AUDITS OF THE ACTUAL PRACTICES OF THE DEPARTMENTS WITH RESPECT TO DOCUMENTED POLICIES AND PROCEDURES AND THEIR EFFICACY.

#F7: THE CAD'S OFFICE IS CURRENTLY NEITHER STAFFED NOR BUDGETED TO CONDUCT PERFORMANCE AUDITS."

IN ITS RESPONSE, THE BOARD AGREED WITH FINDINGS F3 AND F7. IT WAS NOT REQUESTED TO RESPOND TO FINDINGS F1 AND F2, AND DID NOT DO SO.

Response:

The respondent agrees with the finding. The Government & Administration Committee of the 1999-2000 El Dorado County Grand Jury and the 2000 Board of Supervisors made the Findings and Responses as stated.

- F8. IN ITS FINAL REPORT, THE GOVERNMENT & ADMINISTRATION COMMITTEE OF THE 1999-2000 ELDORADO COUNTY GRAND JURY MADE, AMONG OTHERS, THE FOLLOWING RECOMMENDATION, #R3:

"THAT THE BOARD OF SUPERVISORS DELEGATE TO THE CHIEF ADMINISTRATIVE OFFICER THE POWER TO HIRE AND TERMINATE APPOINTED DEPARTMENT HEADS SUBJECT TO BOARD OF SUPERVISORS APPROVAL."

Response:

The respondent agrees with the finding. The Government & Administration Committee of the 1999-2000 El Dorado County Grand Jury made the Recommendation as stated.

- F9. IN ITS RESPONSE TO RECOMMENDATION #R3, THE RESPONSE OF THE 2000 BOARD WAS AS FOLLOWS:

"**THE RECOMMENDATION REQUIRES FURTHER ANALYSIS.** FURTHER DISCUSSION IS REQUIRED AMONGST THE BOARD BEFORE A FINAL DECISION CAN BE MADE. THE CAO WILL PREPARE INFORMATION FOR DISCUSSION AND DIRECTION FROM THE BOARD." (EMPHASIS IN ORIGINAL.)

Response:

The respondent agrees with the finding. The 2000 Board of Supervisors made the Response as stated.

- F10. ALTHOUGH NO SPECIFIC REPRESENTATION WAS MADE BY THE 2000 BOARD THAT ANY INFORMATION PREPARED BY THE CAO WOULD BE SHARED WITH OR FURNISHED TO THE GRAND JURY, OR TO THE PUBLIC, THE SUBJECT-MATTER OF THE GRAND JURY'S FINAL REPORT AND THE 2000 BOARD'S RESPONSE THERETO WAS SUFFICIENTLY RELATED TO THE 1999 BOARD'S RESPONSES TO THE 1998/1999 GRAND JURY THAT IT WOULD HAVE BEEN REASONABLE FOR ANY SUCH INFORMATION PREPARED BY THE CAO TO HAVE BEEN SO SHARED OR FURNISHED.

Response:

The respondent disagrees partially with the finding. We agree that no specific representation was made by the 2000 Board of Supervisors that any information prepared by the CAO would be shared with or furnished to the Grand Jury, or to the public. The finding has no specific reference to the facts in this case because such information was not prepared, and therefore was never provided to the Grand Jury. To the extent the finding is intended to reflect a general principle, we respectfully

disagree with the premise that a Board of Supervisors is duty-bound to take the initiative, absent any specific prompting by the Grand Jury, to 1) review past Grand Jury reports and responses, 2) determine whether there are relationships between the subject matter of the various reports and responses which come to the Board of Supervisors, and then 3) take some specific action to share such material with the same or subsequent Grand Jury in response to that determination. The availability of information and material to the public is governed by statute. Any information generated in response to a Grand Jury report would have been made available to the public, including the Grand Jury, absent some statutory or-common law exemption.

F11. BECAUSE NO INFORMATION OR REPORT ON THE FOREGOING SUBJECTS APPEARED IN THE GRAND JURY'S RECORDS, THIS GRAND JURY, BY LETTER DATED AUGUST 29, 2001, REQUESTED THAT THE INTERIM CHIEF ADMINISTRATIVE OFFICER, AND THE MEMBERS OF THE BOARD, "PRODUCE OR ARRANGE FOR THE PRODUCTION OF, TO THE GRAND JURY, THE FOLLOWING DOCUMENTS":

1. THE 'LINE AUTHORITY' REPORT WHICH THE BOARD OF SUPERVISORS AGREED IN ITS RESPONSE TO THE REPORT OF THE 1998/1999 GRAND JURY TO PRODUCE.

2. ANY 'LINE AUTHORITY' REPORT PREPARED BY THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER AND PRESENTED TO THE BOARD OF SUPERVISORS IN ACCORDANCE WITH THE BOARD'S RESPONSE TO THE 1998/1999 GRAND JURY REPORT, WHETHER OR NOT SUCH 'LINE AUTHORITY' REPORT WAS ACTUALLY ADOPTED AND/OR PRODUCED BY THE BOARD.

3. ANY 'LINE AUTHORITY' REPORT PREPARED BY THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER AND PRESENTED TO THE BOARD OF SUPERVISORS, SUBSEQUENT TO JUNE 30, 1999, UNRELATED TO THE 1998/1999 GRAND JURY REPORT, WHETHER OR NOT SUCH 'LINE AUTHORITY' REPORT WAS ACTUALLY ADOPTED AND/OR PRODUCED BY THE BOARD.

4. ANY 'DEPARTMENT HEAD HIRING AND TERMINATION' REPORT PREPARED BY THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER AND PRESENTED TO THE BOARD OF SUPERVISORS IN ACCORDANCE WITH THE BOARD'S RESPONSE TO THE 1999/2000 GRAND JURY REPORT, WHETHER OR NOT SUCH 'DEPARTMENT HEAD HIRING AND TERMINATION' REPORT WAS ACTUALLY ADOPTED BY, OR THE SUBJECT OF DIRECTION FROM, THE BOARD.

5. ANY 'DEPARTMENT HEAD HIRING AND TERMINATION' REPORT PREPARED BY THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER AND PRESENTED TO THE BOARD OF SUPERVISORS, UNRELATED TO THE 1998/1999 [SIC: 1999/2000] GRAND JURY REPORT, WHETHER OR NOT SUCH 'DEPARTMENT

HEAD HIRING AND TERMINATION' REPORT WAS ACTUALLY ADOPTED BY, OR THE SUBJECT OF DIRECTION FROM, THE BOARD.

6. ANY NOTES, MEMORANDA OR OTHER WRITING(S) RELATING OR PERTAINING TO ANY DISCUSSION AMONGST THE BOARD,' WHETHER OR NOT IN RESPONSE TO INFORMATION FOR DISCUSSION AND DIRECTION' PREPARED BY THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, AND WHETHER OR NOT ANY SUCH DISCUSSION RESULTED IN 'DIRECTION FROM THE BOARD,' ON THE SUBJECT OF POTENTIAL AUTHORITY ON THE PART OF THE CHIEF ADMINISTRATIVE OFFICER TO HIRE_ AND/OR TERMINATE DEPARTMENT HEADS."

Response:

The respondent agrees with the finding. The 2001-2002 Grand Jury made the request as stated.

F12. BY LETTER DATED SEPTEMBER 12, 2001, THE OFFICE OF THE INTERIM CHIEF ADMINISTRATIVE OFFICER RESPONDED TO THE GRAND JURY'S LETTER OF AUGUST 29, 2001, BY STATING, IN RESPONSE TO EACH OF THE FOREGOING REQUESTS, THE WORD "NONE". THE LETTER ALSO STATED THAT "[S]TAFF HAVE REVIEWED OUR FILES AND REQUESTED THE CLERK OF THE BOARD TO COMPLETE A REVIEW UTILIZING THEIR QUESTYS SYSTEM AND HAVE DETERMINED THAT THERE ARE NO DOCUMENTS EXTANT WITH REGARD TO THE SIX ITEMS IDENTIFIED ABOVE."

Response:

The respondent agrees with the finding. We are informed and believe that the Office of the Interim Chief Administrative Officer made the response as stated.

F13. THE ABSENCE OF THE EXISTENCE OF ANY "NOTES, MEMORANDA OR OTHER WRITINGS" PERTAINING TO THE REQUESTED "INFORMATION FOR DISCUSSION AND DIRECTION" CAUSES THIS GRAND JURY TO CONCLUDE THAT, NOT ONLY WERE NO REPORTS GENERATED, BUT ALSO THAT THERE WAS NOT EVEN BOARD DISCUSSION ON THE INDICATED SUBJECTS.

Response:

The respondent agrees with the finding. We are not aware of any reports having been generated or any such discussions having occurred.

- F14. BY STATUTE, GRAND JURIES HAVE ONLY A ONE-YEAR TERM OF EXISTENCE. BECAUSE RESPONSES OF THE BOARD TO FINAL REPORTS OF GRAND JURIES HAVE CUSTOMARILY BEEN RETURNED TO NEWLY INSTALLED SUCCESSOR GRAND JURIES APPROXIMATELY NINETY (90) DAYS INTO THE TERM OF THE NEW GRAND JURY, RATHER THAN TO THE GRAND JURY THAT ISSUED THE FINAL REPORT, THERE HAS BEEN UNEVEN FOLLOW-UP BY GRAND JURIES WITH REGARD TO THE BOARD'S RESPONSES TO THE FINAL REPORTS OF PREVIOUS GRAND JURIES.

Response:

The respondent disagrees partially with the finding. We agree that by statute, Grand Juries have a one-year term of existence. We have no knowledge of the degree or uniformity of follow-up by subsequent Grand Juries regarding Board responses to prior Grand Jury reports. Nor do we have any information as to whether any such uneven follow-up by Grand Juries is a result of the timing of the responses to Grand Jury reports or is the result of other factors. Because County Policy A-11 and Penal Code section 933.05 require that we either agree, or partially or wholly disagree, with each finding, we agree with this portion of the finding because we have no knowledge to the contrary. We respectfully disagree with the statement that Board responses are returned to any Grand Jury. In compliance with Penal Code section 933(c), all Board responses to Grand Jury reports are made to the Presiding Judge of the Superior Court, rather than to any Grand Jury. It is a matter for each Grand Jury to determine the scope of its study and the extent to which it wishes to follow-up on the work of prior grand juries.

- F15. THE FOREGOING SEQUENCE OF FACTS AND EVENTS CREATES A PERCEPTION, AND CAUSES THIS GRAND JURY TO CONCLUDE, THAT THE WORK (FINDINGS, CONCLUSIONS AND RECOMMENDATIONS) OF ITS PREDECESSORS HAS BEEN TREATED AS A MERE NUISANCE TO BE ENDURED, WITH VARYING DEGREES OF PATIENCE OR IMPATIENCE, BY THE BOARD AND THE CHIEF ADMINISTRATIVE OFFICER'S OFFICE, WITH THE BOARD'S REPRESENTATIONS OF PROMISED ACTION TO BE IGNORED BY THEM AFTER HAVING BEEN MADE, BECAUSE OF THE ABSENCE OF FOLLOW-UP BY SUCCESSOR GRAND JURIES.

Response:

The respondent disagrees partially with the finding. We respectfully disagree that the Board or the Chief Administrative Officer's Office regards the work of predecessor Grand Juries as a nuisance. We also respectfully disagree that the Board makes representations of future action with the intent of ignoring them in reliance upon a lack of follow-up by subsequent Grand Juries. Although we do not condone it, we acknowledge that future actions promised in prior Grand Jury responses have not always been performed. As part of finalizing our responses to the 2001-2002

**EXHIBIT - Response to Report
Dated January 16, 2002**

BOARD OF SUPERVISORS OF ELDORADO COUNTY

*Response to the Final Report of the
2001/2002 El Dorado County Grand Jury
as of January 16, 2002, on Procedures for
the Board of Supervisors in Responding
to Grand Jury Final Reports*

Findings

F1. Section 933(a) of the California Penal Code ("Penal Code") provides, in part, as follows:

"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors"

Response to F1: **Respondent agrees with the finding.**

F2. Section 933(c) of the Penal Code provides, in part, as follows:

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommend-ations

pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls."

Response to F2: Respondent agrees with the finding.

- F3. Penal Code §933(d) provides that, as used in Section 933, the term "agency" includes a department.

Response to F3: Respondent agrees with the finding.

- F4. For the reasons stated in Findings F5 through F8, it was the view of the Previous Grand Jury, and is the view of this Grand Jury, that the word "elected" as used in Section 933(c) of the Penal Code applies only to the term "county officer," and does not apply to the term "agency head."

Response to F4: Respondent agrees with the finding. The Respondent has no contrary information and therefore agrees that the view of the previous and current Grand Juries is as stated.

- F5. Section 933.05(b)(3) of the Penal Code provides that, if a response to a grand jury's recommendation is that the recommendation requires further analysis, the response shall include a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This requirement of agency or department head action is not limited to elected persons. The reference to "including" governing bodies of public agencies "when applicable" implies that the requirement may be imposed upon both non-elected agency or department heads and the governing bodies of those agencies.

Response to F5: **Respondent disagrees partially with the finding.** Respondent agrees with the first sentence of the finding.

To the extent the remainder of the finding is intended to indicate that the Grand Jury can impose a requirement that non-elected department heads provide a response separate from that of the response provided by the Board of Supervisors, Respondent disagrees with the finding. It is the understanding of the Respondent that responses are required only from the legislative body of the governmental agency and from other elected officers. This is based on a reading of all applicable code sections. With particular reference to Penal Code section 933.05(c), that code section does not refer to any "requirement" being "imposed." It merely states that the responding party, which may be the legislative body, shall provide a timeframe for completion of the analysis. It is within the discretion of the legislative body, in that case, to determine who will actually conduct the analysis.

- F6. Section 933.05(c) of the Penal Code provides that "if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury," (Emphasis supplied.) Thus, Section 933.05(c) expressly addresses only county agencies or departments "headed by an elected officer."

Response to F6: **Respondent agrees with the finding.**

- F7. The difference in language between Section 933.05(b)(3) and Section 933.05(c) of the Penal Code, by referring to elected officers in the latter but not to elected agency or department heads in the former, implies that non-elected department heads may be required to respond, directly to the Presiding Judge, at least to some portions of some grand jury final reports.

Response to F7: **Respondent disagrees with the finding.** Based upon its reading of all applicable code sections, responses in addition to those issued by the Board of Supervisors may only be

required from elected officers. The response by the Board of Supervisors is to include all information relevant to departments that have appointed department heads. In fact, a careful reading of Section 933.05(c) leads to a conclusion contrary to that reached by the Grand Jury. By expressly authorizing dual responses by both an elected officer and the governing body, but limiting the scope of the response by the Board of Supervisors to matters within its decisionmaking authority, the language indicates that such separate responses are not contemplated in matters affecting departments with appointed department heads and that the Board of Supervisors has complete authority to respond in those matters since it has ultimate decisionmaking authority in those cases, in contrast to cases where that authority may be shared with other elected officers.

- F8. Further, the use of the word "or" rather than of the word "and," in Section 933(c) of the Penal Code, implies that the terms "county officer" and "agency head" refer to separate and distinct categories of respondents, and that the word "elected" is intended to refer only to the description which it immediately precedes and not to all descriptive terms within the sentence in which it appears.

Response to F8: **Respondent disagrees with the finding.** Respondent does not believe that the grammatical interpretation made by the Grand Jury is correct. Particularly in light of the absence of any punctuation setting the term "agency head" apart from "county officer," it is our interpretation that the term "elected" applies to both. This conclusion is further supported by the language of Section 933(c) that states that the governing body shall comment on the findings and recommendations pertaining to matters "under the control of the governing body." Typically, the Board of Supervisors maintains ultimate control over matters relating to departments having appointed department heads. Elected officers and department heads, however, frequently have areas of independent authority over which they exercise ultimate control.

F9. Even ignoring "the matters set forth in Findings F1 through F8, however, it appears to be the view of the Board of Supervisors that the word "elected" applies to both the terms "county officer" and "agency head." The Grand Jury believes this view to be incorrect.

Response to F9: Respondent agrees with the finding.

Respondent agrees that it is the view of the Board of Supervisors that the term "elected" applies to both the terms "county officer" and "agency head." Respondent also agrees that the Grand Jury believes that the County's view is incorrect.

F10. Section 703 of the El Dorado County Charter provides that "[t]he Board of Supervisors shall establish the format for county responses to the Grand Jury report."

Response to F10: Respondent agrees with the finding.

F11. Board Policy No. A-11, "Responding to Grand Jury Reports," has been adopted "to specify a uniform procedure and a standard format for all departments to follow when responding to the annual Grand Jury Report." Among the stated benefits anticipated from Board Policy No. A-11 are

- (i) provision to the Board of a structurally consistent document,
- (ii) assistance to appointed department heads and the CAO in providing appropriate draft responses,
- (iii) assistance to the Board in evaluating the proposed responses,
- (iv) ensuring continuity in the grand jury process from year to year, and
- (v) assistance to the Grand Jury in tracking its findings and recommendations.

Response to F11: Respondent agrees with the finding.

F12. Board Policy A-11 contains the following relevant requirements and provisions:

a. Paragraph 1 requires each county appointed department head to prepare responses in accordance with the Board Policy A-11 format, and to submit those responses to the CAO within forty-five (45) days from the issuance of the Grand Jury report.

b. Paragraph 2 requires that the CAO, after receiving the responses of the appointed department heads, prepare a Draft Response, and that both the departmental responses and the Draft Response be presented to the Board. No time period for the preparation of that Draft Response, or for the presentation of the departmental responses and the Draft Response to the Board, is specified in Board Policy A-11.

c. Paragraph 3 provides that the members of the Board "shall be allowed at least one week to review the departmental responses and to comment on the Draft Response prior to including it on their agenda."

d. Paragraph 4 provides that, after the review and comment period described in Paragraph 3 has elapsed, the CAO shall

i. prepare a proposed final Draft Response and a proposed letter of transmittal from the Board Chairman to the Presiding Judge of the Superior Court ("Presiding Judge"), and

ii. cause copies of the final Draft Response to be
(a) distributed to all members of the current and immediate past grand juries and

(b) made available to the public in the office of the Board Clerk.

e. Paragraph 5 provides that members of the immediate past Grand Jury "shall be invited to participate in the public hearing review of the responses to the final Grand Jury Report which they offered."

f. Paragraph 8 requires that "[r]esponses received from the elected department heads ... be appended to the Board's final response."

g. Paragraph 9 provides (i) that the CAO shall send correspondence to all entities identified in the Grand Jury report alerting them to their reporting obligation under Section 933(c) of the Penal Code, (ii) that the CAO shall request a courtesy copy of their response, and (iii) that such courtesy copies shall be made available for public viewing in the Board's office.

h. Paragraph 10-E provides, where a response to a recommendation is that further analysis is required, that there be a detailed explanation stating the scope and parameters of the study with a time frame stating when, not to exceed six (6) months from the date of publication of the Grand Jury's report, the matter will be prepared for discussion and disposition.

Response to F13: Respondent agrees with the finding.

- F13. The Previous Grand Jury publicly issued its Final Report on June 27, 2001. As required by Section 933.05(f) of the Penal Code, copies of that Final Report were delivered, on June 25, 2001, to all persons and entities designated as "Respondents," including but not limited to the members of the Board, forty-eight (48) hours prior to public release. Some department heads, both elected and non-elected, were designated in that Report as "Respondents."

Response to F13: Respondent agrees with the **finding.**

- F14. Numerous responses from Respondents who were elected county officers or elected department (agency) heads were received by the 2001 /2002.E1 Dorado County Grand Jury ("this Grand Jury") in July and August, 2001.

Response to F14: **Respondent agrees with the finding.**
Respondent has no information as to the number of responses received by the Grand Jury during that time frame. Therefore, Respondent agrees with the finding.

- F15. Numerous responses from Respondents who were public

agencies and/or entities other than the County were received by this Grand Jury in July and August, 2001.

Response to F15: **Respondent agrees with the finding.**

Respondent has no information as to the number of such responses received by the Grand Jury during that time frame. Therefore, Respondent agrees with the finding.

F16. No responses were received by the Presiding judge or this Grand Jury at any time from Respondents who were neither elected county officers nor elected department (agency) heads.

Response to F16: **Respondent agrees with the finding.**

Respondent understands this finding to refer to appointed department heads of the County. Such responses separate from the response of the Board of Supervisors would be inconsistent with Respondent's understanding of the law as set forth in its response to prior findings, and would be inconsistent with Policy A-11. Information provided by appointed department heads was included in the draft responses prepared for the Board of Supervisors.

F17. It was the view of the Previous Grand Jury, and is the view of this Grand Jury, that responses and/or proposed responses to the Previous Grand Jury's Final Report, from Respondents who were both elected and non-elected county officers or elected department (agency) heads, were required to be submitted to the Presiding Judge, on or before August 24, 2001.

Response to F17: **Respondent agrees with the finding.**

Respondent agrees that the finding represents the view of the previous and current Grand Juries.

F18. It was the view of the Previous Grand Jury, and is the view of this Grand Jury, that responses and/or proposed responses to the

Previous Grand Jury's Final Report, from Respondents who were both elected and non-elected county officers or department (agency) heads, were required to be submitted to the Board, on or before August 24, 2001.

Response to F18: **Respondent agrees with the finding.**
Respondent agrees that the finding represents the view of the previous and current Grand Juries.

- F19. Responses from elected county officers or elected department heads to the Previous Grand Jury's Final Report were submitted to the Board on some date, unknown to this Grand Jury, prior to preparation by County Staff and submission to the Board of the Draft Response on September 7, 2001.

Response to F19: **Respondent disagrees partially with the finding.** Copies of some responses from elected county officer or elected department heads were received by the CAO's office prior to September 7, 2001. It is not clear that they were actually submitted to the Board of Supervisors prior to that date. Respondent assumes that the originals of any such responses were submitted to the Presiding Judge and that the copies received by the County were courtesy copies.

- F20. Proposed responses to the Previous Grand Jury's Final Report from Respondents who were neither elected county officers nor elected department (agency) heads were not submitted to the Board. (But see Finding F12-b).

Response to F20: **Respondent agrees with the finding.**
Information from the proposed responses prepared by appointed department heads was used in preparing the draft responses for the Board of Supervisors. The proposed responses prepared by appointed department heads were available to the Board of Supervisors if they wished to review them. Notwithstanding Policy A-11, it is our understanding that prior Boards had

requested that proposed responses from appointed department heads not be physically provided to Board members in order to reduce the amount of paper included in the packets.

- F21. Proposed responses to the Previous Grand Jury's Final Report from Respondents who were neither elected county officers nor elected department (agency) heads have never been submitted either to the Presiding Judge, to the Previous Grand Jury or to this Grand Jury. (But see Finding F12-d).

Response to F21: **Respondent agrees with the finding.** With respect to the reference to Finding F12-d, Respondent notes that nothing in the portion of Policy A-11 cited in Finding F12 indicates that the proposed responses prepared by appointed department heads are to be submitted to either the Presiding Judge or the Grand Jury.

- F22. The Draft Response to the Previous Grand Jury's Final Report, prepared by the CAO, was not submitted to the Board until September 7, 2001. That Draft Response was not accompanied by proposed responses from Respondents who were neither elected county officers nor elected department (agency) heads.

Response to F22: **Respondent agrees with the finding.** The prior response to F20 is incorporated here as it relates to the fact that the proposed responses prepared by appointed department heads did not accompany the draft response.

- F23. The Draft Response to the Previous Grand Jury's Final Report was not made available to the public until it was included within the publicly available Board Agenda Packet for the Board's September 18, 2001, regular meeting on September 13, 2001.

Response to F23: **Respondent disagrees partially with the finding.** Respondent agrees that the Draft Response was not disseminated publicly and that notice of its availability was not

given. However, upon distribution to the Board, the document became a public record available upon request.

- F24. The Board was required by Section 933(c) of the Penal Code, and Board Policy A-11, to submit its final Response to the Previous Grand Jury's Final Report on or before September 23, 2001.

Response to F24: Respondent agrees with the finding. September 23, 2001, was the 90th day after submission of the Previous Grand Jury's Final Report to the County. September 23, 2001, was a Sunday. Technically, the response therefore was not due until Monday, September 24, 2001. Respondent makes mention of this for possible reference in future instances, not to take issue with the finding.

- F25. Insufficient time existed between September 7, 2001, when the Draft Response was submitted to the Board, and September 18, 2001, when the Board was scheduled to review, modify, change and/or adopt the Draft Response as its own Response, for the members of the Board to carefully and critically review and assimilate the contents of the Draft Response.

Response to F25: Respondent agrees with the finding. Respondent notes that this response is made in light of the events of September 11, 2001, and its aftermath, which occurred in that timeframe. Respondent expresses no opinion on the adequacy of that time in the absence of those events, although it is noted that the time afforded was consistent with Policy A-11 which requires the draft response be available to the Board at least one week prior to the draft response being included on the Board's agenda.

- F26. On September 17, 2001, an unaddressed, undated and unsigned letter-memorandum ("Undated Letter") was delivered to a member of the Board. In summary, that Undated Letter asserted that the Draft Response appeared to contain and consist of

responses from County Staff rather than responses from the Board. The Undated Letter also asserted that, by adopting the Draft Response in response to the Previous Grand Jury's Final Report without careful and critical review and assimilation of its contents, the Board would simply be "rubber stamping" the views of County Staff rather than communicating its own views.

Response to F26: **Respondent agrees with the finding.**

Respondent notes that the material received by the Board member actually consisted of two documents. One was a two page list of the findings and recommendations which Respondent understood identified the particular proposed responses as to which the author had concerns. The second was a six page letter-memorandum containing more detailed comments. Finding F26 accurately characterizes a principal concern voiced in the document. The document also contained substantially more information than is summarized in F26.

F27. On September 18, 2001, at the Board's regularly scheduled meeting and in response to that Undated Letter, a Motion was made, seconded and carried, that the Board "adopt the staff's recommended responses, with the exception of the responses listed on [an] attached list, and that [two Supervisors] work with [the CAO and the County Counsel] to prepare potential alternative responses and bring them back to the Board no later than October 16,2001."

Response to F27: **Respondent disagrees partially with the finding.** On September 18, 2001, the Board actually continued the item to its meeting of September 25, 2001. At the September 25, 2001, meeting, the Board adopted the motion referenced in F27.

F28. The "attached list" appended to the Motion described in Finding F27 identified sixty (60) specific Findings, and twenty-six (26) specific Recommendations, contained in the Previous Grand Jury's Final Report.

Response to F28: - Respondent agrees with the finding. The list is the two page list referenced in the response to F26.

F29. This Grand Jury believed that, pursuant to the Motion described in Findings F27 and F28, the Board intended, in fact, to review and consider "alternative responses" to each of the Findings and Recommendations identified therein, on an item-by-item basis, and that such review and consideration would have constituted appropriate action on the part of the Board.

Response to F28: Respondent agrees with the finding. Respondent has no information or basis on which to determine what the Grand Jury believed. Therefore, Respondent agrees with the finding.

F30. No formal request was made to the Grand Jury by the Board at that September 18, 2001, meeting, or otherwise, for an extension of the September 23, 2001, deadline for responding to the Previous Grand Jury's Final Report. Nevertheless, based on its understanding as set forth in Finding F29, the Grand Jury did not object to the implicit extension of time to October 16, 2001, set forth in the Motion and action of September 18, 2001 (See Finding F27).

Response to F30: Respondent agrees with the finding. It is not clear that the Grand jury has the authority to extend the statutory deadline. The Board did direct that a letter be sent to both the Presiding Judge and the Grand Jury explaining the situation and indicating that the Board would take additional time to review the response. This may well have been construed as a request for an extension. Under the circumstances, and particularly taking into account that the undated letter was received from a person who was a member of the prior Grand Jury, the Board believed that the best course of action was to take the time necessary to respond to the comments that had been received. Respondent has no information that would allow it to assess the reason the Grand jury

did not object to the Board's failure to approve the response within the statutory time frame. Therefore, Respondent agrees with that portion of the finding.

- F31. On October 5, 2001, the Foreman and one member of the Grand Jury met with the CAO, the County Counsel, and a committee consisting of two Board members, to discuss the Undated Letter, and specifically the perceptions articulated in the Undated Letter that the Draft Response presented to the Board appeared not to view the Previous Grand Jury's Final Report as a matter deserving of serious consideration by the Board itself. The meeting was an amicable one, although no specific actions were developed or agreed upon at the meeting.

Response to F31: **Respondent agrees with the finding.** Although no specific actions were developed or agreed upon, the concerns expressed in the written materials received was discussed, as were various approaches to addressing them. It was and is the understanding of Respondent that the issues raised in the material received reflected concerns of the current Grand Jury or members of the current Grand Jury. Respondent does not know whether the transmittal of those concerns to the County was the result of formal action by the Grand Jury as a body.

- F32. By October 16, 2001, when the Board's regularly scheduled meeting was held, no "alternative responses" to the Draft Response, as required by the Board's action of September 18, 2001, had been prepared or brought back to the Board.

Response- to F32: **Respondent agrees with the finding.** Based upon consideration of the issues, the results of the October 5, 2001, meeting, and discussions with the Board subcommittee, it was determined to recommend a workshop of the Board to address the issues.

- F33. Accordingly, on October 16, 2001, the Board requested that

the Grand Jury further extend the deadline for its Response to the Previous Grand Jury's Final Report to November 6, 2001. The Board represented to the Grand Jury that it would conduct a Workshop devoted to that subject on November 5, 2001.

Response to F33: **Respondent agrees with the finding.** The Board determined to take the additional time in order to allow the Board workshop to take place. The Board did inquire of the Grand Jury whether that additional time was acceptable.

- F34. The foregoing request was presented to the Grand jury on October 17, 2001, and was approved by the Grand Jury. The Grand Jury directed the Foreman to advise the Board that the Grand Jury would not look favorably upon any further request by the Board for extended time to submit its Response. The Foreman so advised the Chairperson of the Board.

Response to F34: **Respondent agrees with the finding.**

- F35. Thereafter, the County Counsel submitted to the Board a twelve-page memorandum dated November 1, 2001 ("November 1 Memo"), to which the Undated Letter was attached. A copy of that November 1 Memo was first delivered to the Grand Jury on the morning of November 5, 2001, shortly before the Board's Workshop on the afternoon of November 5, 2001.

Response to F34: **Respondent agrees with the finding.** The memorandum, addressed to Supervisors Baumann and Borelli (the subcommittee) and copied to the remainder of the Board, actually was completed on Friday, November 2, 2001, as indicated in the header of the document, although the date on the face page was not changed.

- F36. The November 1 Memo did not discuss, on an item-by-item basis, the sixty (60) Findings or the twenty-four (24) Recommendations which were the subject of the Board's

September 18, 2001, Motion and action described in Findings F27 and F28. Instead, it set forth a discussion of the Undated Letter described in Finding F26, characterizing that Letter as "rais[ing] four 'generic' objections and seven specific concerns" regarding the proposed Response to the Previous Grand Jury's Final Report.

Response to F36: **Respondent agrees with the finding.**

F37. None of the matters discussed in the "Generic Objections" portion of the November 1 Memo identify, by number or page, any specific Finding or any specific Recommendation in the Previous Grand Jury's Final Report. Much of the content of the November 1 Memo, while legally and factually correct, was not responsive to the Board's action of September 18, 2001, for the reasons set forth in Finding F36.

Response to F37: **Respondent disagrees partially with the finding.** Respondent agrees that portion of the November 1 memorandum that discussed "Generic Objections" did not identify specific findings or recommendations by number or page. Respondent disagrees with the finding that much of the memorandum was not responsive to the Board's action of September 16 [25], 2001. The September 25, 2001, motion authorized Supervisors Baumann and Borelli to work with the Interim CAO and County Counsel to prepare "potential alternative responses." The motion does not expressly call for an alternative to be prepared for each finding and recommendation whether or not deemed warranted. The motion implicitly includes authority to recommend whether or not alternatives were deemed warranted. The memorandum identifies a proposed approach to responding to the concerns expressed and specific alternatives or modifications deemed warranted. The memorandum was developed after discussions with Supervisors Baumann and Borelli and in light of the meeting with members of the Grand Jury on October 5, 2001. Based on all of those interactions, County Counsel believed that the November 1 memorandum was responsive to the

Board's direction.

F38. Numerous statements made in the November 1 Memo were incorporated either verbatim or substantially verbatim into a nine-page letter dated December 17, 2001, described in Findings F45 and F46 ("December 17 Letter"), signed by the Chairperson of the Board and addressed to the Presiding Judge.

Response to F38: **Respondent agrees with the finding.**

F39. The November 1 Memo contains the following policy statements with which the Grand Jury agrees:

- a. "In the final analysis, the critical requirement is that the Board feel confident in adopting the [draft] response as its own." (Page 1)
- b. "For this process to work properly, of course, the Board must have sufficient time to review and consider the proposed responses before finally adopting them. County Counsel agrees that there is valid concern in this regard.... {T}iming problems are driven by the size and complexity of the required responses,...." (Page 2)
- c. "Because there are areas of overlapping control, of course, it may often - although not necessarily always - be appropriate for the Grand Jury to receive responses from both [elected officials and the Board] on a single issue." (Emphasis in original.) (Page 2)
- d. "County Counsel suggests that the Board clarify where appropriate whether (and why) it has adopted an elected official's response without review, or only after some exercise of independent judgment." (Page 3)
- e. "Developing a recommendation to address the timing issues raised by this portion of the letter is challenging. The fundamental problem is the tight statutory timelines." (Page 3)
- f. "... '[P]ast practice' and unwritten policies are a poor basis for County operations - a point with which County Counsel,

and no doubt the Board, agrees." (Page 7)

g. "In a time-pressured environment, the focus naturally is more on meeting legal requirements than on providing the most comprehensive response possible." (Page 8)

Response to F39: Respondent agrees with the finding. With respect to paragraph (b) of F39, Respondent notes that an important portion of the quoted language was omitted. Finding F39 quotes the memorandum as saying that "[T]iming problems are driven by the size and complexity of the required responses,..." In the full text, that language is followed by the phrase "... and the limited time afforded by the law, not by any dereliction of anyone's duty ." Respondent believes that the reference to the statutory limitation is significant to a full understanding of the comment.

F40. The November 1 Memo contains the following policy statements with which the Grand jury disagrees, either in whole or in part:

a. "[C]ommunication of the Board's position to the Grand Jury may be by letter rather than amendment to the formal responses in order to avoid further delay." (Page 1)

In the Grand Jury's view, the exclusive procedure for responses to grand jury final reports is mandated by Section 933.05 of the Penal Code, as implemented by Board Policy A-11.

b. "Given that each Grand Jury report requires responses to literally hundreds of factual findings and recommendations within ninety days, it is simply infeasible for Boardmembers to personally investigate and respond to each one without staff assistance." (Page 2) That statement is also set forth in the December 17 Letter. (Page 2)

In the Grand Jury's view, that statement begs the relevant question. Because it is agreed (see Finding F39-a above) that the Board must "feel confident in adopting the response as its own," the question is how the Board reaches that "confidence

level."

"In the Grand Jury's view, an investigation by Board members is required where

- (i) serious and substantial disagreements appear between findings and recommendations of a grand jury and responses thereto proposed by staff, and
- (ii) the reasons for the staff's disagreement do not appear convincing or conclusive on their face.

This would not require investigations by Board members of "literally hundreds" of proposed responses, because it would not require investigations of

- (i) those responses which agree with the findings and/or recommendations,
- (ii) those responses which, although disagreeing in whole or in part with a finding or recommendation, set forth convincing explanations of reasons for such disagreement, and
- (iii) those responses which propose a further investigation of the subject.

It is only those findings and/or recommendations which do not fall into any of the foregoing categories that the Grand Jury believes should be the subject of independent inquiries by the members of the Board before the Board adopts the responses which are proposed by staff.

c. "The CAO and other senior staffmembers do spend considerable time providing review, oversight and drafting for Grand Jury responses." (Page 3) The December 17 Letter (page 3) states "that the CAO and other senior staff members do spend considerable time providing review, oversight and drafting for all Grand Jury responses." (Emphasis in original.)

The Grand Jury does not necessarily disagree with this statement as an accurate representation of present practice. Depending upon the meaning of the term "other senior staffmembers," however, the Grand Jury may disagree that this is the way the process should operate. In the Grand Jury's view, it is the division heads and **managers who have the most hands-on**

operational knowledge of the matters which are the subjects of grand jury reports, and it is they who should have the primary responsibility for the preparation of proposed responses to factual findings in those reports, with the department heads, the CAO's office, and perhaps County Counsel having only minimal editorial oversight responsibility with regard to such findings. Moreover, Board Policy A-11 requires that the original proposed responses of the department heads, as well as the Draft Response of the CAO, be presented to the members of the Board, but this policy has not been followed in practice.

d. "The issue, therefore, is whether the Board should engage in a practice of ongoing updates and amendments to Grand Jury responses when relevant new information comes to light. County Counsel does not recommend adopting this practice, because it would turn the annual Grand Jury process into an ongoing, evolutionary dialogue with no finality. As a practical matter, Grand Jury Reports and responses necessarily reflect snapshots in time." (Page 10) The December 17 Letter (page 7) states that "the fundamental issue is whether the Board should engage in a practice of ongoing updates and amendments to Grand Jury responses when relevant new information comes to light. We respectfully decline to adopt this practice, because it would turn the annual Grand Jury process into an ongoing, evolutionary dialogue with no finality. As a practical matter, Grand Jury Reports and responses necessarily reflect snapshots in time."

The Grand Jury does not assert that "the annual Grand Jury process" should involve "an ongoing, evolutionary dialogue with no finality," but, precisely because Responses "necessarily reflect snapshots in time," they should accurately reflect the facts as of the point in time at which they are adopted by the Board, and not at some undefined prior point. In the example referenced in the previous paragraph, the Draft Response was agendized for action to be taken on September 18, but new information was available to the public at least by September 13, and was possibly available to at least some of the members of the Board prior to that date.

Additionally, the December 17 Letter (page 9) refers to a subcommittee which "will be reporting back to the Board on December 11." On December 11, however, as indicated in Findings F40-e and F46, the Board took action on the subject of closed session record-keeping, but that action was not reflected in the December 17 Letter. It appears, from the dates set forth on pages 2 through 9 of the December 17 Letter, that that letter may actually have been produced on November 21, 2001. The "snapshot in time" approach should have focused on information available as of the proposed Response adoption date, September 18, and on the date of transmittal of the December 17 letter to the Presiding Judge, respectively, and not some undefined prior date or dates.

Aside from "the annual Grand Jury process," the Grand Jury believes that "an ongoing, evolutionary dialogue" between the Board and the Grand Jury is a desirable thing.

e. "[T]he Grand Jury's convenience needs to be weighed against the chilling effect of a tape recorder's presence in closed session discussions" (Page 12) That statement was not included in the December 17 Letter. As indicated above, however, the December 17 Letter (page 9) does recite that the Board "is still weighing the issue of closed-session record keeping," and that a "subcommittee will be reporting back to the Board on December 11."

The Grand Jury does not believe that its efforts to obtain the most accurate information possible in pursuing its statutorily authorized and/or mandated investigations are matters of mere "convenience," as indicated by County Counsel. The Grand Jury is heartened, however, by the Board's actions in

(a) directing the establishment of a subcommittee to inquire into the issue of record keeping at closed sessions, and

(b) adopting, on December 11 as Agenda Item No. 67, a Resolution establishing that, henceforth,

- (i) County Counsel would take limited notes [i.e., motions and votes] of actions taken in Closed Session,
- (ii) those notes would be circulated to and initialed by the Board members indicating their concurrence, and
- (iii) the initialed notes would then be delivered to the Board's Clerk for safekeeping.

Response to F40: **Respondent agrees with the finding.** The portions of the November 1 memorandum and the December 17 letter are accurately quoted in F40. The remainder of F40 constitutes statements of the views of the Grand Jury. Respondent has no information indicating that these do not reflect the views of the Grand Jury and therefore accepts the finding as an accurate reflection of the Grand Jury's views. The positions taken by the County Counsel are set forth in the November 1 memorandum and are cited by the Grand Jury. F40 does not call for a substantive response to the views expressed by the Grand Jury. Any such response would be lengthy and might be considered argumentative. Therefore, no such response is made. To the extent the Respondent's position on any of these issues is relevant to explain a response to any recommendation made by the Grand Jury in this report, that information will be provided in response to any such recommendation. There is one exception that deals with a procedural matter.

Paragraph (a) of F40 partially quotes the November 1 memorandum as saying "[C]ommunication of the Board's position to the Grand Jury may be by letter rather than amendment to the formal responses in order to avoid further delay." The Grand Jury interprets that statement to refer to the Board's response to the Grand Jury's final report and disagrees with it. However, the full sentence from which the quote is extracted reads, "In light of the time constraints involved, it is suggested that *as to those items where the responses in question are factually correct and legally sufficient*, but may raise issues concerning the phrasing

or' attitude" of the response, communication of the Board's position to the Grand Jury may be by letter rather than amendment to the formal responses in order to avoid further delay." (Emphasis added.)

Read in full, this sentence clearly advises the Board that any changes required to make the formal responses accurate or legally sufficient should be made as amendments to those responses. In fact, certain changes were made and the final response was forwarded to the Presiding Judge on November 7, 2001. The December 17, 2001, letter to the Presiding Judge was in response to issues raised in the undated letter, which constituted public comment on the Board's proposed responses. The December 17 letter contained information the Board did not feel was required in the formal response to the previous Grand Jury's report. It was not intended as a substitute for the formal response, but rather as an additional communication expressing opinions of the Board which the Board hoped would foster an improved relationship with the Grand jury. In that context, the Board believes that the letter was an appropriate form of communication.

At its regular meeting of November 6, 2001, the Board:

- (i) Adopted the Response to the Previous Grand Jury Report as originally recommended by staff, subject to a rewriting of the response to Recommendation R1 on page 8 of the Draft Response, the specifics of which were to be developed by staff and brought back to the Board for approval;
- (ii) Appointed two of its members as a subcommittee to work on possible solutions to the issue of record keeping of closed sessions and to report back to the Board by December 11, 2001;
- (iii) Directed the CAO to establish a methodology to ensure that departments follow up on those recommendations for which the Board's Response states that follow up will occur; and
- (iv) Directed County Counsel to prepare, for signature by the Board's Chair, a letter to the Grand Jury transmitting the

responses to "Generic Objections" as set forth on pages 2-5 of the November 1 Memo, including clarifications proposed in the County Counsel's November 1 Memo to specific concerns numbers 2, 3, 4, 7B, 7D and 7E. The Board's action on this point did not specify any date by which the letter to be completed.

Response to F41: **Respondent agrees with the finding.**

F42. The Board's action of November 6, 2001, was not a response to the eighty-four (84) specific items contained in the Previous Grand Jury's Final Report as had been anticipated by the Grand Jury following the Board's Motion and action of September 18, 2001 (See Findings F27 and F28).

Response to F42: **Respondent agrees with the finding.** The Board's action of November 6, 2001, did not contain an item-by-item action on each of the 84 findings and recommendations contained in the two page list that had been provided on September 17, 2001. Respondent has no information to the contrary and therefore assumes that the Grand Jury did anticipate such an item-by-item action after the September 18[25], 2001, motion. Nevertheless, the Board took its action after extensive deliberation, including its subcommittee's meeting with grand jurors on October 5, 2001, and believes its action was appropriate. As stated in the response to F40, the Board's action was in response to public comments, separate from and in addition to finalizing a formal report to the Grand Jury. The Board of Supervisors believes the form of its response was appropriate in that context.

F43. The matters discussed in the "Specific Concerns" portion of -- the November 1 Memo specifically identify eleven (11) [out of 60 listed on September 18] Findings, and seven (7) [out of 24 listed on September 18] Recommendations for specific response. Some other Findings and Recommendations may also have been

intended for response, but they are not specifically identified by number or page in the November 1 Memo.

Response to F43:

finding. Respondent agrees that the November 1 memo specifically mentions only a limited number of the 84 findings and recommendations. However, the response contained in the memorandum was broader than that. On September 17, 2001, a Board member had received two documents. One was simply a list of the 84 findings and recommendations being questioned. No explanation or statement of any specific concern was given with respect to any particular finding or recommendation. There was no basis on which to respond to the list alone without some information regarding the specific concerns the author had as to each finding and recommendation.

In addition, the Board member received the six page letter which expressed substantive concerns. The "Specific Concerns" referenced in the November 1 memorandum were set out in the undated letter in a series of seven numbered paragraphs. In most of the paragraphs, one or more of the specific findings or recommendations were cited as *examples* of the particular concern expressed. However, the letter did not contain a systematic discussion of each finding and recommendation. The November 1 memorandum was formatted to respond to the specific concerns identified in the letter in the same manner as those concerns were expressed. It was presumed that the substantive concerns expressed in the letter covered the range of concerns applicable to all of the findings and recommendations contained in the list although they were not necessarily correlated in the letter.

- F44. The Board, on November 6, 2001 also adopted the County Counsel's recommendation "that staff be directed to contact other counties to see if they experience the same [insufficiency of time to prepare responses to grand jury reports] difficulties and report back on [his] findings." (Page 3 of November 1 Memo)

Response to F44: Respondent disagrees with the finding. The Conformed Agenda for the meeting of November 6, 2001, does not reflect such action.

F45. In the Grand Jury's view, the proposed contact and inquiry described in Finding F44 is inadequate, in that it does not include inquiry of the grand juries in those other counties to ascertain whether those grand juries believe their counties' responses to their reports to be adequate or appropriate. Counties that profess to have no problems in rendering their responses to grand jury reports, but which submit responses that their grand juries believe to be inadequate or inappropriate, are not models which this Board should follow.

Response to F45: Respondent agrees with the finding. In the absence of any information to the contrary, Respondent acknowledges that the finding accurately represents the view of the Grand Jury.

F46. On or about December 17, 2001, the December 17 Letter was transmitted to the Presiding Judge. That letter purported to constitute compliance with the Board's directive of November 6, 2001 (See Finding F36).

Response to F46: Respondent disagrees partially with the finding . To the extent the use of the word "purported" is intended to imply that the letter did not constitute actual compliance with the Board's direction, Respondent maintains that the letter did constitute actual compliance with that portion of the Board's direction.

F47. The contents of the December 17 Letter are substantially similar, but not totally identical, to the contents of the November 1 Memo. The December 17 Letter asserts that it "is meant to clarify some of the Board's adopted responses and to address certain

objections and concerns ...that the Board believes are more appropriately addressed in correspondence to the Grand jury than in its formal responses."

Response to F47: Respondent agrees with the finding.

F48. The December 17 Letter does not constitute an adequate or proper Board Response, or amendment or modification to the Board's Response, to the Prior Grand Jury's Final Report for- the reasons set forth above in Findings F36, F37 and F40-a.

Response to F48 - --- Respondent disagrees with the finding.
As stated in the response to F40, the December 17, 2001, letter does not purport to be a formal response to the report of the previous Grand Jury, nor does it purport to amend the response to that report. The Board of Supervisors, on November 6, 2001, separately approved the formal response to the report of the prior Grand Jury which was forwarded to the Presiding Judge on November 7, 2001. The December 17, 2001, letter was intended as an additional response to the public comments received on the draft responses, not as a response to the Grand Jury's report. The Board determined, as quoted in F47, that these responses to the public comments were "more appropriately addressed in correspondence to the Grand Jury than in its formal responses."

F49. In the Grand Jury's view, the length of the 45-day response period for appointed department heads referenced in Finding F12-a creates an unnecessarily short period of time for independent review, consideration and analysis of those responses by the Board.

Response to F49: Respondent agrees with the finding. In the absence of any contrary information, Respondent agrees that the finding accurately represents the view of the Grand Jury.

F50. Because departmental responses of the type described in Findings F12-b and F20 were not presented to the Board separately from the Draft Response presented by the CAO, the Board was unable to review or consider any changes that may have been made by the CAO to the departmental responses in connection with the preparation of the Draft Response.

Response to F50: Respondent disagrees with the finding. As stated in the response to F20, the draft departmental responses were available to the Board if Board members chose to review them.

F51. In the Grand jury's view, a period of one week for the members of the Board to review departmental responses and to comment on a Draft Response, as referenced in Finding F12-c, is inadequate time for serious and thoughtful review and analysis of those documents, and for further inquiry by the Board members into the details contained therein.

Response to F51: Respondent agrees with the finding. In the absence of any contrary information, the Respondent agrees that the finding accurately reflects the view of the Grand Jury.

F52. No distribution of departmental responses of the type described in Findings F12-b and F20 was required by law or existing policy to be made, and no such distribution was made, to either the Previous Grand Jury or this Grand Jury.

Response to F52: Respondent agrees with **the finding.**

F53. No distribution of the final Draft Response was made to the members of either this Grand Jury or the Previous Grand Jury, as required by Paragraph 4 of A-11 and described in Finding F12-c.

Response to F53: Respondent agrees with the finding. In fact, no separate final Draft Response was prepared since no changes

were made in the Draft Response until the meeting of November 6, 2001.

- F54. No invitation of the type referenced in Paragraph 5 of A-11,-as described in Finding F12-e, was made. One member of the Previous Grand Jury became aware of the contents of the Draft Response prior to the Board's September 18 meeting. That awareness occurred, however, only because the Draft Response was contained in the Board's agenda packet for its September 18 meeting, available in the Board Clerk's office.

Response to F54: **Res finding.** The County did not individually invite each of the members of the immediate past Grand Jury to the September 18, 2001, public hearing. However, clerical staff of the CAO's office confirm that the secretary to the Grand Jury was advised of the hearing date and responded that she would pass the information on to members of both the past and current Grand Juries.

- F55. No correspondence of the type referenced in Paragraph 9 of A-11 and described in Finding F12-g was sent, or request made, or copies of non-County responses made available for public viewing in the Board's office.

Response to F55: **Respondent disagrees partially with the finding** . Clerical staff in the CAO's office confirm that correspondence was sent to entities identified in the Grand Jury report requesting courtesy copies of any responses filed. The response to such correspondence from non-County entities is sporadic. If received, such responses are transmitted to the Board along with the County's draft response. They are included at the back of the County's final response. They become available to the public at the time the draft response is sent to the Board. Respondent acknowledges that responses by non-County entities have not been made available for viewing on a routine basis earlier than the transmittal of the County's draft response.

Recommendations

"Work expands so as to fill the time available for its completion."

C. Northcote Parkinson, 1958

- R1. Because division heads and managers are presumed to be familiar with the operations of their units, the Board should amend Paragraph 1 of Board Policy A-11, referenced in Finding F12-a, to shorten the time period set forth for input to the CAO from forty-five (45) days to twenty-one (21) days or less. (See Finding F40-c)

Response to R1: **The recommendation requires further analysis.** Respondent agrees that Board Policy A-11 needs to be reviewed and revised in various respects. The Board of Supervisors also agrees with the goal implicit in the recommendation and does not necessarily disagree with the specific recommendation. However, the Board believes that a comprehensive review of Policy A-11 should be undertaken and that specific modifications should be reviewed and undertaken only in the context of such a comprehensive review. This will ensure that the goals are achieved and Policy A-11 is revised in the most effective and internally consistent manner. The Interim CAO, in conjunction with County Counsel, is directed to review Board Policy A-11 and present a recommendation to the Board of Supervisors regarding its possible amendment no later than six months from the date of publication of the Grand Jury's report. The comprehensive review to be conducted is referred to hereinafter as the "Study ."

Because input to the CAO should be submitted in substantially finished form, the Board should amend Paragraph 2 of Board Policy A-11, referenced in Finding F12-b, to establish a time

period of twenty-one (21) days or less from the date the CAO receives the responses of the appointed department heads for transmittal of the Draft Response to the Board, and to establish a procedure which assures that the responses of the appointed department heads are transmitted to the members of the Board concurrently with the transmittal of the Draft Response.

Response to R2: The recommendation requires further analysis. Respondent agrees that Board Policy A-11 needs to be reviewed and revised in various respects. The Board of Supervisors also agrees with the goal implicit in the recommendation and does not necessarily disagree with the specific recommendation. However, the Board believes that a comprehensive review of Policy A-11 should be undertaken and that specific modifications should be reviewed and undertaken only in the context of such a comprehensive review. This will ensure that the goals are achieved and Policy A-11 is revised in the most effective and internally consistent manner. The Interim CAO, in conjunction with County Counsel, is directed to incorporate analysis of the recommendation in the Study for review and recommendation.

R3. Whether or not it can require responses within such a time period, the Board should also amend Paragraph 2 of Board Policy A-11, referenced in Finding F12-b, to encourage elected department heads to respond to final reports of grand juries within twenty-one (21) days or less, rather than sixty (60) days, from their receipt of those final reports.

Response to R3: **The recommendation will not be implemented because it is not warranted.** The time within which the final responses of elected department heads are to be filed is established by statute. The statute presumably reflects a legislative determination that the deadline selected satisfies both the needs of the Grand Jury and the responding officers. Reports of the Grand Jury are of varying lengths and complexity. The amount of time

needed to respond varies based on the nature of the report. The responses referenced in R3 are final responses being filed with the Presiding Judge, not preliminary drafts that are incorporated into another process for preparation of a final report. Under these circumstances, no reason or basis is apparent that would support a request by the Board of Supervisors that elected department heads shorten the time for submitting their final reports from that which is statutorily provided, or for the suggestion of any particular deadline. However, the CAO is directed to incorporate into the Study consideration of a change to Policy A-11 that would simply encourage elected department heads to expedite their review of Grand Jury final reports and to file their responses as early as is reasonably feasible.

- R4. The Board should also amend Paragraph 2 of Board Policy A-11, referenced in Finding F12-b, to require that the items to be presented to the Board also be presented concurrently to the Grand Jury.

Response to R4: **The recommendation requires further analysis.** Respondent agrees that Board Policy A-11 needs to be reviewed and revised in various respects. The Board of Supervisors also agrees with the goal implicit in the recommendation and does not necessarily disagree with the specific recommendation. However, the Board believes that a comprehensive review of Policy A-11 should be undertaken and that specific modifications should be reviewed and undertaken only in the context of such a comprehensive review. This will ensure that the goals are achieved and Policy A-11 is revised in the most effective and internally consistent manner. The Interim CAO, in conjunction with County Counsel, is directed to incorporate analysis of the recommendation in the Study for review and recommendation.

- R5. In order to comply with the 90-day requirement of Penal Code §933(c) while allowing the Board adequate time to perform its

required duties, and in light of the foregoing recommendations and Paragraph 7 of Board Policy A-11, the Board should amend Paragraph 3 of Board Policy A-11, referenced in Finding F12-c, to expand its review and comment period from "at least one week" to not more than twenty-one (21) days," to allow sufficient time thereafter for the agendizing of the Draft Response on the Board's calendar for review, consideration, adoption and/or modification ("adoption hearing").

Response to R5: **The recommendation requires further analysis.** Respondent agrees that Board Policy A-11 needs to be reviewed and revised in various respects. The Board of Supervisors also agrees with the goal implicit in the recommendation and does not necessarily disagree with the specific recommendation. However, the Board believes that a comprehensive review of Policy A-11 should be undertaken and that specific modifications should be reviewed and undertaken only in the context of such a comprehensive review. This will ensure that the goals are achieved and Policy A-11 is revised in the most effective and internally consistent manner. The Interim CAO, in conjunction with County Counsel, is directed to incorporate analysis of the recommendation in the Study for review and recommendation.

- R6. The Board should establish a procedure which assures that there will be compliance with the provisions of Paragraph 4 of Board Policy A-11, referenced in Finding F12-d, requiring that copies of the final Draft Response be distributed to all members of the current and/or issuing Grand Jury prior to the agendizing of that Draft Response on the Board's calendar for adoption hearing.

Response to R6: The recommendation requires further analysis. Policy A-11 contains express direction regarding certain actions, such as that referenced in R6, which are to be taken. It is not clear what form procedures designed to ensure compliance with existing procedures would take, or whether any such efforts would be

redundant. The Interim CAO, in conjunction with County Counsel, is directed to incorporate this issue into the Study and recommendation called for under the response to R1, and to present the recommendation concurrent with recommendations made under that study.

- R7. The Board should establish a procedure which assures that there will be compliance with the provisions of Paragraph 4 of Board Policy A-11, referenced in Finding F12-d, requiring that copies of the final Draft Response be distributed to all members of the issuing Grand Jury prior to the agendaing of that Draft Response on the Board's calendar for adoption hearing.

Response to R7: **The recommendation requires further analysis.** Policy A-11 contains express direction regarding certain actions, such as that referenced in R7, which are to be taken. It is not clear what form procedures designed to ensure compliance with existing procedures would take, or whether any such efforts would be redundant. The Interim CAO, in conjunction with County Counsel, is directed to incorporate this issue into the Study and recommendation called for under the responses to R1, and to present the recommendation concurrent with recommendations made under that study.

- R8. The Board should establish a procedure which assures that there will be compliance with the provisions of Paragraph 5 of Board Policy A-11, referenced in Finding F12-e, requiring that the members of the issuing Grand Jury be invited to participate in the public hearing review of the final Draft Response to the Final Report of that issuing Grand Jury.

Response to R8: **The recommendation requires further analysis.** Policy A-11 contains express direction regarding certain actions, such as that referenced in R8, which are to be taken. It is not clear what form procedures designed to ensure compliance with existing

procedures would take, or whether any such efforts would be redundant. The Interim CAO, in conjunction with County Counsel, is directed to incorporate this issue into the Study and recommendation called for under the responses to R1, and to present the recommendation concurrent with recommendations made under that study.

- R9. The Board should establish a procedure which assures that there will be compliance with the provisions of Paragraph 9 of Board Policy A-11, referenced in Finding F12-g, requiring that the CAO send correspondence to all entities identified in the Final Report of the issuing Grand Jury
- (i) alerting them to their reporting obligation under Section 933(c) of the Penal Code,
 - (ii) requesting that those entities supply a courtesy copy of their responses to the County, and
 - (iii) making such courtesy copies available for public viewing in the Board Clerk's Office.

Response to R9: The recommendation requires further analysis. Policy A-11 contains express direction regarding certain actions, such as that referenced in R9, which are to be taken. It is not clear what form procedures designed to ensure compliance with existing procedures would take, or whether any such efforts would be redundant. The Interim CAO, in conjunction with County Counsel, is directed to incorporate this issue into the Study and recommendation called for under the responses to R1, and to present the recommendation concurrent with recommendations made under that study.

- R10. Whether or not such action is required by Section 933(c) of the Penal Code, the Board should amend Board Policy A-11 to require that non-elected County agency or department heads, when requested to do so by a grand jury, respond to final reports of grand

juries in the same manner as elected County agency or department heads.

Response to R10: The recommendation requires further analysis. Based upon input from the County Counsel, it is the Respondent's position that the recommended action is not required by Penal Code section 933(c). (See responses to findings F17 and F18.) R10, however, recommends that the practice be implemented as policy whether or not required by Penal Code section 933(c). It appears that most counties in the state do not follow the procedure recommended by the Grand Jury. Nevertheless, at least two counties have been identified as following a procedure similar to that proposed and, therefore, the proposal should receive further study. Issues to be incorporated in the study include, but are not limited to: (1) more detailed legal analysis of the requirements of Penal Code section 933 (c); (2) legal analysis of potential conflicts created by a County policy requiring the submittal of documents to the Presiding Judge, when they are neither required nor expressly authorized by law to be submitted to the Presiding Judge; (3) analysis of the impact such a policy could have on the process of preparing the Board's response to Grand Jury reports; (4) issues of conflicting jurisdiction and the effect of potentially conflicting responses being made by appointed department heads and the Board when the latter may have ultimate control over the matter under consideration; (5) consideration of alternative policies that might accomplish the desired goals without potentially negative impacts; (6) further review of the positions taken by other counties and the results achieved; (7) consider the possible impact of the recommendation on prior Grand Jury recommendations that the CAO position be restructured to give it broader powers; and, (8) any other relevant issues identified in the course of the study. The Interim CAO, in conjunction with County Counsel, is directed to undertake the study and return recommendations to the Board within six months of the publication of the Grand Jury's final report.

R11. The Board should amend Board Policy A-11, referenced in Finding F11, by adopting the County Counsel's suggestion that it "clarify, where appropriate, whether (and why) it has adopted an elected official's response without review, or only after some exercise of independent judgment."

Response to R11: The recommendation has not been implemented but it is the intention of the Respondent to implement it. The recommendation will be implemented concurrent with recommendations resulting from the Study directed to be performed pursuant to the response to R1.

R12. The Board, as substantially suggested by County Counsel in the November 1 Memo, should adopt a Resolution requiring that all County policies and procedures be set forth in writing, and that, in the absence of emergency circumstances and for reasons specified in writing at the time, there be no reliance upon "past practices" or "unwritten policies," as referenced in Finding F39-f, particularly in connection with personnel matters.

Response to R12: The recommendation requires further analysis. Respondent agrees with the goal and intent of the recommendation. However, the manner in which the goal and intent are implemented and the timeframe involved require further study. The scope of the issue (i.e. how many undocumented policies and procedures exist) is not known. In addition to items that might accurately be referred to as ALPO policies and procedures," like any large organization, the County and its departments undoubtedly have developed more or less formal "practices" for the conduct of business. Some of these may have legal effect whether or not written. For example, state law may require consultation with employee organizations before some unwritten practices can be changed. Therefore, further study is needed to identify the scope of the issue to be addressed, to define the term ALPO policies and procedures" that will be the subject of the effort, to determine whether an effort will be made to document all practices

of the County, and to identify the time and resources needed to accomplish the project. The Interim CAO, in conjunction with County Counsel, is directed to conduct a study of the issue and return to the Board with recommendations not later than six months from the date of the publication of the Grand Jury's report.

- R13. The Board should establish a procedure which assures that the contents of its final responses to grand jury final reports are accurate as of the date of its adoption of those responses, rather than as of some unknown prior date.

Response to R13: The recommendation requires further analysis. Respondent agrees with the goal and intent of the recommendation. However, further study is needed to determine the manner in which the recommendation should be implemented and the degree to which the strict language of the recommendation should be implemented. Respondent agrees that current information in the possession of the County should be incorporated in the final response. The recommendation could be read, however, to require ongoing active investigation throughout the course of preparing the final response. The extent to which such an effort should be undertaken requires additional study. The Interim CAO, in conjunction with County Counsel, is directed to study the issue further and return to the Board with recommendations not later than six months from the date of publication of the Grand Jury's report.

- R14. The Board should establish a procedure whereby its members can discuss with division heads and/or managers those proposed responses to final grand jury report findings which disagree with grand jury findings for reasons which do not fully satisfy the members of the Board. Such a procedure could involve the establishment of workshops or other discussion groups at which the members of the Board, the affected division heads and/or managers, and one or more members of the Grand Jury and/or the

issuing Grand Jury, would participate. Such discussions, in any event, should occur during the twenty-one (21) day period prior to the commencement of the agendaing of the Draft Report for final action by the Board.

Response to R14: **The recommendation requires further analysis.** The Board of Supervisors already has the authority to hold special meetings, workshops, discussion groups and other mechanisms to engage in dialogue with staff on these or any other matters related to its response to Grand Jury reports. The need for establishing a formal procedure for that interaction is unclear and needs to be further considered. To the extent such a procedure is deemed warranted, further consideration needs to be given to the instances in which it would be invoked, the nature of the process and the participants. The Interim CAO, in conjunction with County Counsel, is directed to further study this issue and return to the Board with recommendations not later than six months from the date of publication of the Grand Jury's report.

EXHIBIT - Response to Report
Dated January 23, 2002

BOARD OF SUPERVISORS
RESPONSE TO THE
EL DORADO COUNTY GRAND JURY

Government & Administration Committee

*Final Report as of January 23, 2002, on
Duties and Responsibilities of the Chief Administrative Officer*

Reason for the Report

The 2001/2002 El Dorado County Grand Jury ("Grand Jury") issued a Final Report dated as of October 3, 2001, dealing with "lack of follow up" regarding the responses of previous Boards of Supervisors to previous grand jury reports. The substantive subject-matter of that particular Report dealt with the management structure of the County of El Dorado ("County"), and recommendations concerning possible changes to that structure.

The Grand Jury has observed a widespread lack of accountability in connection with the performance of the duties required of County employees. Some department heads, division heads and supervisors are attentive to this problem, while others are not. Lack of accountability for non-performance has a negative effect upon County efficiency. Many employees perform "above and beyond" the requirements of their positions. Outstanding performance is often unrecognized and uncompensated, and is of substantial benefit to the County. Employees who do not meet

performance standards, however, cause considerable expense to the County. The Grand Jury will continue to inquire into this accountability issue within the County and will disseminate a more comprehensive Final Report on the subject at the end of the Grand Jury's term.

Concurrently with the issuance of the Grand Jury's October 3 Report, the Board of Supervisors ("Board") initiated inquiry into procedures (i) for the recruiting, interviewing and hiring of a new Chief Administrative Officer ("CAO"), and (ii) for defining the duties of the CAO position. Because of the Board's initiation of that study and the Grand Jury's views (i) that "accountability starts at the top," (ii) that the County's present management structure fails to provide the CAO with authority commensurate with responsibility, and (iii) that there is a lack of adequate accountability on the part of department heads for the performance and functioning of their departments, the Grand Jury has elected to commence its review of County government structure and accountability by focusing its first report on the CAO position.

In the Grand Jury's view, the County's highest administrative officer should be a Chief Executive Officer or County Manager (collectively, "CEO"). The CEO should be accountable to the Board for the proper and efficient administration of the affairs of the County, including the implementation of Board policy and the execution of budgetary requirements. All appointed department heads should operate under the authority of, should report directly to, and should be accountable to, the CEO.

Because whatever final action the Board takes on the subject of its inquiry into the duties and responsibilities of the CEO/CAO position will be of considerable consequence to the County for many

years to come, the Grand Jury has elected to express its view on the subject, and the reasons for that view, in this Report.

Scope of the Investigation

The Grand Jury reviewed:

1. The County's Charter ("Charter");
2. The County's Ordinance Code ("Ordinance Code");
3. The County's present job description for the position of CAO ("Job Description"); and
4. Eighteen (18) responses to a survey questionnaire prepared by the Grand Jury and submitted to twenty-nine (29) demographically and/or geographically similar counties ("Survey Responses").

The Grand Jury also interviewed numerous employees of the County, including department heads, division heads, supervisors and clerical and field workers.

Findings

- F1. El Dorado County is a Charter County, governed by a Charter which was ratified by the voters on November 8, 1994, which became effective as of December 27, 1994, and which has been amended thereafter from time to time.

Response to F1: The respondent agrees with **the finding**

- F2. **The position of CAO**, as presently described in the

Charter, the Ordinance Code, and the CAO Job Description, imposes various duties and responsibilities upon the occupant of that position, particularly with regard to the administration of County business by appointed department heads, without delegating the commensurate authority of a true CEO to perform those duties and responsibilities.

Response to F2: Respondent agrees with the finding

The County Charter, Ordinance Code and job description for the CAO do assign certain responsibilities **and** authority to the CAO. To the extent the CAO is desired to act as a CEO, it is agreed that the powers expressly assigned to the CAO by the Charter and Ordinance Code are not commensurate with such a role. A framework is provided by which additional powers can be granted by the Board of Supervisors. Other powers, such as the appointment or removal of appointed department heads, are specified in the charter and would require amendments to the Charter to transfer those powers.

- F3. The existing provisions of the Charter and the Ordinance Code are ambiguous in their description of the nature of the CAO position. Those provisions appear to have been the result of a compromise. On the one hand, the Charter and the Ordinance Code describe the CAO position as that of a true executive officer. On the other hand, the Board retains significant authority to micromanage the administrative affairs of County government, in addition to its appropriate policy-making authority.

This ambiguity is clearly set forth in Section 2.13.005 of

the Ordinance Code, entitled "Statement of Intent." The Statement recites that "it is the intent of the board of supervisors of the county that the CAO exercise overall responsibility for the coordination of department activities to ensure the sound and effective management of county government, pursuant to board policy and adopted budget. The board fully intends to assign to the CAO more clear and direct management authority and responsibility, and to hold him/her specifically accountable, although nothing in this chapter should be interpreted to preclude direct communication and interaction between department heads and the board of supervisors." Further, pursuant to Section 2.13.040 of the Code, "the CAO shall advise, assist, and act as the agent for and be responsible to the board of supervisors for the administration of the affairs of the county as directed by the board, and shall enforce ordinances, orders, policies, or regulations as directed by the board." (Emphasis supplied.)

Response to F3: Respondent disagrees partially with this finding. Respondent generally agrees with the main thrust of the finding, but respondent has no knowledge as to whether the form of the Charter and Ordinance Code was a compromise. Respondent further disagrees with the characterization of Board involvement as "micromanagement." Supervisors are elected by district. Most residents of those districts view "their" Supervisor as "their" direct contact with County government and the person to see to solve problems. The Board sees no inherent conflict between delegating to and holding a county administrative officer responsible for and with the authority to manage county government while retaining for the Board the

necessary authority to solve individual constituent problems. The Board does not view its responsibility to respond to constituent complaints as micromanaging.

- F4. Section 200 of the Charter provides that "the governing body of the county is a Board of Supervisors ... of five members elected by district." Section 2.13.005-A of the Ordinance Code recites that "the board of supervisors acts primarily on establishing a strategic vision, goals, policies and budgets to meet legal mandates and the needs of county residents, on carrying out its legislative and decision-making responsibilities, and on communicating with and serving the citizens of the county."

Response to F4: Respondent agrees with the finding

- F5. The Board is the chief policy-making body of the County. It is an inefficient use of the time and energy of the members of the Board, and thus is counterproductive to the best interests of the County, for the members of the Board, collectively or individually, to spend substantial amounts of their time managing matters of administrative detail, particularly in the area of personnel. County affairs can be more efficiently managed by a greater delegation of authority to the present CAO position.

Response to F5: Respondent agrees with the finding. The finding concludes that a "greater" delegation of authority can result in more efficient management. The precise extent of that delegation needs to be further defined in implementing any such action.

- F6. Section 301 of the Charter provides that "the CAO is the chief executive officer of the county." (Emphasis supplied.) Section 210-a(2) of the Charter provides
- that the Board shall "appoint or remove the [CAO];
 - that at least once each year, the Board shall review and evaluate the CAO's performance; and
 - that the Board shall (1) review, and (2) accept, reject or modify all performance evaluations performed by the CAO pursuant to section 304(h) of this charter.

Section 302 of the Charter provides, in part, that "the CAO ... is evaluated by the Board, serves at its pleasure and may be removed at any time by an affirmative vote of three or more of its members." This status is also reflected in Section 2.13.020-B of the Ordinance Code, pursuant to which the CAO is "appointed by, and serves] at the pleasure of the board of supervisors. The CAO may be removed from office by majority vote of the board of supervisors at any time."

Response to F6: Respondent agrees with the finding

- F7. Section 210-a(3) of the Charter provides that the Board shall "appoint, suspend or remove all department heads except those for whose election or appointment this charter makes other provision," and that, "except as otherwise provided for herein, non-elected department heads shall serve at the pleasure of the Board of Supervisors." With regard to the selection and termination of appointed **department heads, the role of the CAO is advisory only.** Pursuant to Section 2.13.050-E of the Ordinance Code, the CAO shall "assist the board of supervisors in the recruitment and appointment of department heads in accordance with county personnel

ordinances, resolutions and policies and procedures." Section 304-h of the Charter provides that the CAO shall have the duty and power, on at least an annual basis, to "review and appraise the performance of all appointed department heads, .except County Counsel, and submit the appraisal to the Board of Supervisors." And pursuant to Section 2.13.080-B of the Code, the CAO shall "assist the board, as directed, in the filling of vacant department head positions." But Section 404 of the Charter provides, among other things, that "the position of department head shall be designated by ordinance," and that "[d]epartment heads serve at the pleasure of their appointing authority, the Board of Supervisors."

Response to F7: Respondent agrees with the finding

F8. Section 304 of the Charter provides, in part, that "the CAO shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in the charge of the CAO, or under the jurisdiction or control of the CAO, pursuant to the provisions of this Charter, or of any ordinance, resolution or order of the Board of Supervisors." **Thus, the CAO has responsibility, but no authority.** For example:

- Pursuant to Section 210-b(1) of the Charter, the Board retains direct authority, without the participation of the CAO, to "create, abolish, consolidate, segregate, assign or transfer the powers and duties of any appointive office, department, division, board or commission to the extent not in conflict with this charter;"
- Pursuant to Section 2.60.060-B of the Code, appointed department heads are exempt from the County's civil

service system, but pursuant to Section 2.13.070-1 of the Code, the CAO is required to "carry out all responsibilities in a manner which recognizes the basic responsibility and authority of the board of supervisors to determine county policy and department heads to communicate directly with the board of supervisors on issues of policy;"

- Section 304-a of the Charter provides that the CAO shall have the duty and power to coordinate the work of all offices and departments, both elective and appointive, and devise ways and means to achieve efficiency and economy in all county operations;
- Section 401 of the Charter provides that department heads and officers of the county, both elected and appointed, are to cooperate with the CAO so that the CAO may achieve complete coordination of all county activities;
- Section 2.13.005-C of the Ordinance Code recites that "the board of supervisors continues the historical direct relationship with department heads on matters of policy, and encourages them to work closely with the board and the CAO in recommending and implementing effective policy. The CAO shall act as an advisor to the board of supervisors to provide objective commentary on policy considerations;" and
- Pursuant to Section 2.13.070-F of the Code, the CAO shall "assist department heads in solving problems which inhibit efficient operation within a department or require **coordination** between departments." (Emphasis supplied.)

Response to F8: Respondent disagrees partially with the finding. Respondent disagrees with the statement that the CAO has no authority with which to carry out his or her responsibilities. Certain authority is granted by the Charter and Ordinance Code. However, Respondent agrees that the express delegation of authority is not reflective of the authority that normally would be associated with the position of a CEO.

F9. The County's Job Description, last revised in June 1990, for the position of CAO, states, among other things:

- that the CAO "**coordinates** and administers through management staff, all County functions and activities;"
- that the CAO "coordinates the activities of department heads;"
- that the CAO "has overall responsibility for ... administration and operation of all county functions, programs and activities;"
- that the CAO "is responsible for":
 - "accomplishing Board of Supervisors and County goals and objectives;" and
 - "ensuring that the community is provided with desired and mandated services in an effective, cost efficient manner;" and

that the CAO "directs through County elected officials, department heads and support staff the work of the County."
(Emphasis supplied.)

Response to F9: Respondent agrees with the finding.

F10. The independent status of elected department heads

requires a different analysis of the relationship between those department heads and the CAO. This fact is recognized in Section 2.13.005-D of the Ordinance Code, which recites that "the CAO acts as the board's representative on matters of management. The board provides department heads with the policy direction authority and resources to carry out their budgeted programs. The CAO is charged with evaluating the effective management of all county resources, and holding appointed department heads accountable for results in accord with board goals, policies and budget allocations. Well-coordinated executive management should be encouraged by the CAO. The board and administrator recognize the unique legal responsibilities and voter accountability of independently elected county executives. The CAO is responsible for working with elected officials to ensure management accountability for the resources allocated to them by the board of supervisors."

Response to F10: **Respondent agrees with the finding**

F11. Consistent with the foregoing, the Grand Jury concludes that the primary duties and responsibilities of the CAO position, as presently defined, involve (i) preparation and presentation of the County's budget, and (ii) monitoring the implementation of County programs and reporting on such implementation to the Board. For example:

- Section 304-d of the Charter provides that the CAO shall have responsibility for the administration of the budget after its adoption by the Board;
- Section 304-e of the Charter provides that the CAO shall provide for in-depth analysis and review of all

county programs on a regular basis in such a manner that the Board may make policy decisions;

Section 2.13.005-B of the Ordinance Code recites that "the CAO acts primarily on effective overall management of county resources, long-range financial and organizational planning, ensuring that county departments are producing services and results in accord with board goals, policies and budgets, improving management and information systems to ensure the most effective use of county personnel, money, facilities and equipment, and other specific duties assigned by the board of supervisors;" and

0 Pursuant to Section 2.13.070-A of the Code, the CAO is to "monitor the overall performance of departments and review methods and procedures and formulate recommendations to the board for increased efficiency."

Response to F11: Respondent agrees with the finding:

F12. The 1999-2000 Grand Jury Final Report ("2000 Report") included findings and recommendations pertaining to (i) management oversight, and (ii) charter and ordinance review.

Response to F12: Respondent agrees with the finding

F13. The 2000 Report included findings that "interactions between the BOS [Board], CAO and various department heads on day-to-day matters provide only limited insight into the effectiveness of

- departments;" and that
- "there are no systematic, formal performance audits of the actual practices of the departments with respect to documented policies and procedures and their efficacy."

No response to those findings was requested by the 1999-2000 Grand Jury.

Response to F13: **Respondent agrees with the finding.&**

- F14. The 2000 Report also included a finding that "the GAO's office is currently neither staffed nor budgeted to conduct performance audits." The then-sitting Board, in its Response to the 2000 Report, agreed with that finding.

Response to F14: **Respondent agrees with the finding**

- F15. The 2000 Report contained a recommendation "that the Board of Supervisors develop and implement a program for periodic performance audits of the various appointed departments." The then-sitting Board, in its Response to this recommendation in the 2000 Report, stated, among other things,

- that "the recommendation has been implemented,"
- that "it appears that a system of contracting for performance audits will be cost effective and serve this purpose,"
- that "there could be one or two done on an annual basis by contracting with firms that have expertise in the various areas,"

that "all departments should be considered -for inclusion," and that "the Board has approved the circulation of a Request for Proposal (RFP) in order to assess '- --the efficiency and effectiveness of the El Dorado County Department of Transportation (DOT)."

Response to F15: **ResPondent agrees with the finding.**

- F16. This Grand Jury does not disagree with the desirability of such performance audits of appointed departments, see Finding F15. This Grand Jury also concludes, however, that the results of those audits will not significantly improve the efficiency of County government unless and until a single responsible authority is empowered to implement appropriate recommendations contained in the audits. This Grand Jury concludes that accountability by department heads to everybody, i.e., to the members of the Board collectively, effectively means accountability to nobody, at least until such time as inadequacies of performance have become so extreme as to be publicly intolerable. That, in this Grand Jury's view, is not an appropriate way to administer County government.

Response to F16: **Respondent disagrees partially with the finding.** The Respondent does not agree with the statement that concludes that " . . . accountability by department heads to everybody, i.e., to the member of the Board collectively, effectively means accountability to nobody . . ." We believe that the current structure does provide for accountability of department heads through oversight by the Board and through the evaluation of the performance of the department

heads. This has resulted in performance shortcomings being brought to the attention of department heads.

FIT The Grand Jury received a 62% rate of [responses.to](#) its survey questionnaire. Approximately 50% of the counties responding stated that they had either a County Manager or a Chief Executive Officer with "full executive authority over all aspects of county administration, including department heads." Only three of the responding counties indicated that their department heads reported directly to the Board of Supervisors, and one indicated that its department heads reported to both the Board and the CAO.

Response to F17: Respondent agrees with the finding

Recommendations

R1. The County's highest administrative officer should be a CEO. The CEO should be accountable to the Board for the proper and efficient administration of the business of the County, including the implementation of Board policy and the execution of budgetary requirements. All appointed department heads should operate under the authority of, should report directly to, and should be accountable to, the CEO.

Response to R1: **The recommendaton requires further analysis.** Based upon review already undertaken, the Board agrees that the CAO should be given greater authority over and responsibility for the proper and efficient administration

of the business of the County, including the implementation of Board policy and execution of budgetary requirements. The Board agrees that this includes a more direct reporting relationship between appointed department heads and the CAO, and a greater degree of accountability of the appointed department heads to the CAO. However, the Board has not yet completed its review of this matter nor has it reached a final determination on the extent to which such authority should be vested in the CAO, and the extent to which such a change can, or if it should, be accomplished without amendments to the Charter that would require voter approval. Therefore, the CAO, in conjunction with County Counsel, is directed to compile the available information which has been marshaled in the course of the Board's study of this matter, including any additional information deemed relevant, as well as a delineation of possible areas of delegation of authority to the CAO along with analysis of the steps required to implement the alternative courses of action. The study shall be completed and returned to the Board within six months of the publication of the Grand Jury's report.

- R2. The Board should take all necessary and appropriate steps to establish accountability in the management structure of the County by making the highest administrative position within County Government a position that allows its occupant to exercise strong executive authority commensurate with the responsibilities of the position.

Response to R2: **The recommendation requires further analysis.** As noted in the response to R1, the Board is supportive of giving the CAO increased authority over the

operations of the County. However, the study referenced in that response is needed before the Board can commit to specific actions to effect that change. The Interim CAO, in conjunction with County Counsel, shall analyze the extent to which such an increase in the authority of the CAO can, or if it should, be accomplished without Charter amendments and shall identify specific changes in ordinances or policies that would provide for such increased authority. This analysis shall be done in conjunction with the study referenced in the response to R1 and shall be presented to the Board not later than six months after the publication of the Grand jury's report. Issues related to whether changes should be proposed to the Charter should be referred to a Charter Review Committee that is expected to be convened within the year.

- R3. . To the extent necessary to accomplish the purposes described in Recommendations R1 and R2, the Board should direct the Department of Human Resources to draft a revised Job Description to provide that the occupant of the highest administrative position within the County be called the CEO and perform all the functions of a CEO. The Grand Jury recognizes that, in order to implement this recommendation, the Board may be required to make changes to the Ordinance Code and/or to proposed changes to the Charter.

Response to R3: **The recommendation has been partially implemented. The recommendation requires further analysis in certain respects.** The Board has directed staff to work with County consultants to develop and present to the Board a new job description for the CAO reflecting increased authority to the extent feasible without amendments to the

County Charter. Finalization of the job description will require the results of the studies being conducted under the responses to R1 and R2. The job description will be presented to the Board not later than the studies referenced above. Any changes in the position of CAO that require amendments to the County Charter shall be referred to the Charter Review Committee to be convened.

Responses Required:

Findings:

F1 through F17: El Dorado County Board of Supervisors

Recommendations:

R1 through R3: El Dorado County Board of Supervisors

EXHIBIT - Report
Dated October 10, 2001

EL DORADO COUNTY GRAND JURY 2001/02

Criminal Justice Committee Final Report as of 10/10/01 El Dorado County jail, South Lake Tahoe

Reason for the Report

The California Penal Code authorizes and directs Grand Juries to inspect and report annually on the operations of all public prisons located within the boundaries of each county.

Scope of the Investigation

Members of the Grand jury made an announced inspection of the South Lake Tahoe jail facility on August 15, 2001.

- Members of the Grand jury were given a comprehensive tour of the jail by the Administrative Sergeant;
- Members of the Criminal Justice Committee had a post-tour meeting with the jail Commander;
- The following written materials were reviewed by the Committee and discussed with the jail Commander:
 - Policy and Procedures Manual
 - Inmate Orientation Booklet
 - Job Description Manual
 - Statistical Reports regarding Inmate Population
 - Board of Corrections Inspection Report
- Grand Jury Reports for 1998/99, 1999/00, and 2000/01 were reviewed.

Findings

- F1. All areas of the jail were exceptionally clean.
- F2. The jail is generally well maintained -painting, equipment, appliances, etc.
- F3. Staff were well groomed and cooperative.
- F4. When arrestees are received and booked, the process is taped.
- F5. Personal visits are restricted to immediate family members; the visits are non-contact.
- F6. Staff training appears to be adequate.
- F7. Every security position has written orders, which are reviewed by the assigned correctional officer, and are signed and dated by that officer.

- F8. Non-lethal weapons, such as gas, are stored in a locked room - only staff have access. Within the room, the non-lethal weapons are in a locked locker - only the jail Commander and the Sergeants have keys. Note: The 2000/01 Grand jury found a problem with weapons storage. The problem has been corrected.
- F9. Staffing appears adequate considering the type of facility, construction, and numbers and kinds of inmates:
- 1 Lieutenant
 - 6 Sergeants
 - 26 Correctional Officers
 - 7 Sheriffs Assistants
 - 1 Aide
- Note: Only the Lieutenant is a Peace Officer. Therefore, the Sergeants and Correctional Officers cannot use lethal weapons (i.e. guns).
- F10. The medical program is provided by a contract company - RN on days, LVN at night, and an MD always on call.
- F11. Programs such as AA, Narcotics Anonymous, and Anger Management are provided to inmates by volunteers from the community.
- F12. Inmate appeals and discipline are handled appropriately as prescribed by the Board of Corrections, Title 15, California Code of Regulations.
- F13. No "musty odor" was noticed. The 2000/01 Grand Jury Report documented a "musty odor" especially in the access area.
- F14. All members of the Grand jury were impressed by the knowledge, dedication, and high level of interest of the jail Commander.
- F15. Cracks in the concrete were observed in various parts of the jail. Of special concern were the cracks found in the kitchen.
- F16. The ADA pedestrian ramp located in the front of the jail is cracked and buckling. This is an obvious safety issue. Approval was granted to fix the ramp in 1998 and no action has been taken.

Recommendations

- R1. The cracks in the concrete found in various parts of the jail need to be fixed - especially the one in the kitchen.

The ADA pedestrian ramp located in front of the jail should be removed, redesigned and replaced. In addition, a canopy should be placed over it so that in the winter ice and snow are not a problem. This project has been authorized and approved since 1998, however has still not been started. This creates a hazard for all who need to

MENTAL HEALTH COMMITTEE

El Dorado County Department of Mental Health

Citizen Complaint #01/02-C-018
Citizen Complaint #01/02-C-032
Citizen Complaint #01/02-C-041
Citizen Complaint #01/02-C-042
Citizen Complaint #01/02-C-043
Citizen Complaint #01/02-C-048
Citizen Complaint #01/02-C-049
Citizen Complaint #01/02-C-050
Citizen Complaint #01/02-C-051

Reason for the Report

The Grand Jury investigated the Department of Mental Health (DMH) with particular focus on the South Lake Tahoe Mental Health Clinic (Clinic). A number of complaints were received raising serious issues, such as lack of space and deficiencies in programs. Preliminary investigation revealed that there were, in fact, problems. The County's population is increasing, as is the number of mentally ill people who need county mental health services.

Scope of the Investigation

Members of the Grand Jury toured these facilities:

- South Lake Tahoe Mental Health Clinic on two occasions;
- Barton Memorial Hospital in South Lake Tahoe;
- Tahoe Manor Residential Care (Tahoe Manor) in South Lake Tahoe;
- El Dorado County Jail at South Lake Tahoe;
- DMH Psychiatric Health Facility (PHF) in Placerville; and
- El Dorado County Juvenile Hall in Placerville on several occasions.

Members of the Grand Jury attended a Jail Diversion Seminar in South Lake Tahoe.

The following documents were reviewed:

- The County's 2001-2002 Proposed Budget and Workplan (2001-2001 Budget/Workplan);
- County contract with Tahoe Manor;
- Letter from California Department of Social Services (CDSS) regarding Tahoe Manor;
- Copy of complaint to CDSS regarding Tahoe Manor;
- Complaint Investigation Report, CDSS, regarding Tahoe Manor;

- Facility Evaluation Reports, CDSS, regarding Tahoe Manor dated April 24, 2001, and April 14, 2000;
- CDSS Denial of Request for Dementia Waiver for Tahoe Manor dated October 16, 2000;
- County Environmental Management Report for Tahoe Manor dated December 13, 2001;
- County Contract with Barton Memorial Hospital;
- Report by Barton Memorial Hospital titled “Response Time of Mental Health Crises Workers;”
- Minutes for Meetings of the Mental Health Commission, South Lake Tahoe for the past 12 months;
- Letter and Report from the Program Manager regarding unmet needs for South Lake Tahoe Mental Health Clinic dated April 17, 2002;
- DMH Program Costs and Services Statistical Analysis comparing workloads and costs in the month of January 2001 to the month of January 2002;
- Document listing grant funding efforts from 1987 to present;
- Correspondence from Superior Court Judge pertaining to mental health issues at South Lake Tahoe;
- Barton Memorial Hospital Report "Indicator Profiles on Mental Health Services in Emergency Room"
- Last DMH performance evaluation for Clinic Program Manager dated October 18, 1991;
- National Association for Mentally Ill (NAMI) documents "Homeless and Incarcerated: Untreated Mentally Ill";
- Time Study by DMH on psychiatric emergency services from October 16, 2000, to November 22, 2000;
- Clinic Program Summaries;
- Organization Chart for the Clinic;
- Letter from concerned parent about the Clinic;
- NAMI report to Board of Supervisors " Proposal for Improving Mental Health System" dated August 22, 2001;
- Job Description for the DMH Deputy Director;
- DMH Report to the Board of Supervisors titled Facility and Space Needs Assessment, dated December 2000;
- Letter from DMH Director on "Space Needs in South Lake Tahoe Mental Health Clinic" dated September 3, 1999;
- Summary of correspondence to acquire additional clinic space in South Lake Tahoe written by the Clinic Program Manager between January 23, 2000, and March 25, 2002;
- NAMI correspondence "Emergency Crisis Hot Line Service Compared to Other California Counties"; and
- Various pieces of correspondence relating to contracts and complaints.

The following persons were interviewed:

- DMH Director;
- DMH Deputy Director;
- Clinic Program Manager;
- Clinic Adult Day Treatment Program staff;
- Clinic Adult and Emergency Services staff;
- Clinic Children's Services staff;
- Clinic Administration staff;
- DMH Patient's Rights Advocate;
- Concerned parents;
- Mentally ill jail inmate;
- Social Worker, Barton Memorial Hospital;
- NAMI, South Lake Tahoe, President and three members; and
- The Complainants.

Findings

Structure, Organization and Budget

- F1: The DMH is organized to deliver services through five program divisions and two administrative divisions. The program divisions are Adult Day Treatment, Adult Services, Children's Services, Mental Health Clinical Services, and the Psychiatric Health Facility (PHF) in Placerville, referred to as the PUFF unit. There are two administrative divisions: 1) Central Administration, and 2) Administration of State Hospital and Institute for Mental Disease (IMD) beds.
- F2: DMH has approximately 99 employees in the County. The department is housed in four separate locations: three in Placerville and one in South Lake Tahoe.
- F3: The position of Deputy Director of DMH was authorized and budgeted in 2000 and filled in January 2001. The Deputy Director has no line authority in the organizational structure of the Department and does not conduct performance evaluations. Program manager's report directly to the Director. The Deputy Director functions as a coordinator. His job description is non-specific. It appears that the Deputy Director's primary responsibilities are to:
- Promote the use of Inter Trac for electronic records;
 - Improve coordination and communication between the administrative staff in Placerville and the management staff in the Clinic;
 - Work on the budget and fiscal policy issues; and
 - Implement improvements in mental health services at Juvenile Hall in Placerville and the anticipated South Lake Tahoe Juvenile Hall.

- F4: The DMH budget for 2001/2002 is approximately \$9.75 million, which includes \$345,581.00 from the County's General Fund. This General Fund contribution is at the same level of support the Department has received from the County's General Fund (Department 15) during the previous two fiscal years.
- F5: The General Fund contribution of \$345,581.00 to the Department provides a \$30,000.00 match required by the State of California (State) for mental health services and \$315,581.00, primarily for approximately 10 children who require high levels of mental health services in foster care and psychiatric facilities where costs range from \$3,000.00 to \$12,000.00 per month per child.
- F6: The \$315,581.00 contribution is referred to as an "overmatch" in the 2001/2002 Budget/Workplan (P. 237) because the County is not required by the State to provide this additional financial support for the County's mental health programs.
- F7: According to the 2001/2002 Budget/Workplan (P. 238), which was approved by the Board of Supervisors (Board) in September 2001, "beginning in Fiscal Year (FY) 2002/2003 the County will reduce its overmatch by 50%" until in FY 2003/2004 "the County match will include only the required \$30,000.00."
- F8: The Interim Chief Administrative Officer (ICAO) recommended the elimination of the "overmatch" over a two year period based on estimated increases in Sales Tax Realignment revenue for the Department. Sales tax growth projections are calculated by the County's Auditor Controller.
- F9: The ICAO's recommendation to eliminate the "overmatch" and the Board's approval of that recommendation by adopting the 2001/2002 Budget/Workplan, also make the assumption that the County's claims for reimbursement of state-mandated services will be paid according to the requirements of Senate Bill 90 (SB90). The Department received these reimbursement funds for the first time during FY 2001/2002 for mental health related SB90 mandated services. Most of these reimbursement funds were used to relocate the Adult Day Program in Placerville to a new facility on Mallard Lane, a move that was long overdue.
- F10: The State of California and the "claiming counties" have not resolved all of the disputes arising from the interpretation of SB90's requirements and State-mandated services. The State could discontinue reimbursing claims at any time, especially given the State's current budget crisis.
- F11: The Board's allocation of discretionary revenues from the General Fund is a clear indication to the public of the Board's priorities for projects and programs. In adopting the 2001/2002 Budget/Workplan, the Board neither agendaized nor discussed a policy decision to eliminate discretionary General Fund support for mental health programs in the County. Nevertheless, except for the County's mandated "match" of \$30,000.00, such an elimination will be accomplished no later than FY 2003/2004.

- F12: DMH uses Inter Trac, a computer software tracking system. Inter Trac software is used by every county mental health department in the State. It is primarily a management tool, utilized to record contact information, collect and transmit data, and compile statistical reports. The County obtained 40 licenses with the original software vendor agreement several years ago and pays \$50.00 per license per year.
- F13: Inter Trac is currently being used by 72 licensed therapists in DMH, including the PHF unit. Administrative and management personnel can review the number and quality of therapist/client contacts on a regular basis to improve service and to identify discrepancies in the delivery of services. The use of Inter Trac has improved the efficiency of case management. It makes transmittal of records and coordination of services for clients transferring between counties or from the Clinic to Placerville (and vice versa) much easier and faster. This is particularly important in providing crisis intervention services for clients in South Lake Tahoe who are transported to the PHF unit in Placerville.

South Lake Tahoe Mental Health Clinic (Clinic)

- F14: The Clinic has been allocated 36 positions out of the 99 total authorized positions in DMH.
- F15: The Clinic, under the South Lake Tahoe Mental Health Program Manager, is organized in seven units: one administrative services unit, one accounting services unit, and five program delivery units,
- F16: The Clinic's Administrative Services unit has three authorized positions: Mental Health Program Manager, Administrative Assistant, and Medical Records Technician.
- F17: The Clinic's Accounting Services unit has two authorized positions for a Senior Fiscal Assistant and a Fiscal Assistant II.
- F18: The Clinic's Medication Services unit consists of two Consulting Psychiatrists, one specializing in adult services and the other in children's services.
- F19: The Clinic program for Adult Emergency (Crisis Services) and Adult Mental Health Services is managed by a Mental Health Program Coordinator II and staffed by two Mental Health Clinicians (one position is vacant) and a Psychiatric Case Manager. Two interns assist this unit.
- F20: Adult and Emergency Services is responsible for providing:
- Psychiatric emergency services, 24/7, for all client emergencies, including children, and new emergency calls;
 - Mental health services, assessment, and counseling for adults;

- Case management services to assist clients with obtaining other services as needed;
 - Medication services for clients;
 - Coordination of services in liaison with 10 other agencies in the community;
 - Recruitment, supervision, and training of extra-help staff; and
 - Cardiopulmonary resuscitation (CPR) and first aid training for staff.
- F21: As of December 2001, Adult and Emergency Services provided services to 150 clients on a regular basis. In addition to providing services to regular clients, Adult and Emergency Services staff must respond quickly to mental health crisis calls. For example, the unit had 142 crises and triage assessments in September 2001 and 120 crises and triage assessments in October 2001.
- F22: The Adult and Emergency Services staff handle crisis line calls on weekdays during regular business hours between 8 a.m. and 5 p.m.. Contract employees handle after hour's calls between 5 p.m. and 8 a.m. weekdays and on a 24-hour basis on all weekends and holidays.
- F23: After regular business hours, crisis calls are routed through an answering service, where information is collected and forwarded by pager to one contract employee who has been scheduled as the crisis worker for that shift. That crisis worker must then call the answering service back, and then call the person reporting the emergency. Each of these steps requires time and creates delays in the communication process.
- F24: Because of the response time, the mental condition of callers experiencing mental health crises and/or threatening suicide is aggravated by delays inherent in the procedure described in the preceding Finding.
- F25: Typical response time ranges from five to 10 minutes when the after-hours crisis worker responds by telephone to the pager. This type of crisis line response procedure is not adequate, particularly in comparison to the immediate response to 911 calls by trained dispatchers.
- F26: There is an extremely high turnover in crisis workers employed as contract employees. Training is ongoing because of the nature of the work. Crisis workers must have Bachelor of Arts degrees in mental health or a related field. Work experience is not required.
- F27: Contract employees are paid on a standby basis at a rate of \$1.20 per hour to carry a pager. They are paid \$16.49 per hour if they have to respond to a call. Their time starts at the time they respond to the pager. This payment system is not adequate to recruit and to retain trained contract employees for crisis call responses.
- F28: Prior to 1992, the Adult and Emergency Services unit operated a three-shift system with a professional crisis team of two employees on duty on all shifts. Funding cuts

- resulting from establishment of the State's Education Revenue Augmentation Fund (ERAF) eliminated the professionally staffed shift system.
- F29: The elimination of the three-shift schedule was a budgetary decision. The original procedure was very effective because it significantly reduced response time for a client in crisis.
- F30: The Adult and Emergency Services unit must rely on the rest of the Clinic staff in other units as back up for crisis intervention. This means that the Clinic staff does crisis work at night and on weekends, in addition to providing mental health services to their regular clients during normal business hours.
- F31: The requirement for immediate response in crisis situations makes it imperative that crisis workers live in the South Lake Tahoe area. Salaries for crisis workers are inadequate because of the cost of living in South Lake Tahoe. This makes recruitment and retention of trained crisis workers very difficult.
- F32: The Adult Day Rehabilitation and Case Management Unit (Adult Day Treatment) for the severely and chronically mentally ill is managed by a Mental Health Program Coordinator I at the Clinic. This position is filled currently by a new probationary employee. The unit is staffed by a Mental Health Worker II, a Psychiatric Technician II, and a Mental Health Clinician I. The position of Psychiatric Technician II is also filled by a new probationary employee, and the position of Mental Health Clinician I is vacant.
- F33: Adult Day Treatment is an organized daily program that provides therapeutic activities for severely and chronically mentally ill adults who are at risk of hospitalization. This program is conducted at the Clinic site in a room space of less than 400 square feet. The space is inadequate for the current number of participants - 15 to 17 clients and three staff members. Based on current needs and interest, the program could serve up to 15 additional clients each day if adequate space were available. Requests for and attempts to find space for this program have been ongoing for at least four years.
- F34: According to DMH policy, the Clinic cannot have a petty cash fund on site for staff to use in paying small expenses for Adult Day Treatment, i.e., parking and admission fees at local recreation sites, activities and excursions. The unavailability of a petty cash fund greatly limits participation in Adult Day Treatment.
- F35: Adult Day Treatment has a rehabilitation schedule of planned socialization activities for clients who would otherwise be isolated and non-communicative. They meet four afternoons each week, Monday through Thursday, and are encouraged to participate in the following activities:
- Peer support which promotes communal activity;
 - Community awareness, current events, and resources;

- Yoga and range of motion exercises;
 - Meal preparation;
 - Bowling and active recreation pursuits;
 - Outings to the library, parks, and recreation areas; and
 - Excursions to Carson City and Reno.
- F36: Clients are not participating in some of the "hands-on" experiences described as objectives of Adult Day Treatment activities. For example, clients do not prepare meals, even though these activities are on the schedule, because kitchen facilities are inadequate.
- F37: The Adult Day Treatment program at the Clinic does not have enough staff, space, or funding to provide mental health services to the increasing number of clients.
- F38: The Tahoe Opportunity Project (TOP), a state grant-funded program, provides services to mentally ill homeless adults, those who are in danger of becoming homeless, and those who are incarcerated. TOP is managed by a Mental Health Program Coordinator II with a staff of seven. The Coordinator's position is vacant.
- F39: TOP provides these clients with food, clothing, and shelter and helps them obtain treatment for mental health problems, substance abuse, and medical conditions. A psychiatrist at the Clinic provides services to TOP clients up to a maximum of 5 hours per client.
- F40: TOP receives state grant funds of \$800,000 annually. The TOP program, led by the Clinic, is a collaborative effort by public agencies, such as the County's Departments of Public Health, Community Services, and Veterans Services, as well as private, non-profit agencies, including the Sierra Recovery Center, Barton Memorial Hospital, and the Family Resource Center.
- F41: TOP recently leased a transition house in South Lake Tahoe, which has five beds and is supervised by a TOP staff member and a live-in house manager. This house serves as a transition site for clients needing a more intensive residential treatment environment before advancing to higher levels of self-sufficiency and independent living. Fifteen clients have used the house since it was leased.
- F42: Children's Mental Health, Day Rehabilitation (Children's Day Treatment) and Primary Intervention Services are managed by a Mental Health Program Coordinator II at the Clinic. This unit is staffed by four Mental Health Clinicians, a Mental Health Social Work Intern, a Parent Partner, and four Primary Intervention Aides.
- F43: Children's Day Treatment does not have a dedicated 24-hour crisis line. Resources such as respite care, licensed foster homes, and group care facilities are inadequate.
- F44: The Clinic has a critical shortage of space for children's services. There is no partitioned space in the waiting room/reception area to separate adult clients from

families and children. There is no privacy, play area, or counseling room dedicated to children's use. A play therapy room was recently converted to office space for staff.

F45: The Clinic does not have enough authorized positions for clinical staff to meet the treatment needs of seriously mentally ill children in the South Lake Tahoe area.

Clinic Facilities

F46: The Clinic is operating in inadequate space of 3,475 square feet. Some of the major concerns are:

- Some clients, including children and adults with mental and physical problems, have difficulty negotiating the elevator and the narrow, dark stairway to the Clinic location on the second floor.
- There are 36 authorized positions that must share small offices, leaving little privacy for confidentiality between staff and clients.
- 300 clients access this facility (not counting parents and others).
- The cramped, inadequate space negatively impacts programs. For example, the Adult Day Treatment program has a small room for up to 17 clients and three staff members, limiting important activities and the ability to increase the number of participating clients.
- Record storage space is totally inadequate. Some confidential records are stored in the hallway.

F47: There are serious fire/life safety issues in the Clinic facility:

- Because the Clinic is on the second floor, evacuation would be difficult for everyone, especially mentally impaired clients, in the event of an emergency. The number of clients who access the Clinic is excessive for the square footage.
- The building is constructed of wood, and the “combustible load” (all those things that would burn easily) is great.
- The building does not have fire sprinklers, smoke detectors, a central fire alarm system, air packs, or an automatic external defibrillator (AED).
- Fire drills, including emergency evacuations, are not routinely conducted.

F48: The space for Adult Day Treatment is inadequate. For example:

- There is one kitchen sink, one stove without a ventilation hood, one small refrigerator/freezer, limited food preparation/counter space, and limited cabinet space to store kitchen supplies.
- The activity space is combined with the food preparation space and storage for supplies to serve meals is located in the hallway.
- The space is too small for an activity room, and there is not a separate group conference room.
- There is not a private access to Day Treatment staff offices; the only access is through the activity room.

- F49: The County requires property owners to make tenant improvements before the County will enter into any lease. This requirement makes leasing new property almost impossible, given the limited amount of available lease space in South Lake Tahoe.
- F50: The City of South Lake Tahoe has not been helpful in providing "fast track" services to enable the County to meet the City's requirements for new Adult Day Treatment space. In addition, the Tahoe Regional Planning Authority (TRPA) restricts sites where Clinic services like the Adult Day Treatment program can be located.
- F51: Repeated promises by Clinic staff that the Adult Day Treatment program would be relocated to a more adequate space have not been fulfilled. This has created credibility problems among clients, their families, and staff members.
- F52: The Department of General Services (DGS) and its Real Property Planning and Administration (RPPA) division historically have not responded in a timely manner to opportunities to acquire new lease space for the Clinic and its programs.
- F53: After more than four years of unsuccessful attempts to find adequate space for the Adult Day Treatment program, the County has made arrangements to move both the TOP and Adult Day Treatment programs into adequate space by relocating other county offices from existing county-leased facilities in South Lake Tahoe. The move is scheduled for July 2002.

Personnel and Staffing

- F54: The Department Director is responsible for performance evaluations for the Deputy Director and Program Managers. Some Program Managers have not had formal performance evaluations in more than 10 years.
- F55: The Deputy Director has not had a formal performance evaluation since being appointed to the position in January 2001.
- F56: The Deputy Director does not have line authority to conduct formal performance evaluations for program managers or coordinators.
- F57: Probationary employees in supervisory positions are conducting performance evaluations of probationary employees. It is unclear whether or not they have the experience or training to conduct such evaluations. The County provides no formal training for that purpose.
- F58: Performance evaluations do not always reflect the actual performance of employees because DMH does not require its managers and coordinators to do so.

- F59: There is a lack of communication among the administrators, managers, coordinators and staff of DMH.
- F60: DMH does not always include or involve the South Lake Tahoe Mental Health Clinic Program Manager in decisions relating to programs, budgets, and staffing. Managers have not always been advised or consulted on changes in their own programs and staffing before changes are announced.
- F61: Staff turnover in the Clinic is high. There were four clinical positions vacant in the past year. These vacancies cause staffing and service delivery problems because positions remain vacant for months. Some of the reasons include:
- An acute shortage of psychiatrists exists, not only in South Lake Tahoe, but throughout the State of California.
 - The high cost of housing in South Lake Tahoe makes it difficult to recruit employees to live in that area.
 - A salary differential of only \$175.00 per month for employees in South Lake Tahoe does not cover the additional cost of housing and transportation.
 - The County does not pay relocation expenses for new employees.
 - The required one-year probationary period is an impediment to recruiting prospective new employees for positions in South Lake Tahoe.
 - Contract employees have no permanent employee status or representation in bargaining units in the County.
- F62: The Clinic's professional staff have private practices and are allowed to use management leave and supervisory leave as compensatory time off to conduct their practices during normal weekday business hours between 8 a.m. and 5 p.m.. These practices conflict with the scheduling of work and caseloads for other employees.
- F63: There is an abuse of sick leave at the Clinic.
- F64: Because of improper management, and for other reasons, employees work through normal breaks and lunch periods.
- F65: Policies regarding work and duty hours are not enforced. Employees are allowed to work at home without accounting for their time, and employees are not always recording work beyond the normal eight hours, for which they are entitled to be paid overtime.
- F66: The Clinic has higher staffing ratios and receives a greater proportion of DMH's budget, relative to caseloads and costs of services, than the Western Slope.
- F67: Since the position of Deputy Director of DMH was filled in January 2001, the Clinic has received substantially more on-site administrative and management support because of the Clinic's high priority and the interest level of the Deputy Director.

Community Resources

- F68: There is currently one volunteer to assist at the Clinic. Privacy issues preclude active volunteer recruitment and participation in mental health programs with clients. Tahoe Cares, a coalition of non-profit community and religious organizations, provides informal support on a case-by-case basis as requested by the TOP Program Coordinator.
- F69: The National Alliance for the Mentally Ill (NAMI) is an active organization in the South Lake Tahoe area, and the NAMI representative works to assure that the laws regarding mental health are being implemented. NAMI also is involved in educating family members of patients regarding the legal rights of the mentally ill.
- F70: The El Dorado County Mental Health Commission at South Lake Tahoe meets monthly to address issues concerning mental health services, such as programs, facilities, staffing, funding and resources.
- F71: Barton Memorial Hospital is a private, non-profit, accredited medical facility which contracts with the County to provide emergency service to mentally impaired persons. Crisis workers from the Clinic evaluate patients in the emergency room to determine immediate needs, assist with diagnoses, and provide referrals for treatment.
- F72: Barton Memorial Hospital has no psychiatric beds and does not admit patients diagnosed with psychiatric illnesses unless they also have medical conditions that warrant hospitalization. The hospital is not equipped to diagnose or treat mentally ill patients or provide mental health services. There is no psychiatrist on staff.
- F73: Members of the Grand Jury toured the hospital emergency rooms and several floors of the facility, and found them to be very clean and well maintained. There is only one examination room in the emergency room area with an observation window. When the examination rooms are full, this particular room, which is preferred for psychiatric observation, may not be immediately available.
- F74: Security at Barton Memorial Hospital is provided by the maintenance staff, who have received special training and who are available on every shift. When restraint is necessary to control mentally ill patients, the preferred method of restraint is medication, rather than physical restraint, to reduce injuries to patients and staff.
- F75: Tahoe Manor Residential Care (Tahoe Manor) is a privately owned, state licensed board and care facility in South Lake Tahoe with accommodations for 49 residents. Fifteen of the residents are clients of the Clinic.
- F76: Tahoe Manor is the only residential care facility in El Dorado County that accepts Supplemental Security Income (SSI) payments for board and care residents. The County contracts with Tahoe Manor for residential care for clients who are also receiving mental health services at the Clinic.

- F77: Grand Jury members toured Tahoe Manor without an appointment. During the visit, no group activities were observed. The physical layout and floor plan are not adequate for group activities and events. Hallways are narrow. There is no designated activity area except a small day room and a dining room. The overall appearance of the facility is drab, but it is moderately clean.
- F78: Tahoe Manor is not licensed to accept residents who have been diagnosed with dementia. A request for a dementia waiver was denied by the Department of Social Services of the State of California in October 2000.
- F79: Monthly payments from the County to the contractor at Tahoe Manor were approximately two months in arrears. The County's requirement that invoices be routed through several different departments slows payment processing and discourages providers from contracting with the County.
- F80: The annual licensing review and evaluation of Tahoe Manor by the State Department of Social Services, called a Facility Evaluation Report and dated April 2000, identified four deficiencies:
- Medications were not stored, locked, labeled, and dispersed according to regulations.
 - Medications were being set up more than 24 hours in advance.
 - Hazardous areas in the laundry room were accessible to residents.
 - Staffing was not sufficient to meet state licensing standards.
- F81: The Facility Evaluation Report for Tahoe Manor dated April 2001 showed no deficiencies in the community care licensing standards. The resident census at that time was 35, which was 14 less than the maximum allowed number of 49 residents.
- F82: The 2002 Facility evaluation and inspection of Tahoe Manor has not yet been conducted.

Recommendations

- R1: The Deputy Director should have line-authority over program managers in DMH. This should be included in the job description for the position.
- R2: The DMH Director and the Board should authorize a new position, Assistant Director, for DMH. The title of Program Manager at the Clinic should be eliminated, and the Assistant Director should be given full authority and responsibility for Clinic programs and facility operations in the South Lake Tahoe area of the County.
- R3: The DMH Director, the CAO, and the Board should establish new written standards and policies based on published data, to recognize the higher costs of housing, transportation, relocation and other pertinent factors, to adjust salary schedules for

employees in South Lake Tahoe. Those standards and policies should provide incentives to attract new qualified employees and to retain employees at South Lake Tahoe.

- R4: The Board has been informed of critical unmet needs in services and facilities for the severely and chronically mentally ill at South Lake Tahoe and the Western Slope of the County. If funding for mental health services is to be a low priority of the Board, as evidenced by the planned elimination of discretionary General Fund support for DMH, the Board should publicly acknowledge that policy in open discussion and written policy directives. It should not be buried in a few small paragraphs in a several hundred-page Budget/Workplan.
- R5: The Board should direct the CAO to eliminate the use of the word "overmatch" from budget documents because it implies that the County has no responsibility to provide services to the mentally ill in the County if those services must be provided with discretionary revenues from the General Fund (Department 15).
- R6: The Board should prepare an agenda to introduce a full discussion of the County's responsibility for mental health services to all clients on an equitable and adequate basis.
- R7: The Board should provide adequate facilities for the Clinic to accommodate programs, staffing and services. It was unconscionable for the Board to use discretionary funds for Community Enhancement Projects, like the grant of \$100,000.00 for the South Lake Tahoe Animal Shelter, while failing to provide adequate space for treatment of the severely and chronically mentally ill clients of the Clinic who are the least able members of our community to fend for themselves.
- R8: The DMH Director should require annual performance evaluations for all employees at every level.
- R9: The DMH Director, with the assistance of the Department of Human Resources, should provide training programs for new supervisors and managers to enable them to undertake and complete performance evaluations with accuracy and consistency.
- R10: DMH should improve the crisis-line for Adult and Emergency Services by:
- Eliminating the answering service and pager referral system and instituting a system similar to the 911 emergency call system with operators trained in crisis services; and
 - Providing funds sufficient for trained contract employees to have enough back up to respond to more than one emergency call at a time.
- R11: DMH should make it a budget priority to provide a pay scale for crisis workers after hours so that the Clinic can retain trained crisis workers.

- R12: DMH should revise its policy and allow the Clinic to use a petty cash fund. This would give the Adult Day Treatment staff flexibility in conducting activities scheduled for participants, without the need to cancel planned activities because of complicated reimbursement procedures or the lack of a few dollars for admission fees.
- R13: The Adult Day Treatment program should provide more varied daily activities with hands-on experiences in cooking, crafts, art, computer use, gardening and painting, similar to those provided at the county facility in Placerville.
- R14: The Adult Day Treatment hours should be extended to match program hours in Placerville. The Adult Day Treatment program should encourage volunteers and "consumers" (clients who are compensated for providing peer counseling services) to use their skills by offering clients instructional programs for personal development.
- R15: The Adult Day Treatment staff should investigate programs in other counties for new ideas to be used at the Clinic.
- R16: DMH should evaluate other facilities in the Lake Tahoe area which have the capability of providing the residential care services needed by clients of the Clinic, for potential contract purposes.
- R17: A management audit of DMH should be conducted to determine the reasons for disparities in workloads and productivity levels between the Clinic and Placerville.

Commendations

The Grand Jury commends the Deputy Director for recognizing the problems in South Lake Tahoe and commends the Director for supporting the Deputy Director's efforts to solve these problems.

The Grand Jury commends DMH for improving the use of Inter Trac and the skills of employees who use Inter Trac.

The Grand Jury recognizes the tireless efforts of NAMI on behalf of the mentally ill in South Lake Tahoe.

Responses Required for Findings

F1 through F82	El Dorado County Board of Supervisors El Dorado County Department of Mental Health
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Responses Required for Recommendations

R1 through R17	El Dorado County Board of Supervisors El Dorado County Department of Mental Health
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PUBLIC SCHOOL BUILDINGS AND GROUNDS COMMITTEES

Inspections of Public Schools

Reason for the Report

The 2001/2002 El Dorado County Grand Jury decided to visit a random selection of schools in the county, some of which had been the subject of previous Grand Jury reports. The purpose of the visit was to determine the condition of the school facilities and for public awareness.

Scope of the Investigation

Grand Jury members reviewed Grand Jury Reports from 1998/1999, 1999/2000 and 2000/2001.

Grand Jury members interviewed school administrators and other personnel to ascertain, among other things, their views concerning the conditions of their schools and when each was originally constructed. Attached to this Report is an exhibit which identifies each school in the county and its original construction date. Additionally, Grand Jury members toured the following school sites:

- | | | |
|--------------------------|------|--|
| • Edwin Markham School | 6-8 | Placerville Union School District; |
| • Buckeye School | K-6 | Buckeye Union School District; |
| • William Brooks School | K-6 | Buckeye Union School District; |
| • Camino School | K-8 | Camino Union School District; |
| • El Dorado High School | 9-12 | El Dorado Union High School District; |
| • Oak Ridge High School | 9-12 | El Dorado Union High School District; |
| • Gold Oak School | K-5 | Gold Oak Union School District; |
| • Pleasant Valley School | 6-8 | Gold Oak Union School District; |
| • Charles Brown School | K-5 | Mother Lode Union School District; |
| • Indian Creek School | K-5 | Mother Lode Union School District; and |
| • Pinewood School | K-4 | Pollock Pines School District. |

Findings

- F1: With the exceptions noted below, the Grand Jury found the general structural conditions of schools visited to be adequate or better.
- F2: Concerns addressed in the 1999/2000 and 2000/2001 Grand Jury's Reports, as they related to the schools visited by the 2001/2002 Grand Jury, have been addressed and corrected.

- F3: Construction dates of the schools, as reflected in the attached exhibit, do not necessarily reflect their present condition, because of intervening additions and modernization.
- F4: Many of the schools visited by the Grand Jury members have either finished or are in the process of modernization.
- F5: Local school districts have difficulties obtaining funding for modernization. Although schools can apply for modernization projects, funding frequently is not available even when a school qualifies for state grants.
- F6: Additionally, local school districts are often unable to generate matching funds which are required for state grants.
- F7: Edwin Markham School has the following structural problems:
- Laminated beams have sustained significant damage from years of exposure to the elements.
 - Runoff from the slope of the roofing at the intersection of the main roof and the covered walkways creates pooling of water, resulting in substantial damage.
 - The parking lot has numerous cracks and potholes, creating a dangerous condition which could give rise to potential liability.
 - The blacktop basketball play area is used for play during school hours and as a traffic egress in the mornings and afternoons. Such use for egress is potentially dangerous because there are no lanes indicated for cars and there are no designated areas for students to wait for pick up.
 - The maintenance shed is being utilized for storage of equipment leaving maintenance personnel without an inside work area.
- F8: Edwin Markham School has an outstanding computer science lab that could be a model for other schools.
- F9: The Principal of William Brooks School recognized and corrected a significant traffic problem, improving the traffic flow for the dropping off and picking up of students.
- F10: Camino School personnel have corrected problems noted by the 1999/2000 Grand Jury in a timely manner.
- F11: The Principal of El Dorado High School, through diligent efforts, secured a grant for the replacement of all the school's computers. The school's new computer lab is now equipped with more than fifty stations with Internet capabilities.
- F12: The Principal of Charles Brown School, in an effort to preserve aesthetics and save trees, is redesigning and using materials other than concrete in some areas to decrease damage done by tree roots.

F13: The playground equipment area at Indian Creek School has been completely reorganized. Unsafe equipment has been removed, old equipment has been updated and new equipment has been added. Surface materials in the play equipment area have been changed to make it safer for the children.

F14: The Pinewood School bus barn has been converted to a maintenance/storage unit. This has eliminated the hazard of having the busses in the schoolyard.

Recommendations

R1: Laminated beams at Edwin Markham School should be repaired or replaced.

R2: The roof at Edwin Markham School should be repaired and/or redesigned to eliminate pooling of water.

R3: The parking lot at Edwin Markham School should be repaired and resurfaced.

R4: The traffic flow system at Edwin Markham School should be redesigned to eliminate safety hazards.

R5: The basketball play area at Edwin Markham School should be repaired and resurfaced.

R6: A storage shed for maintenance equipment and general storage, with an inside work area for maintenance personnel, should be added at Edwin Markham School.

Responses Required For Findings

F7 Board of Trustees, Placerville Union School District.

Responses Required For Recommendations

R1 through R6 Board of Trustees, Placerville Union School District.

Dates of Original Construction

1922 El Dorado High School	1967 Meyers School
1943 (rebuilt 1958) Indian Diggings	1967 South Tahoe High School
1949 South Tahoe Middle School	1975 Sierra House School
1950 Georgetown School	1976 Camerado Springs School
1952 Sierra School	1976 Pondorado Adult Education Center
1952 Camino School	1978 Green Valley School
1954 Gold Oak School	1978 Latrobe School
1955 Herbert Green Middle School	1979 Golden Sierra High School
1955 Emigrant Trail School	1981 Oak Ridge High School
1955 Silver Fork	1982 Marina Village School
1957 Gold Trail School	1984 Creekside School
1958 Al Tahoe School	1988 Blue Oak School
1958 Buckeye School	1988 Miller's Hill School
1958 Rescue School	1988 Indian Creek School
1958 Northside School	1988 Sierra Ridge Middle School
1959 Edwin Markham School	1990 Lake Forest School
1960 Tahoe Valley School	1991 Sutter's Mill School
1961 Charles Brown School	1991 Pleasant Valley School
1961 Bijou School	1992 Otter Creek School
1962 William Brooks School	1992 Silva Valley School
1962 Ponderosa High School	1994 Grizzly Pines
1963 Pinewood School	1995 Emigrant Trail School
1964 Louisiana Schnell School	1998 Rolling Hills School
1967 Jackson School	1998 Mountain Creek School
1967 Pioneer School	1999 Union Mine High School

SOCIAL SERVICES COMMITTEE

El Dorado County Department of Social Services

Citizen Complaints #01/02-C-019 and #01/02-C-026

Reason for the Report

The Grand Jury received complaints about improper and late claims payments, refusal to pay claims, lack of training, poor supervision, inconsistent application of policies and procedures, misuse of resources, hostile work environment, and other serious problems in the Department of Social Services (DSS). As a result, the Grand Jury investigated the complaints and also conducted a general investigation of DSS, with particular focus on units called Adult & Child Protective Services (CPS), Staff Services, and Eligibility Services. The Grand Jury also requested and received approval and funding from the County Board of Supervisors (Board) for a Management Audit of CPS, which was performed by a private firm hired as a Consultant. The Management Audit is contained in an Appendix attached to this report.

The Grand Jury, and the Social Services Committee specifically, make note of the fact that this investigation and the Management Audit were significantly hindered by a concerted and defiant lack of cooperation on the part of some management level employees in DSS and CPS. There were unnecessary delays in responding to requests for information. There were other improper acts and conduct, which the Grand Jury believes were requested by CPS managerial employees and members of the El Dorado County Employees Association, Local No.1 (Local No.1), its officers, staff, and legal counsel. These delays resulted in litigation that used up the Grand Jury's time, caused unnecessary expense to members of Local No. 1, and wasted the taxpayers' money.

Scope of the Investigation

Members of the Grand Jury toured the Department of Social Services, Placerville.

The following documents were reviewed:

- 2001/2002 County Proposed Budget and Workplan (2001/2002 Budget/Workplan);
- Memorandum of Understanding (MOU) with Local No.1;
- Grand Jury Reports for 1999/2000 and 2000/2001;
- DSS organizational chart;
- State Welfare and Institutions Code;
- DSS policies and procedures;

- Newspaper articles;
- Letter from County Auditor to caregivers;
- Letters from County Counsel to Grand Jury;
- Board of Supervisors Agendas;
- W-9 forms (August 22, 2001);
- Director of DSS performance evaluation (November 15, 1999);
- Current Merit Systems job descriptions for the DSS Director, Deputy Director, and Office Assistants;
- DSS clerical positions vacancies (November 29, 2001)
- Releases for Grand Jury to view several personnel files;
- Several revocations of permission to view personnel files;
- Dismissal letters;
- Letters from terminated employees to the Grand Jury;
- Employee performance appraisals;
- Letter from County Counsel, regarding personnel files (October 5, 2001);
- Local No.1 Newsletter (January 2002);
- Various records of duplicate payments from DSS;
- Memorandum to Auditor (April 19, 2001);
- Correspondence to and from:
 - County Auditor and Auditor's Administrative Technician to DSS Director, Supervisor of Accounts & Audits, and Accounting staff;
 - DSS Director to Board of Supervisors and County Auditor;
 - DSS Staff Services Manager to County Auditor's Administrative Technician;
 - Unpaid Vendors; and
 - Chief Probation Officer to DSS Director.
 - Employment applications;
 - Department of Fair Employment & Housing Accepted Notice of Discrimination Complaint;
 - Letters and memoranda for General Assistance Vouchers for Sheriff's Office;
 - Welfare to Work Program Directive; and
 - Various pieces of correspondence relating to contracts and complaints.

The following persons were interviewed:

- DSS Director;
- DSS Deputy Director;
- CPS Supervisor;
- CPS Social Worker;
- CPS Office Assistants;

- Contract Employee in the Employment Training Division on loan from the Department of Public Health (DPH) to DSS;
- Terminated employees;
- Local No.1 representative;
- County Auditor;
- Superior Court Judge;
- Sheriff's Deputies;
- Supervisor, CalWORKs, State DSS; and
- Complainants.

Findings

Structure and Organization

- F1: After a lengthy period of public criticism, the Director of DSS resigned in December 2001 after five years of service in the position. The Deputy Director of DSS was appointed Acting Director by the Board of Supervisors (Board) in January 2002. The Deputy Director had served as Acting Director during a previous vacancy in the Director's position.
- F2: DSS is organized in three major divisions: County Aid Payments, State Aid Payments, and Administration. There are approximately 235 employees in DSS, and the annual budget is approximately \$30M. DSS is one of the larger departments in the County, both in budget and number of staff.
- F3: The division called Administration is divided into four sections: Eligibility Services, Fraud/Fair Hearing Services, Employment Services, and Social Services. This report primarily addresses concerns in Eligibility Services and Social Services.
- F4: Eligibility Services staff receive applications and determine eligibility for programs such as CalWORKs, Medi-Cal, County Medical Services Program (CMSP), General Assistance (GA), and Non-Assistance Food Stamps (NAFS). Continuing cases are monitored, and when appropriate, eligibility is recalculated in response to changes in the client(s) circumstances, as mandated by State and federal regulations.
- F5: According to the 2001/2002 Budget/Workplan, the section of DSS called Social Services is comprised of seven programs: In Home Support, Adult Protective Services, Child Protective Services, Adoptions, Foster Care Licensing, Family Preservation Planning, and the Child Abuse Prevention Grant. In practice, the DSS internal organization chart is different from the chart in the 2001-2002 Budget/Workplan.
- F6: According to the DSS organization chart, there are four Program Managers, one Staff Services Manager, one Administrative Services Officer, and one Chief Welfare Investigator for the following programs:

- Adult & Child Protective Service is headed by a Program Manager with supervisors assigned for each of these units:
- CPS Emergency Response Unit;
- CPS On-going Unit;
- CPS South Lake Tahoe Unit;
- Adoptions Unit; and
- Adult Protective Services Unit, which includes Homemaker Services.
- Staff Services is headed by a Staff Services Manager with supervisors assigned to the following units:
 - Accountant/Auditor (2 units); and
 - Clerical.
 - Administrative Services -- Placerville -- is headed by one Program Manager in charge of four units.
 - Administrative Services -- South Lake Tahoe -- is headed by one Administrative Services Officer.
 - Eligibility Services, called Income Maintenance in the DSS organizational chart, is headed by one Program Manager in charge of nine units. Six units are in Placerville and three units are in South Lake Tahoe.
 - Special Investigations, also called Fraud/Fair Hearing Services, is headed by a Chief Welfare Investigator. There are two units, one in Placerville and one in South Lake Tahoe.
 - Employment Services is headed by a Program Manager for four units. In Placerville, two units are headed by Employment and Training Supervisors and one unit is headed by a Social Services Supervisor. In South Lake Tahoe, there is one unit headed by an Employment and Training Supervisor.

F7: The structure described in F5 in the 2001/2002 Budget/Workplan and the structure described in F6, which is the DSS organization chart, are mutually inconsistent.

F8: Social Services staff members perform the following functions:

- Investigate allegations of abuse to children and adults;
- Provide prevention services to families whose children are in danger of removal from their own homes;
- Offer reunification services to families whose children have been removed; and
- Obtain In-Home Support Services (IHSS) to low income adults who have long term or terminal disabilities and who would require placement in board and care or nursing homes if in-home services were not available.

- F9: All positions in DSS 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 applicants, handles testing, and maintains eligibility lists for many job categories. Job openings in DSS are posted on County bulletin boards and web sites; positions are not filled in DSS, however, without the candidate's eligibility having been determined by the Merit System.
- F10: The County's Department of Human Resources (HRD) assists DSS in handling disciplinary actions.
- F11: DSS employees are supposed to be reviewed and given annual performance appraisals according to Merit System standards, which may differ from the County's Memorandum of Understanding (MOU) agreement with Local No. 1.
- F12: Typically, DSS management employees have not received annual performance appraisals during the past five years. After the Grand Jury made initial inquiries, however, at least one Program Manager received an "annual" performance appraisal for a four-year period in one performance evaluation dated in December 2001.
- F13: DSS policies are written in the form of Program Directives. Each Program Directive explains the rules and allowances for a specific program. Program Directives are revised periodically, but they are not followed consistently and are misinterpreted by untrained employees and the general public.
- F14: Program Directives, for example, establish eligibility criteria and are used to instruct Eligibility Workers how to determine what claims meet the requirements for financial assistance.

Management of CPS

- F15: The Director and Deputy Director of DSS have not been attentive to the administration and management of CPS, according to the complaints received and the documents reviewed by the Grand Jury.
- F16: The Deputy Director is responsible for administration of employee performance evaluations, according to the Merit System job description for that position. Annual performance evaluations have not been completed for CPS management employees or staff.
- F17: The Program Manager for CPS does not provide consistent support, training, or discipline for all CPS employees. Inappropriate decisions by the Program Manager, based on contentious personal relationships, were supported by the Director and Deputy Director of DSS. These decisions resulted in discriminatory actions against individual CPS employees. These actions were documented and have created serious morale problems, job terminations, and litigation for the County.

F18: The Supervisor for the Adoptions Unit is the assigned supervisor for the office assistance staff in CPS. This Supervisor does not have recent office administration experience and is not required to devote sufficient time to Office Assistants (OA) supervision functions, such as:

- Perform clerical duties as a "back-up" when needed;
- Supervise all OA responsibilities;
- Conduct on-going training for new and continuing employees;
- Evaluate probationary OA's on a monthly basis with goals and objectives;
- Gather information from OA's on problems and solutions;
- Respond immediately to stated needs and requests; and
- Offer employees immediate access to supervision with an "open door" policy.

F19: The Adoptions Unit had vacancies in two positions for caseworkers, and those vacancies required the Adoptions Supervisor's time and attention, leaving inadequate time for the management and training of CPS Office Assistants.

F20: According to the 2001/2002 Budget/Workplan, positions are authorized for 12 Office Assistants III (OA III) and 27.5 Office Assistants II (OA II) in DSS. As of August, 2001, DSS has assigned these positions as follows:

- Adult & Child Protective Services -- four OA III's and two OA II's;
- Staff Services -- two OA III's and nine OA II's;
- Administrative Services, Placerville -- two OA III's and two OA II's;
- Administrative Services, South Lake Tahoe -- two OA III's and nine OA II's;
- Income Maintenance -- three OA II's;
- Special Investigations -- one OA III; and
- Employment Services -- three OA II's.

F21: As of August 2001, CPS had filled positions for three OA III's and three OA II's. All of the OA III and two of the OA II positions provided administrative and clerical support for between 16 and 22 Social Workers in the Emergency Response Unit, the On-going Unit, and the Adoptions Unit. One OA II position was assigned to provide administrative and clerical support for the Adult Protective Services Unit.

F22: Job descriptions for CPS OA III and OA II positions are set forth by the Merit System, not the County. Candidates for OA III and OA II positions are tested and screened by the Merit System. A list of the top five candidates for a position is submitted to the County. DSS selects the candidates to be interviewed from this list. In the event that none of the first five candidates is selected, a new list of the next five top candidates is submitted to the County. The process is highly competitive.

- F23: The OA I position is an entry-level position, and there is not an authorized OA I position in the CPS unit.
- F24: The OA II job description requires the employee to perform general and specialized activities, obtain information related to confidential department records, perform initial applicant screening in the Statewide Automated Welfare System (SAWS) computer program, and perform related work as required. In practice, in order to meet Court calendar requirements and state and federal regulations, this work is highly technical and time-sensitive.
- F25: The OA III job description requires the employee, under general supervision, to do the following:
- Perform highly responsible, specialized and technical office support functions;
 - Explain rules, policies and operations related to records, programs and services;
 - Serve as a lead worker and provide training and assignments to office support staff; and
 - Perform initial applicant screening and initiate cases in the SAWS system.
- F26: According to the County MOU with Local No. 1, a supervisor is required to have an initial interview with the probationary employee immediately and give the employee information on rules and procedures for the job. The supervisor is required to enter the information on the form provided by the department, and the probationer is supposed to receive a copy of the completed form. The original form is to be filed in the employee's personnel file.
- F27: Members of the Grand Jury reviewed personnel files for two probationary employees and did not find documents reporting initial interviews in their files.
- F28: The County MOU with Local No. 1 stipulates that monthly reviews will be documented for probationary employees with written copies of monthly reviews sent to HRD. Records of these required monthly reviews were not found in the personnel files of these two probationary employees.
- F29: The only documents found by members of the Grand Jury were identified as six month performance evaluations for two probationary employees. It was noted that one "six month evaluation" was dated much later than the sixth month of one employee's 12-month probationary period. Both performance evaluations were "satisfactory." One of the "satisfactory" performance evaluations was completed two weeks before the probationary employee was terminated.
- F30: Both of these probationary employees were terminated after completing eleven months of the 12-month probationary period. Probationary employees can be dismissed "without cause."

- F31: Several employees in DSS wrote letters to the Program Manager of CPS, the Adoptions Unit Supervisor, and the Director of HRD indicating strong disagreement with the dismissals of these two probationary employees. They received no responses.
- F32: Exit interviews were not conducted for the terminated probationary employees. Typically, exit interviews are not conducted at DSS by the CPS supervisors, the program managers, or the Deputy Director.
- F33: Local No. 1 did not investigate these terminations or take action. Probationary employees are represented by Local No. 1, according to the County's MOU.
- F34: Most performance evaluations are marked "meets standards." Therefore, an evaluation reporting "meets standards" means the probationary employee meets requirements for job performance. If a monthly face-to-face review does not take place, the assumption is job performance "meets standards."
- F35: Terminations of these probationary OA's, who were "meeting standards" in 2001, left the CPS unit with insufficient clerical support to perform required functions for the Court. These terminations also created a significant delay in processing six-month foster home re-certifications. Timely payment of foster care claims did not occur because of delayed re-certifications.
- F36: The CPS supervisor for OA's did not anticipate, assign, and manage clerical work loads properly. Social Workers with heavy caseloads in CPS were required to perform clerical functions because of the re-occurring OA vacancies. New probationary OA's were not yet trained or proficient in their duties at the time they were placed in their positions.
- F37: OA's in CPS do not receive formal training, except for a few days at a workshop in Sacramento on a state-wide computer program called Child Welfare Services/Case Management System (CWS/CMS). By intent, new OA's are sent to this workshop as soon as workshop schedules permit, but in practice, the clerical supervisor dictates if and when the workload at CPS will allow new OA's to attend CWS/CMS training. Frequently, OA's do not attend this CWS/CMS training early in their probation periods.
- F38: The small amount of training OA's receive in CPS is "on the job training" (OJT) without structure. Typically, OJT is provided informally by other OA's and Social Workers when they have the time and inclination. The organizational "duty chart" for CPS, however, identifies specific duties for each of the OA II and OA III employees. The chart does not indicate whether or not there are any overlapping duties or cross-training responsibilities for OA's. The chart does not specify line responsibilities for filling the duties of vacant positions, performing functions for absent OA 's, or training for OA III positions.

- F39: According to the CPS "duty chart," one of the OA II positions supports three units in CPS by performing 11 assigned duties and five temporary duties. The other OA II position has five assigned duties and three temporary duties. These additional temporary assignments create an unbalanced workload for OA staff because they must perform their assigned duties. Apparently, these temporary duties, such as phone duty, Court calendar, supply orders, facility requests, entering Minutes orders, and responding to Probation and School Attendance Review Board (SARB) requests, are assigned because of inadequate staffing.
- F40: One of the three OA III positions supports three units in CPS by performing eight assigned duties and two temporary duties. The second OA III has five assigned duties and two temporary duties. The third OA III is assigned duties for CWS/CMS and deals with complex placement changes and problems, high-risk placements, and complicated issues. This third position has additional responsibilities for on-going computer training for staff, program reports, developing and updating forms and templates, solving computer problems, maintaining printers, and checking laptop computers in and out for Social Workers.
- F41: The OA II's and OA III's in CPS are supervised by the Adoptions Unit Supervisor, a Social Worker. By comparison, the nine OA II's and two OA III's in Staff Services are supervised by an Office Assistance Supervisor (OAS).
- F42: CPS staff has a critical need for more computers with ISAWS/SAWS access and Zip drives. This computer equipment was requested by staff in previous years. This need has not been met. For reasons unknown to the Grand Jury, the management declined to pursue the requests of staff.
- F43: OA's, who do not have computers with dedicated access to SAWS, can be "bumped" from a computer while in the process of data input and file clearing when an Eligibility Worker needs the same computer. The Eligibility Worker's job duties take precedence over the OA's duties.
- F44: Storage of confidential records is inadequate. Many sensitive records are stored in and near the DSS mailroom, and they are not secure. A secure new file storage system costing \$30,000 was in the budget for DSS for the past two years, and because of the budget cycle and delays in placing purchase orders, the new storage system was not installed.
- F45: Because of the open floor plan and cubicle arrangement of DSS work spaces, there is little privacy or security in individual work cubicles for CPS staff. Employees from other departments appear to have easy access to the offices of DSS employees.
- F46: Social Workers in CPS have not been treated in a fair, equitable manner by the CPS Program Manager. Some have been directed to spend personal funds on County business. Some have been denied vacation requests, personal bereavement leaves, and tuition reimbursement without adequate explanation. Some have been given

notices for work schedule changes with less than the required two pay periods notice. Some have been asked and expected to perform multiple additional duties without payment of overtime or adjustments of schedules and caseloads.

- F47: Some CPS Social Workers have been instructed to ignore requirements for monthly visitations with children in foster care, contradicting the policies of the County DSS and state and federal program requirements.
- F48: The State DSS audits stated that the County DSS was out of compliance in 1998, 1999, and 2000. DSS was required to submit a corrective action plan. The Grand Jury Final Report for 1999/2000 noted these compliance issues in DSS, and they have not been resolved.

Staff Services -- Audit and Accounting Functions

- F49: During the past three years, the DSS Director made repeated promises to the County Auditor that DSS would correct errors in processing payment claims for clients and vendors. In 2001, however, the County Auditor rejected 20% of the claims submitted for payment in one month. This was the highest percentage of rejected claims in any one month in 2001.
- F50: The County Auditor assigned Administrative Technicians the responsibility for initial claims review for DSS. They have returned a tremendous number of claims to DSS for correction of errors in the past three years. This has resulted in late payments for clients and vendors. Some vendors have declined to do business with the County as a result of late payments.
- F51: In reports to the Grand Jury from DSS, the number of rejected claims listed by DSS differs significantly from the number of rejected claims in the County Auditor's records.
- F52: DSS employees in Staff Services are responsible for processing claims within the department when they receive them from the program units. Some units leave claims in "pending files" or in-baskets, file them incorrectly, or generally misplace them. Sometimes, months pass before a claim is handled by the responsible DSS employee and then forwarded to the County Auditor's staff. DSS managers acknowledge full responsibility for errors in processing claims, which cause payment delays.
- F53: Claims are prepared by automated processing methods and equipment in DSS and then forwarded to the County Auditor's office. In recent months, DSS prepared 62 hand-typed claims, which would normally be done only in cases of emergency. 75% of the hand-typed claims appeared to be made out to vendors that do on-going business with the County and are only emergencies because of lack of timely processing.

Income Maintenance (Eligibility Services)

- F54: CalWORKs is a County-administered, State-funded program which assists welfare recipients to remain in, return to, or enter the work force. Responsibility for administering the CalWORKs program is assigned to the Income Maintenance (Eligibility Services) division of DSS.
- F55: DSS annually submits a plan to the State DSS outlining expenditures required for the CalWORKs program in the County. The plan does not include details, such as limits for individual recipients, or how much an individual may receive as allowances for clothes, tools, travel, and meals.
- F56: The State DSS does not have specific policies regarding the amounts that can be spent for:
- Transportation, including car repairs, taxis, bus fares, or private carriers;
 - Personal hygiene, such as hair cuts; or
 - Temporary board and care.
- F57: The State DSS audits the County's CalWORKs program expenditures, but this audit is not performed annually.
- F58: Eligibility Workers and contract employees without sufficient training in issuing spending vouchers for DSS have permitted clients in the CalWORKs program to have personal vehicles repaired without three repair estimates. Program Directive ES PD 9, page 10, requires three repair estimates.
- F59: On several occasions in 2001, Eligibility Workers approved excessive vehicle repairs for CalWORKs clients within a period of four months, even though the costs of those repairs exceeded the Blue Book values of the clients' vehicles. These expenditures appeared to be excessive and unjustified.
- F60: A contract employee assigned to the Eligibility Services program allowed the expenditure of \$135 for hair styling for one client with the justification that the allowance was important in assisting the client in maintaining self-esteem and a current job placement. The \$135 expenditure appeared to be excessive.
- F61: Within the six months preceding the resignation of the DSS Director in December 2001, the Board of Supervisors expressed grave concerns about the repeated appearances of poor judgment on the part of DSS employees and the lack of administrative and management controls in DSS.

Recommendations

- R1: In selecting a person to be Director of DSS, the Board should consider the ability to exercise strong management skills as the most important factor in the selection process.
- R2: Managers and supervisors in DSS should be given annual performance evaluations. Such a practice should be established and observed rigorously for all employees in DSS.
- R3: DSS administrators and managers should consider contracting with a Consultant that specializes in quality reviews for Program Directives.
- R4: DSS should establish a Director's "hotline" to receive reports, which could be made anonymously, on unfair and inequitable treatment.
- R5: DSS administrators should consider rotation of Program Managers and Supervisors to address the need for substantive management changes in CPS.
- R6: DSS should request and the Board should authorize a position for an Office Assistance Supervisor in CPS, similar to the Office Assistance Supervisor position in Staff Services, to train and supervise OA's.
- R7: DSS should request and the Board should authorize an increase in the OA staff positions in CPS to provide adequate support for Social Workers.
- R8: DSS and the Board should require compliance with the County's MOU agreement and enforce the agreed upon procedure for reviewing performance of probationary employees on a monthly basis.
- R9: CPS should require OA's to attend CWS/CMS training within one month of their employment and placement in OA positions.
- R10: CPS should develop and implement a formal OJT plan with a qualified instructor to conduct ongoing training for new and experienced OA's.
- R11: DSS should provide enough computers to meet adequately the job requirements for OA's needing access to SAWS. This is a priority in the Program Manager's 2002-2003 budget request and should be authorized by the Board.
- R12: DSS should expedite the purchase and installation of a secure new filing system.
- R13: DSS should immediately address security and privacy issues in the building and not allow unauthorized County employees or other persons access to work areas.

- R14: Eligibility Workers should follow the Program Directives without exception when approving payment claims and vouchers for clients and vendors.
- R15: Program Managers should review claims carefully and should be sensitive to excessive costs for services provided to CalWORKs clients.
- R16: The Director of DSS should create a fair and equitable system for reimbursements for all employees entitled to tuition payments for approved higher education courses and degrees.
- R17: The Director should hold subordinates accountable for holding claims, vouchers and invoices longer than required for processing, and the Director should initiate disciplinary action for managers and supervisors who refuse to comply with Program Directives.
- R18: The Board should hold the Director of DSS directly accountable for claims rejected by the County Auditor's office. Program Directives should be followed.

Responses Required to Findings

F1 through F61 Board of Supervisors
 Director or Acting Director of the Department of Social Services

Responses Required to Recommendations

R1 through R18 Board of Supervisors
 Director or Acting Director of the Department of Social Services

SOCIAL SERVICES COMMITTEE

Independent Management Audit

During the course of its investigations, the 2001/2002 El Dorado County Grand Jury concluded that there were several aspects of county government that deserved a more in-depth investigation than the Grand Jury was equipped to undertake.

Accordingly, with financing approved by the Board of Supervisors (Board), the Grand Jury retained the Harvey M. Rose Accountancy Corporation (HMRAC) to investigate and report on issues as directed by the Grand Jury. One of these issues was a review of the management of Child Protective Services (CPS) within the Department of Social Services (DSS).

It is of interest to the Grand Jury that, shortly after the Grand Jury had decided to request board funding for HMRAC to proceed with its CPS investigation, the Board itself independently authorized and directed that there be a separate management audit of the remaining portions of DSS.

The HMRAC report on CPS is contained in its entirety within the Social Services Committee section of the 2001/2002 Grand Jury's Final Report. The Grand Jury has carefully reviewed and considered both the factual findings and the recommendations contained therein, unanimously concurs with those findings and recommendations, and adopts them as its own.

Commendation

The Grand Jury commends the Board of Supervisors for its willingness to undertake a DSS management audit and to authorize and fund the Grand Jury's independent CPS management audit. The Board's concern for the most at-risk members of the community is praiseworthy.

Responses Required for All HMRAC Findings

El Dorado County Board of Supervisors

Responses Required for All HMRAC Recommendations

El Dorado County Board of Supervisors

Management Audit of
the Child Protective Services Function of
the Department of Social Services
of the
County of El Dorado

Prepared for the
FY 2001-02 Grand Jury
County of El Dorado

By the
Harvey M. Rose Accountancy Corporation

May 2002

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May 16, 2002

Mr. Michael Day, Foreperson
Members of the FY 2001-02 El Dorado County Grand Jury
P. O. Box 472
Placerville, CA 95662

Dear Foreperson Day and Members of the FY 2001-02 El Dorado County Grand Jury:

The Harvey M. Rose Accountancy Corporation is pleased to submit this Management Audit report on the Child Protective Services division of the El Dorado County Department of Social Services.

This report contains findings in four subject areas and 17 recommendations for improvements in the operations of Child Protective Services (CPS). The findings and recommendations cover the following:

- the need for greater consistency and structure in initial responses to reports of child abuse and neglect and Department decisions to remove children from their homes
- development of outcome-based performance measures for CPS rather than measures that only report caseload
- the need for a more consistent and clear staff performance evaluation process
- improved supervision for all divisions of Child Protective Services
- improved supervision and greater access to upper management for staff at South Lake Tahoe
- better documentation of and staff access to CPS's policies and procedures
- improved staff training through pilot innovative approaches
- formalized CPS procedures for responding to complaints by families and clients
- improved communications between management and staff

Mr. Day, Foreperson
FY 2000-01 El Dorado County Grand Jury
May 16, 2002
Page 2

Thank you for choosing the Harvey M. Rose Accountancy Corporation for this management audit. It has been a pleasure to serve the FY 2001-02 El Dorado County Grand Jury. We are available at any time to respond to any questions about this report.

Fred Brousseau
Project Manager

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1. Introduction

The Harvey M. Rose Accountancy Corporation was retained by the FY 2001-02 El Dorado County Grand Jury to conduct a management audit of the Child Protective Services (CPS) division of the Department of Social Services (DSS). The purpose of the audit was to determine if improvements could be realized in several primary areas of Child Protective Services operations: 1) protocols on how decisions are made to remove children; 2) management systems to monitor caseloads and morale; and, 3) efficiency of use of staff and other resources.

The audit scope included the following issues:

1. Child Protective Services compliance with state and federal laws.
2. Consistency and timeliness of Department response to reports of child abuse.
3. How quickly investigations are conducted.
4. How the decision to remove a child is made.
5. How decisions are made to petition the court to establish dependency.
6. Timeliness and effectiveness of follow up services after dependency is ordered.

Methodology

This management audit was performed in accordance with *Government Auditing Standards, 1994 Revision*, by the Comptroller General of the United States, as published by the United States General Accounting Office. In accordance with the Standards, the management audit was conducted in five phases, as follows:

1. An entrance conference was held with the Department Interim Director, other managers, and the El Dorado County Counsel to present the management audit work plan, discuss the management audit procedures and protocol, request certain background information, and respond to questions.
2. A pre-audit survey was conducted to familiarize the management audit staff with the operations and records maintained by the Child Protective Services division, and to identify areas requiring additional review. As part of this survey phase, the Department of Social Services Interim Director, the Interim Deputy Director, the Program Manager of Child Protective Services, the Administrative Services Officer in South Lake Tahoe, the Staff Services Manager, and supervisors of all the units within CPS were interviewed. During the survey phase, a court order was secured to provide management audit staff with permission to look at normally confidential Department records as part of the audit, while agreeing to keep individual case data confidential.
3. Fieldwork was conducted to develop a more detailed understanding of selected areas of Department operations. Fieldwork activities included additional interviews with supervisors and line staff, focus groups with Child Protective Services social workers and administrative support staff, observations of Department staff carrying out various

Section 1: Introduction

functions, reviews of child welfare laws and regulations, review of Department policies and procedures manuals, review of selected hard copy and electronic Child Welfare Services/Case Management System (CWS/CMS) case files, and reviews of statistical data generated by CWS/CMS and other Departmental sources.

4. A draft report was prepared based on analysis of the information and data collected during the previous management audit phases. This draft report contained initial findings, conclusions and recommendations, and was presented for review to the Interim Director of Department of Social Services and her management staff.
5. An exit conference was held with the Interim Director of Social Services and management staff on May 13, 2002, following delivery of the draft report. During the period between delivery of the draft report and the exit conference, management audit staff provided additional explanation of the findings and recommendations, and access to work papers supporting the findings and recommendations. At the exit conference, the Department provided additional information related to the findings, and was able to request clarification of findings and recommendations. Based on the additional information provided, a final report was prepared.

Overview of Child Protective Services Operations

The focus of this audit was to assess Child Protective Services, one of six divisions within the Department of Social Services. Child Protective Services is the division within DSS that is responsible for the protection of El Dorado County children. The main functions of CPS are to receive all reports of suspected child abuse or maltreatment within the County, investigate suspected incidents of abuse or neglect, if needed, and ensure the safety of children by providing services to reduce the likelihood of future abuse or neglect or place the child in protective custody.

To accomplish these objectives, DSS has two offices, one in Placerville and the other in South Lake Tahoe. The County Department of Social Services' main office is located in Placerville, where the Director, Deputy Director, and CPS Program Manager are based. Within the Placerville office, CPS is further broken down into three units that handle the various components of the CPS operations. Those three units are the Emergency Response Unit, the Ongoing Unit and the Adoptions Unit.

The Emergency Response Unit handles the initial intake of the calls to CPS and the early court dates. Within this unit the Placerville office has 10.06 full-time equivalent (FTE) positions available. The Ongoing Unit has 7 FTEs in the Placerville office. The Ongoing Unit receives the case after the disposition hearing or when the parents and the County agree upon voluntary services. The Ongoing Unit is responsible for case management and the Court dates after the disposition hearing. Finally, the Adoptions unit administers cases where parental rights have been terminated and the child is up for potential adoption. Adoptions is the smallest of the three units, however, the Adoptions unit is fully functional in both Placerville and South Lake Tahoe.

Section 1: Introduction

There are significant differences between the two offices in Placerville and South Lake Tahoe. The main difference is the internal structure between the two offices. In Placerville, the staff social workers specialize in particular aspects of cases. However, in South Lake Tahoe the same social worker will work on the case from the initial intake of the referral through the continuing case management, the case is moved to the Adoptions. If the case ends up an adoptions case it is transferred to specialized adoptions staff. Then, the Adoptions social worker in South Lake Tahoe will handle the adoption aspect of the case.

Emergency Response Unit

The Emergency Response unit handles legal guardianship home studies and services to non-legal guardian. Additionally, the ER unit is responsible for the Interstate Compact on the Placement of Children (ICPC).

The initial step of the CPS operation is the intake process. The Department operates an emergency response telephone line 24-hours a day, seven-days-a-week. Although, allegations of child abuse and neglect can be reported several ways, the most common is by a telephone call to the Department's Emergency Response Hotline. However, referrals may come into CPS via E-mail, in person at the DSS office, or by fax or written letter. CPS has dedicated staff that answer the phone line 24-hours a day, seven-days-a-week. In Placerville, several social workers work exclusively on answering hotline phones and handling call intakes, while in South Lake Tahoe the screening process is handled on a rotating basis, with no dedicated social workers handling the intake responsibilities exclusively. Intake Workers, the social workers who speak with the reporter, receive calls from various members of the general public ranging from anonymous reporters, such as a relative or neighbor, to mandated reporters, such as teachers, who are required by law to report any instance where they suspect abuse and/or neglect.

By state law, law enforcement agencies and CPS staff must cross-report allegations of child abuse or neglect they receive to each other, to make sure the allegations are investigated, as necessary, under both criminal law and under the child protection laws governing DSS. Additionally, law enforcement agencies have the authority to take children into protective custody if they believe the child is in danger.

The role of CPS intake workers is to gather as much information as possible regarding the abuse allegation to determine what the response should be from CPS. Currently, Department of Social Services policy states the screener will use the Department's Emergency Response Protocol form (EL 212) to assist in the decision making process. Overall, the screener is attempting to determine where and when the alleged abuse or neglect occurred, what happened, the names of the alleged perpetrator and victim, and whether the reporting party believes the child victim is still in danger.

Once the screener gathers the necessary information, the screener determines when, if at all, the investigation should begin. In-person investigations are either made immediately, within 10 Days or the screener may decide to "evaluate out" the referral, deciding no additional response is

needed. As shown in Exhibit 1.1, since July 1, 1999, CPS has received 9,353 referrals. Of those, an aggregate of 5,886, or 62.9 percent, have required further investigation by CPS.

Exhibit 1.1
Number of Intake Calls
FY 1999-00 - FY 2001-02

	Response Type	Fiscal Year 1999-2000	Fiscal Year 2000-2001	Fiscal Year 2001-2002	Total
Placerville Office	10 Day	1,200	1,309	1,180	3,689
	Evaluate Out	763	832	900	2,495
	Immediate	372	253	216	841
<i>Placerville Total</i>		<u>2,335</u>	<u>2,394</u>	<u>2,296</u>	<u>7,025</u>
South Lake Tahoe Office	10 Day	453	289	155	897
	Evaluate Out	528	272	172	972
	Immediate	238	140	81	459
<i>South Lake Tahoe Total</i>		<u>1,219</u>	<u>701</u>	<u>408</u>	<u>2,328</u>
Grand Total		<u>3,554</u>	<u>3,095</u>	<u>2,704</u>	<u>9,353</u>

Source: Child Protective Services

Emergency Response Investigation

After a referral is determined to require further investigation, a CPS investigation social worker will initiate the investigation either immediately or within ten days, depending on the conclusion reached by the intake social worker. The investigative response is one significant difference between the South Lake Tahoe office and the Placerville office. Generally, social workers in Placerville handle specialized aspects of the process, thus two different social workers will handle the initial intake and investigative aspects of the case. The intake social worker will pass on the referral to a social worker who specializes in investigations. However, in South Lake Tahoe the same social worker normally will take the incoming calls and conduct the investigation unless the case is reassigned for caseload balance purposes.

In the investigative process, the investigative social worker typically will conduct face-to-face interviews with the victim of abuse or neglect, the victim's parents and/or caregivers and the alleged perpetrator of the abuse or neglect. During such interviews, the worker may also examine the child for cuts, bruises, the condition of the child's clothes and personal hygiene as evidence of abuse or neglect. The worker will also observe the child's living environment for cleanliness, availability of food and other indicators of abuse and neglect, as well as observing the child's interaction with parents. In addition, the ER worker will conduct in-person or telephone interviews with "collateral" contacts, such as school officials, the child's doctor, neighbors and anyone else believed to have information about the alleged incident and the child's family situation. Workers access the Child Welfare Services/Case Management System (CWS/CMS)

¹ As of March 15, 2002.

for information about previous abuse or neglect allegations regarding the family, as well as criminal information databases.

Within 30 days of the initial contact with the family during the investigation, the social worker must complete the investigation and determine what services should be provided. The goal of the investigative social worker is to establish the accuracy of the referral. As such, based on the investigation, the investigative social worker will classify each referral as one of the following:

- **Unfounded:** This is defined as false, inherently improbable, involving an accidental injury or otherwise not constituting abuse or neglect;
- **Inconclusive:** This is defined as having insufficient evidence to determine whether abuse or neglect has occurred; or,
- **Substantiated:** This is defined as constituting, based on some credible evidence, child abuse or neglect.

Exhibit 1.2 shows the number of referrals, which were investigated that were found unfounded, inconclusive or substantiated since July 1, 1999. As the data indicate, a substantial number of cases are classified unfounded or inconclusive. If a referral is found to be inconclusive or unfounded the referral will not become a case. Only referrals which are substantiated should become a case, since that means credible evidence was found regarding abuse or neglect.

Exhibit 1.2
Number of Investigative Outcomes
FY 1999-00 - FY 2001-02

	Investigative Decision	Calendar Year 2000	Calendar Year 2001	Calendar Year 2002²	Total
Placerville Office	Unfounded	723	817	209	1,749
	Inconclusive	356	507	109	972
	Substantiated	316	609	127	1,052
<i>Placerville Total</i>		<u>1,395</u>	<u>1,933</u>	445	<u>3,773</u>
South Lake Tahoe Office	Unfounded	179	114	12	305
	Inconclusive	239	139	34	412
	Substantiated	220	163	37	420
<i>South Lake Tahoe Total</i>		638	416	83	1,137
Grand Total		<u>2033</u>	<u>2349</u>	<u>495</u>	<u>4910</u>

Source: Child Protective Services

In addition to determining the validity of the allegations, the social worker also must assess the present and future risk of child abuse and neglect to the child victim and/or the child's family,

² As of April 25, 2002.

based on the investigation, and determine what services should be offered to reduce that risk. The options available to the social worker are as follows:

- Offer family referrals for parenting classes or counseling, without oversight by CPS;
- Offer referrals for voluntary services, where CPS has oversight and contact with the family;
- Non-Detention Petition, which is where the child remains in the home without Court order;
- Remove the child from the home, with Superior Court involvement, and provide the family with referrals for services that the family must complete before the child is returned.

However, before the social worker can remove the child, the allegation of abuse or neglect or if the child is at-risk of abuse or neglect must be substantiated, as defined by Section 300(a) through (j) of the Welfare and Institutions Code. If a child is taken into protective custody, CPS has 48 hours to file a petition with the Juvenile Court to request that the child become a dependent of the court. In Placerville, reports for the court, of which the detention petition is the first, are prepared by a CPS social worker that specializes in drafting court documents. In South Lake Tahoe the social worker who received the intake call is the same social worker that writes the court reports.

Since the decision to remove a child from the home is based on the Welfare and Institutions Code Section 300 (a) through (j), the petition describes the allegation of abuse or neglect from Section 300 and provides the Court with evidence and support. A Detention Hearing is held to determine if the initial removal decision was the proper decision and if the child should remain under protective custody.

Within 15 days, if the child is in protective custody, the Court will hold a jurisdictional hearing to determine if the allegations of abuse or neglect in the petition are true. Additionally, should the Court decide to declare the child a dependent of the Court, it will do so at the jurisdictional hearing. If the Court finds the allegations true, a disposition hearing is held in another 15 days to assess the needs of the child and family and how to best meet the child's needs.

Generally, there are three outcomes from the disposition hearing:

1. **Family Maintenance:** This is when the child is declared a dependent of the Court, but this child is left in the parents' care. Additionally, the parents and child may receive services to minimize the potential for future abuse or neglect. These services include parenting classes, drug and alcohol rehabilitation and testing, and counseling.

³ If the child is not in protective custody but a jurisdictional hearing is required, the Court has 30 days to hold the hearing.

2. **Family Reunification:** This is when the child remains a dependent of the Court, but also remains in protective custody, placed with a relative, foster home, or group home. CPS works with the parents setting goals they must comply with to be reunified with the child. Additionally, parents are offered services and have visitation rights with the child. According to the Welfare and Institutions Code Section 16516.5 the social worker must visit children in this program monthly.
3. **Permanent Placement:** This is when the Court determines that the parents should not receive family reunification services and CPS should work to find a permanent placement for the child.

Ongoing Unit

After the disposition hearing, the case moves from the Emergency Response Unit, at the Placerville office, to the Ongoing, or Continuing, Unit. This unit is responsible for the case planning and oversight of case plan implementation. Oversight of the case plan includes coordination of the visits between the parents and the child and providing services to the parents and child. Welfare and Institutions Code Section 16516.5 states that the county social worker must visit the child monthly while in placement. Typically, the Ongoing Unit usually handles all investigations of new allegations of abuse or neglect regarding children in the social workers caseload.

The Ongoing Unit has to prepare for mandated Court hearings every six months, as required by Section 366.21 of the Welfare and Institutions Code. These hearings are scheduled to provide an update to the Court on the child. At these hearing, the Court may decide that the child should be returned to the parents unless the potential for future abuse or neglect exists or if the parents have failed to participate regularly in any Court ordered services, usually drug treatment programs. In El Dorado County, the Court also schedules an informal hearing after three months to get an update on the child.

According to Welfare and Institutions Code Section 361.5, reunification services can only be offered up to 6, 12 or 18 months depending on the age of the child. Thus at the 18 month review hearing, if the Court determines reunification for the parents and child is not possible the Court and the social worker will begin working to terminate the rights of the parents. According to Welfare and Institutions Code Section 366.26, within 120 days a hearing is held to determine whether the Court should terminate the parental rights of the child.

Adoptions Unit

The third unit within CPS is the Adoptions Unit. Unlike the Emergency Response and Ongoing Units, both South Lake Tahoe and Placerville have a separate specialized Adoptions unit. Thus, for both facilities the case is transferred to a new social worker in the new unit for adoption proceedings. Once a child is considered for adoption, which may occur prior to their being

legally freed from the biological parents, the CPS adoptions unit handles the responsibility to find a permanent adoption for the child. The Adoptions workers are mandated to start concurrent planning at the Disposition Hearing. Prior to *officially* receiving the case, the Adoptions Unit works with the Ongoing Unit in concurrent planning to become familiar with the case.

At the mandated 366.26 18 month hearing, the Court will determine whether the child and parents can or cannot be reunified, will establish a permanent home for the child, and may terminate the parents' rights to the child. However, prior to the 366.26 hearing, the Adoptions unit has completed its assessment for placement of the child. Options to be considered by the Court at that hearing, based on recommendations by the child's social worker, include:

- Terminate the parental rights and free the child for adoption.
- Establish permanent guardianship of the child by a relative.
- Place the child in long-term foster care. This happens when relatives are unable or unwilling to become a permanent guardian to the child.

If at this hearing, the parental rights of the parents are terminated and the child is considered for adoption, which may occur prior to their being legally freed from the biological parents, the CPS Adoptions Unit is responsible for finding an adoptive family.

CPS Budget Information

Child Protective Services is not a separate cost center within the Department of Social Services. However, the costs associated with CPS can be determined using a number of sources. CPS receives its money from the Federal government, the State of California and the County of El Dorado. Exhibit 1.3 shows the annual amount of revenue spent by CPS by the three main funding sources.

Exhibit 1.3
Child Protective Services Annual Revenues
FY 1999-00 - FY 2001-02

Funding Source	Fiscal Year 1999-2000	Fiscal Year 2000-2001	Fiscal Year 2001-2002
Federal Allocation	\$1,300,028	\$1,046,642	\$1,108,904
State Allocation	\$797,170	\$1,277,507	\$653,442
County Allocation	\$322,058	\$553,903	\$303,812
Total Allocation	\$2,419,256	\$2,878,052	\$2,066,158

Source: Department of Social Services

As presented in Exhibit 1.4, budgeted expenditures for Child Protective Services and Adult Protective Services (APS) for the three most recent fiscal years has remained fairly constant. Based on the number of FTEs in CPS and APS, approximately 74.5 percent of the total amount

⁴ Annualized based on actual expenditures from 12/31/01.

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budgeted shown in Exhibit 1.4 is for CPS salaries. That equates to \$1,612,913 in FY 1999-00, \$1,698,502 in FY 2000-01, and \$1,680,284 in FY 2001-02.

Exhibit 1.4
Budgeted Child and Adult Protective Services
Salaries and Fringe Benefits
FY 1999-00 - FY 2001-02

Fiscal Year	Amount Budgeted	Estimated CPS Only
FY 1999 - 2000	\$2,165,280	\$1,612,913
FY 2000- 2001	\$2,280,181	\$1,698,502
FY 2001-2002	\$2,255,724	\$1,680,284

In addition to regular salaries and benefits, CPS is experiencing a significant amount of overtime. State law requires that CPS social workers are available 24 hours a day to respond to reports of abuse or neglect. Currently, the Department does not have staff dedicated to After Hours calls, with the exception of a part-time social worker in the South Lake Tahoe office. This results in CPS incurring an extensive amount of overtime costs. As of February 28, 2002, overtime costs for Adult Protective Services and Child Protective Services for FY 2001-02 is \$36,581, or 66.4 percent of the budgeted amount of \$55,100, which is down from \$56,098 in FY 2000-01. While these amounts include Adult Protective Services, a significant amount of these overtime costs are incurred by CPS and specifically the After Hours hotline⁵.

In an effort for social workers to effectively comply with State law, travel and transportation and training must occur within CPS. As a result of placing children, making monthly visits to placed children and travel to investigate allegations of abuse and neglect, CPS social workers experience a significant amount of travel costs. For fiscal year 2001-2002, through February 2002, CPS has incurred over \$6,000 in related travel costs. Training costs for fiscal year 2001-02 are only \$1,500 through February 2002.

⁵ Adult Protective Services does not have a hotline. The CPS social worker will answer any APS call during After Hours.

2. Lack of Standardized Assessment Tools

- F2.1 The Department's protocols for social workers to determine if an immediate investigation of a report of child abuse or neglect is needed are inadequate and allow for too much judgement by intake social workers. Though limited, the protocols provide at least some assurance of social worker consistency in determining appropriate responses to referrals. But in a sample of 58 case files reviewed for this audit, documentation of the required decision-making protocols was not found in approximately 50 percent of the cases.
- F2.2 The Department does not have a formal risk assessment tool to assist investigation social workers in determining whether a child should be removed from home. The current tool and documentation used by Department social workers, called the Investigative Narrative, does not include a standardized scoring system or other methods to ensure consistent interpretation of similar situations. As with the intake protocols, the Investigative Narrative does not appear to even be used in all cases. In 8 out of 27 case files reviewed, or 29.6 percent, the Investigative Narrative documents were not completed. In another 11 cases, or 40.7 percent, the document was filled out incorrectly.
- F2.3 The After Hours Intake function violates Department policies and procedures by not gathering background information from the Child Welfare Services/Case Management System on children who are the subject of telephone reports of alleged abuse and neglect.
- F2.4 As a result of these problems, Department management does not have documented assurance that decisions made by social workers in the intake and investigative processes are consistent and properly supported. This problem is reinforced for the After Hours Intake function by the limited availability of supervisors for consultation.
- F2.5 Structured Decision-Making is a system used by some counties to minimize individual variation in determining the level of response to initial reports of child abuse and neglect and in determining whether or not a child should be removed from their homes. By implementing at least some components of this system in El Dorado County, the Department will have greater assurance of consistency in its treatment of abuse and neglect allegations. In addition, the Department should require supervisors to be available on call by telephone to social workers assigned to After Hours for consultation and direction as needed.

State law mandates that all counties provide initial intake and evaluation of risk services to all children reported to the County as being endangered by abuse, neglect, or exploitation. Every county is to maintain and operate a 24-hour response system and provide immediate in-person

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responses by a county social worker in emergency situations in accordance with regulations of the department.¹

In response to this requirement, the El Dorado County Department of Social Services has developed its Child *Protective Services Protocol, Criteria and Process for Accepting CPS Cases for Assessment*, and *Emergency Response Protocol* included in the Department's policies and procedures manual. This protocol includes a form called the Emergency Response Protocol (Form EL 212) that is to be filled out by social workers for all initial calls alleging child abuse or neglect.

When an initial call reporting suspected child abuse or neglect is received by the Department, the intake social worker has three response choices:

- Conduct an investigation immediately;
- Conduct an investigation within 10 days; or
- Do not conduct an investigation or "Evaluate Out" the case.

The Department uses a 3 day response to investigate allegations of abuse or neglect. However, a 3 day response time is not formal policy in the Department.

To assist intake social workers in determining which of these responses is the most appropriate, the Department's emergency response protocols include a series of response guidelines to guide the initial intake social worker's decision. The form includes the following questions to assist social workers in determining what the initial departmental response should be.

1. Is there sufficient information to locate the family?
2. Is this an open service case with DSS and is the current intervention adequately addressing the problem described in this allegation?
3. Does the allegation meet one or more of the legal definitions of abuse?
4. Is the perpetrator a caretaker of the child or is there reason to believe that the caretaker was negligent in allowing or unable or unwilling to prevent the perpetrator having access to the child?
5. Are specific acts and/or behavioral indicators of abuse, neglect, or exploitation included in the allegations?
6. Does additional information obtained from collateral contacts or record material invalidate the report?

¹ California Welfare and Institutions Code (WIC) § 16054

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7. Does this report represent one in a series of previously investigated, unsubstantiated, or unfounded reports from the same party in which no new allegations or risk factors are revealed?

The answers to these questions are intended to guide CPS social workers in determining which referrals justify an in-person investigation. If an in-person investigation is not necessary, Department policies and procedures state the intake social worker should provide a more detailed rationale regarding their decision why an in-person investigation should not be conducted.

This Emergency Response Protocol form is included in the Department's CWS/CMS computer system so that social workers receiving an initial call reporting child abuse or neglect can start a case file and enter all information required into the computer system as the call is received. According to Department procedures, this electronic form is supposed to be transferred to the emergency response supervisor for approval for all cases that are evaluated out.

While the questions asked in the Emergency Response Protocol form seem appropriate for conducting an initial investigation, the problem with the protocol is that it is fairly open-ended and allows for significant individual interpretation of facts and circumstances. It relies primarily on interpretation of the facts and situation by the social worker. Social workers are trained to assess such situations and professional judgement is always required in children's welfare cases. However, trained social workers are still subject to personal biases and preferences and two social workers can interpret the same situation very differently. While the nature of the work is such that some judgement will always be required, Department management should make every attempt to minimize personal biases and variations in staff decision-making.

The room for individual interpretation becomes more pronounced in cases where the situation is not obviously dire but may be on the border between a 10 day investigation or "evaluating out" the case. For such cases, the Department's policy is as follows:

"Criteria are to be liberally interpreted, which means where circumstances are marginal, we should open a case for investigation. It is preferable to err in favor of ensuring the child(ren)'s safety and the appropriate response time should be considered."

Thus, the explicit goal of the procedure, for safety purposes, is to conduct more investigations than potentially necessary.

Emergency response protocols used by some counties provide more structured guides that link certain responses with certain outcomes. For example, a history of two or more previous referrals may lead to a guideline to conduct an immediate investigation unless the intake social worker can provide information that proves this would not be necessary.

The tools available to assist social workers in making decisions of whether to investigate allegations of abuse and neglect or the evaluation of risk vary across the state. A study by the University of California at Berkeley found:

"Departments of Social Services are increasingly being challenged to determine which cases are reported to them are at the highest risk and most in need of services. One response to this challenge involves the development of screening procedures that distinguish levels of risk and need among cases that come to the attention of Child Welfare Services ... The employment of effective screening procedures ...can help not only to reduce disruptive legal intervention into families in situations when it is unwarranted, but also to insure procedural fairness - one-element of which involves consistency in the treatment received by similar cases. The systematic use of screening guidelines would help to promote consistency among decisions made by individual workers and among counties; it would also aid new workers in the field and offer workers and the state some degree of protection in an era of increased litigation."²

Some counties have chosen more structured guidelines such as the Structure Decision-Making (SDM) model, developed by the Children's Research Center of the National Council on Crime and Delinquency, a non-profit organization. One of the components of SDM, the Response Priority Assessment, is a series of decision trees that guides the intake social worker on what the response should be for the various types of allegations ranging from physical abuse to general neglect. A system such as this would provide for a more consistent approach to determining the appropriate responses to initial reports of abuse and neglect in El Dorado County and would provide better documentation justifying the decision reached by the intake social worker.

Emergency Response Protocol not being used in many cases

To determine the Department's compliance with its Emergency Response protocol, 58 randomly selected cases were examined in CWS/CMS to verify that proper documentation existed in each case. Even though this protocol has limitations, it does provide some documentation of the decisions made and is required for every case by Department policy.

Cases were selected largely from 2001 and included referrals which resulted in immediate investigations, investigations within 10 days, and cases that were evaluated out. It should be noted that the sample was randomly selected but was not designed to be statistically significant. A more authoritative examination would require significantly more time than was authorized for this project.

As shown in Exhibit 2.1, out of the sample of 58 cases, Emergency Response protocol forms were only fully completed 50 percent of the time. Thus, although the policy manual clearly states that the form should be used as a guide to making initial intake decisions, half the time the information needed to do so was missing.

² Gilbert, Neil, Karski, Ruth, and Frame, Laura. The Emergency Response System: Screening and Assessment of Child Abuse Reports. School of Social Work, University of California Berkeley, 1997, pp.1-2.

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Exhibit 2.1
Number of Completed
Emergency Response Protocol Forms
in Case Files

	Number of Forms	Percent
Complete	29	50%
<u>Incomplete</u>	29	50%
Total	58	100%

Source: CWS/CMS

As stated above, Department policies and procedures call for the Emergency Response Protocol form to be reviewed on CWS/CMS and approved by the Emergency Response supervisor for all cases which are evaluated out. The Emergency Response unit does an excellent job of reviewing the referrals that are evaluated out. Based on our review, supervisor approval was documented in every case where the decision was to evaluate out. As shown above, the response protocol forms are not complete 50 percent of the time. However, examination of the 25 cases where the decision was to evaluate out show that only two of those 25 referrals, or 8 percent, had incomplete Emergency Response protocol forms and were approved by the supervisor. Thus, in instances where supervisor approval is not required, social workers are more likely to not properly complete the Emergency Response protocol in CWS/CMS.

In 47 of the 58 cases reviewed, the response proposed by the intake social worker was approved by the supervisor, even when a completed Emergency Response Protocol form was not entered in to CWS/CMS. Thus, our review suggests that the required Emergency Response Protocol form is not used to guide all intake decisions, in contradiction of Department policies and procedures. Additionally, it appears that this form is viewed by some social workers as a form that has to be filled out as an after thought and not as integral part of the decision-making process.

Management controls are needed to ensure that all workers are making appropriate decisions and documenting them consistent with Department policies. A regular process of reporting social worker compliance with department policies is needed as is periodic review of randomly selected case files by Department management to ensure that decisions are appropriate, properly justified and documented and in compliance with Department policies and procedures. Supervisors are reviewing a majority but not all decisions by the intake social worker.

Based on the analysis above, we recommend the Department implement the Response Priority Assessment component of the Structured Decision-Making system. This assessment should be completed on every referral placed with CPS. Use of this tool would ensure greater consistency in social worker decisions about which cases to investigate and when. The Response Priority Assessment component of the Structured Decision-Making system provides social workers with a series of decision trees on which to base the initial response decision.

This system will ensure that social workers systematically apply similar criteria to every case and provide consistency across social workers at the two DSS offices in El Dorado County. The

SDM system provides a process to support, guide, and fully document assessments. One significant advantage of this system is that it brings accountability to decision-making and, based on the decision tree system, decisions require an explanation. Moreover, because the decisions are based on the decision tree system to guide the worker, consistency should increase. The Emergency Response Guidelines lacks guidance to guarantee consistency.

Lack of a Formal Safety and Risk Assessment

If the result of the intake worker's assessment is that an investigation should be conducted, the case is transferred to an investigative social worker. Under Welfare and Institutions Code Sections 309 and 16504, social workers must determine whether the children that are the subject of the allegations are in immediate danger of physical or sexual abuse, and whether the children should be removed or can remain safely in their homes. The social worker also determines whether there are any services that can be provided that would allow the children to safely remain in their homes.

To document the basis for this decision, investigation social workers are required to complete an Investigative Narrative, a one-page form with ten fields, to document any risk factors contributing to the social worker's decision whether or not the child should be taken into protective custody. Currently, the Department does not have precise procedures requiring the use of the Investigative Narrative. CPS management reports that the Investigative Narrative serves as the Department's risk assessment tool.

While the State of California requires only a written narrative, the Department has added ten fields to further explain the investigation. The ten fields in the Investigative Narrative that should be complete are:

Brief Narrative of the Investigation (includes details of who, what, when and where)

- Child's age, vulnerability, physical and/or mental abilities (includes perpetrator's access to child)

Child's behavior

- Caretaker's Parenting skills/Knowledge (includes capacity for childcare; interaction with children, other caretakers; skill, knowledge; criminal behavior, mental health)
- Strength / Weaknesses of Family support system (includes relationships, presence of parent substitute)
- Caretaker's Substance / Alcohol Misuse
- Environmental Condition of Home
- Any services offered and result (includes directives/referrals given and family's response)

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Need for Emergency Services, if any

One problem with the Investigative Narrative risk assessment tool used by the Department to document investigations is that it does not offer a structured approach to guide the investigation social worker's assessment of risk into a decision. Instead, the form is primarily used by the Department's social workers to provide a description of their investigations. As such the documentation of why a child should be taken into protective custody is not as thorough or objective as it would be if a standardized risk assessment were in place.

Without a formal safety and risk assessment the criteria social workers use to make removal decisions can vary significantly. Based on a questionnaire provided to social workers in CPS as part of this audit, 58 percent of social worker respondents disagreed with the statement that all social workers use the same criteria in deciding to remove children from their homes.

Compounding the inadequacy of the Investigative Narrative as a risk assessment tool is that social workers are not properly using it. As shown in Exhibit 2.3, in 19 of the 27 cases reviewed where an in-person investigation took place, or 70.4 percent of all cases, the form is not properly completed. The definition of not properly completed is that the Investigative Narrative only contains a paragraph or two providing a description of the investigation rather than completion of all ten fields of information required on the form. Often, the paragraph narrative was only a few sentences in the cases reviewed. The Investigative Narrative was missing entirely in eight of the referrals examined. In these cases, it is impossible to retrace the steps of the social worker to determine the basis for the decision. For the eight cases where the Investigative Narrative was incomplete, a list of individuals contacted for the investigation by the social worker was provided in CWS/CMS, but this failed to provide beneficial information to determine how the social worker reached a decision.

Exhibit 2.3 Use of Investigative Narrative by CPS Social Workers

	Number of Narratives	Percent
Each field complete	8	29.6%
Fields Incomplete	11	40.7%
Narrative not found	8	29.6%
Total	27³	100%

As shown in Exhibit 2.3, 11 of the 27 Investigative Narratives in CWS/CMS were improperly completed, by not having each of the ten fields documented. The quality of the narratives ranged from one sentence to a very detailed account of the investigation to one that simply referred to a list in CWS/CMS of individuals contacted for the investigation. As with cases that are evaluated

³ The sample number is 27 here because this is the next step in the child removal process. If the intake social worker determines that the referral does not meet the criteria of an in-person investigation that case is "evaluated out" and no further action is required by the Department of Social Services.

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out **after initial intake, prior** to the Investigative Narrative being completed by the investigative social worker, the Emergency Response Supervisor must review and approve the document. Of the cases reviewed, only eleven of the Investigative Narratives, or 40.7 percent, were not properly filled out yet they were apparently approved by the supervisors anyway. However descriptive the narrative form may be, it is still an inadequate assessment of the safety and risk of the child.

According to Department management, the Investigative Narrative is designed more to close an investigation, especially in cases where no petition will be filed, and is geared to move the case along. This creates the impression from management to line staff that the Investigative Narrative is a form required to be completed more as an after thought to move the case along, rather than a tool which assists social workers and is an integral part of the decision-making process.

In one case reviewed, the Investigative Narrative included only a brief one paragraph review of the investigation. The decision was to open the case and offer Family Maintenance services. However, three days later the case was closed, and the case file indicates that the case was opened in error. While mistakes can occur in any system, the lack of precision in the Investigative Narrative means that mistakes like this will be more likely to occur. Use of a risk assessment tool with a structured assessment mechanism would significantly reduce the potential for opening a case in error or failing to open a case when the child should be removed from the home.

Need for a more structured and consistent approach to case decisions

Based on the case file review conducted for this audit, it is clear that formalized Safety and Risk assessments tools would assist the investigative social workers in their decision-making and ensure greater consistency in case decision-making. The Department should implement the Structured Decision-Making (SDM) Safety and Risk assessment components as a complement to CWS/CMS as a means to increase consistency of investigations. This system, or components of it, are currently in use in at least 15 other California counties.

The Safety Assessment component of SDM is designed to be used by investigative social workers during the initial in-person investigation of abuse and neglect referrals to determine when a child should be taken into protective custody. The Safety Assessment form contains a simple checklist and a narrative to formalize the decision-making process in CPS. These assessments will ensure that CPS staff assesses all cases based on a standardized set of criteria.

In some counties, full integration of the Structured Decision-Making tools and the CWS/CMS system are not fully realized. Until full integration, many counties have implemented a paper version of assessment tools to complement CWS/CMS. Santa Clara County uses a paper version of the Structured Decision-Making system. The risk assessment tool in Los Angeles County is a paper version to complement CWS/CMS. In both Counties, social workers manually complete the forms and keep the document in the hard case file. The Department of Social Services could implement a paper version of the Structured Decision Making tool and manually track the results of these assessment tools and maintain records in the hard case file, similar to Santa Clara County.

Inconsistency in After Hours Intake

Section 16504 of the Welfare and Institutions Code (WIC) states the County must provide a 24-Hour intake hotline, where referrals can be made. CPS maintains After Hours hotlines and staff at both the Placerville and South Lake Tahoe offices. Currently the Department does not have dedicated staff to operate the After Hours intake at either office. Staffing for After Hours is made up of workers who either volunteer or are assigned on a non-voluntary rotating basis.

According to the Memorandum of Understanding with the union, social workers who work After Hours are guaranteed a minimum of two hours pay, plus an additional \$1.20 per hour on-call. Additionally, the Memorandum of Understanding states "On-Call duty" means that an employee is assigned to work outside their normal work week and must remain available to be contacted by telephone and be ready for immediate call-back. Thus, the social worker is not in the office, but is accessible by telephone and ready to respond should a situation arise.

The After Hours process is as follows:

- The Department has a contract answering service that receives calls to the After Hours unit. At the beginning of the month CPS will send the answering services a monthly schedule of the social workers scheduled to work the After Hours shifts; and
- When a referral is received by the answering service, the service will put the caller on hold and will either page or call the on-call After Hours social worker. At that point the social worker is connected to the reporter to begin the initial intake process.

The After Hours intake process varies significantly from the intake process during normal business hours when CPS is fully staffed. For instance, in Placerville during normal business hours, the intake social worker will make the determination whether an in-person investigation is required, but they will not generally conduct the investigation. However, the After Hours intake social worker will not only make the decision whether to conduct an in-person investigation, but will actually perform the in-person investigation if an immediate response is required.

Thus, when a social worker is conducting an immediate in-person investigation, the After Hours intake center does not have a social worker available to handle a second referral. According to the Emergency Response supervisor, those instances are rare, but they do happen. When these instances do occur, the answering service will take a message and the social worker will then call the reporter to begin the intake process on the second referral.

According to the Department policies and procedures manual, when a child is removed from the home and placed in protective custody by After Hours staff, the written documentation of the incident should go to the Emergency Response Supervisor by 8:00 a.m. the next workday. The potential problem with this is that, without a supervisor checking the social worker's decision, a child could potentially be placed in protective custody or left in the home for as long as several days erroneously.

Additionally, unlike daytime hours, After Hours intake social workers have no direct supervision. During normal business hours, the intake social workers are positioned near the ER supervisor and can have consultation with their supervisor and fellow employees. However, social workers on After Hours duty work alone and do not have consultation with their supervisor. The social workers can call the supervisor if needed for informal consultation, but there is no guarantee that the supervisor will be available. When the supervisor is on vacation or unable to answer the phone the social worker is left to make these decisions on their own.

Furthermore, during After Hours duty, social workers have no immediate access to CWS/CMS since the call is received at home. Although social workers have access to the Department building and CWS/CMS during After Hours, there is a delay to obtaining all relevant information regarding the case. This poses potential significant problems and violation of the Department's policy regarding factors to consider in determining if an in-person response is needed:

"The decision whether or not to make an in-person response for all other referrals shall be based on an assessment which shall include collateral contacts, a review of previous referrals and other relevant information to the extent such information or measures are necessary to conduct an assessment."

Furthermore, the Department's "Child Protective Services Protocol" states that in-person investigation decisions by the intake social worker shall include a review of the child's "history and disposition of prior referrals." However, since the After Hours social worker does not have immediate access to previous referrals on CWS/CMS, the decision is made on only a partial picture. Additionally, the use of the Emergency Response Guidelines form in CWS/CMS is impossible for social workers to consistently answer correctly, since they do not have access to the past history of the child. Without access to CWS/CMS or paper files at the office, social workers cannot answer two of the eight questions that require further analysis. These questions are as follows:

- Is this an open service case with DSS and is the current intervention adequately addressing the problem described in this allegation?
- Does this report represent one in a series of previously investigated, unsubstantiated, or unfounded reports from the same party in which no new allegations or risk factors are revealed?

Thus, when an After Hours social worker is making the decision to initiate an in-person investigation or not, the decision is made lacking historical information and without the ability to answer two of the key questions included in the Response Guidelines.

In the sample of cases reviewed for this audit, instances were found where After Hours social workers received calls in which access to CWS/CMS might have changed the decision regarding if and how soon an in-person investigation should be conducted. We found instances where an After Hours referral had 10 previous referrals throughout the State of California. Based on the

⁴ Child Protective Services Policy Manual. El Dorado County Department of Social Services. 1992. pg. 9.

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current system these referrals would not have been known immediately by the intake social worker. Additionally, we found several After Hours cases where children had three referrals each. In particular, the child had three referrals and the response guideline protocol was incomplete. Information such as this could be critical to the decision made by the intake social worker. During normal business hours, the worker would have immediate full access to this information on CWS/CMS.

To address the lack of historical and other information available to intake social workers for After Hours cases, CPS should implement a new category of a three-day response to give social workers more flexibility in making the in-person investigation decision. Unless it is obvious that an immediate investigation is needed, After Hours cases could be placed in this category rather than being evaluated out, pending access to CWS/CMS the next business day. This increased flexibility will come at no additional cost to the County. Additionally, CPS supervisors should be required to be on-call After Hours to provide consultation as needed to social workers. Taking these steps will ensure that After Hours decisions are consistent with the approach used during normal business days.

Conclusion

The initial screening and investigation risk assessment tools required by the Department for social workers to use are not sufficiently structured to ensure consistency of decision-making by different workers and at both Department offices. Nor do the tools provide adequate documentation justifying decisions reached. Unfortunately, they are not used at all in some cases and are only partially completed in others. Even with their limitations, these required forms provide some documentation justifying the decisions reached by the social workers. Cases are being approved by supervisors without these required forms completed in apparent contradiction of Department policy.

The Department of Social Services needs more management oversight of worker compliance with required procedures and spot checking of case files to ensure that case decisions are adequately documented and supported. To further improve the level of documentation and justification of decisions reached, the Department should implement use of Structured Decision-Making tools to determine what referrals receive further investigation, how soon a response is needed, and to help social workers conducting investigations to determine if there is further risk posed to the child and whether to remove the child or not. In only 50 percent of the cases reviewed were the current initial intake response forms complete. In a review of a sample of Investigative Narratives, over 70 percent were either incomplete or missing. Since social workers are not accurately completing the Department's existing screening and investigation tools, consistency of intake responses and the decisions by investigators within the Department cannot be tracked. There are substantial problems with the process, ranging from lack of CWS/CMS immediate access to check previous referrals to a lack of consultation from supervisors.

Recommendations

The Department of Social Services should:

- 2.1 Create a monthly report for CPS management review generated by CWS/CMS documenting the extent to which required screening and risk assessment forms have been completed by social worker staff and signed off by supervisors documenting and justifying decisions to either investigate or evaluate out referrals and whether or not a child should be removed from home;
- 2.2 Implement use of the Response Priority and Risk Assessment tools in the Structured Decision-Making system in deciding if a referral should be investigated immediately, within 10 days, or not at all, and, whether or not a child should be removed from home or offered services while remaining at home;
- 2.3 Use a paper version of the Structured Decision-Making system as a complement to the CWS/CMS system;
- 2.4 Formally implement and expand use of a shorter referral response time of 3 Days, particularly for After Hours cases in which immediate investigations are not conducted so the social workers can cross check prior referrals and case data on CWS/CMS during business hours before deciding to evaluate out a case;
- 2.5 Establish an on-call system for CPS supervisors for After Hours cases so that they are available, on a rotating basis and as needed for assisting social workers in determining how to handle After Hours cases in the same way that they are available for that purpose now during normal daytime business hours;

Costs and Benefits

Costs of these recommendations include the additional cost to have a CPS supervisor on-call to support After Hours social workers. Costs would also be incurred for the time required by social workers for training on use of the recommended new Structured Decision-Making (SDM) tools and any purchase or licensing costs associated with the system. However, some social workers within the Department are already taking risk assessment training, so there would be no increased costs with having social workers take the SDM training over a basic risk assessment course. Moreover, staff costs should be minimal since the SDM forms provide a point system and should require less time than properly completing the Investigative Narrative the Department currently uses.

Responses Required for Findings

F2.1 through F2.5 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

Responses Required for Recommendations

R2.1 through R2.5

El Dorado County Department of Social Services
El Dorado County Board of Supervisors

3. Performance Measures

- F3.1 The Department of Social Services Child Protective Services division regularly produces management reports that concentrate on caseload levels, assignments and referral characteristics rather than outcomes. The performance measure indicators tracked are inconsistent throughout the division.
- F3.2 Department management needs to establish outcome goals for the CPS division and related measures to better evaluate CPS outcomes and individual employee performance. Measures such as number of families reunified after receiving services, number of children in stable placements, and recidivism should be regularly measured in addition to caseload levels.
- F3.3 Employee performance evaluations appear to be conducted reasonably timely for employees who have passed their one year probationary period. For employees on probation the number of evaluations conducted is inconsistent and their use in determining permanent employment is unclear. Employees on probation during FY 2000-01 and FY 2001-02 received anywhere from none to four evaluations during that period. Of eight probationary employees during the last two years who received satisfactory reviews, four were terminated and four were retained for permanent employment.
- F3.4 By implementing an employee performance evaluation system that explicitly explains job expectations for the first year of employment, includes in-person documented performance evaluations every three months during the first year of employment, uses a standardized appraisal instrument, includes outcome based performance measures in the appraisal instrument, and provides timely annual post probationary evaluations, the Department will have greater assurance of consistency and accuracy in its performance evaluations.

Organizations, whether public or private, need to establish a set of goals and create an ongoing system of measuring organizational and employee outcomes. Increased staff accountability, improved problem solving ability, and, ultimately, better results for children are goals that all child welfare agencies should strive for. Without an accurate measurement of outcomes, it is difficult to determine the impact of the resources allocated on services and whether or not the agency is effectively carrying out the goals and objectives of management. To achieve an accurate measurement of performance, the Department must set measurement goals, employee outcomes must be measured related to these goals, and data must be utilized to measure performance. Employee evaluations are the source to quantify the performance of employees.

Section 3: Performance Measurement

Both processes of setting goals and establishing outcome measures can be beneficial because they require management to establish priorities and to allocate resources and to establish systems and processes that will lead to the intended results. The Department of Social Services, according to its web site, cites its mission goal as "to help people in social or economic crisis increase their ability to become as self-sufficient as possible." However, the Child Protective Services division does not have its own mission statement, but generally the goal of the division is to provide assistance to children who are victims of abuse, neglect or exploitation.

Based on research and interviews, the Department does not have a consistent system in place for measuring the effectiveness across units within CPS. However, the CPS does a good job of collecting and reporting a variety of statistics about caseload activity levels, but not always outcomes and Department goals. The statistical management reports produced concern the type of referrals and their dispositions, current caseload levels, type of out-of-home placements, closed and active, number of adoptions, and number of children freed for adoption. The information provides management a tool to review and assess caseload and staff productivity, but they do not measure outcomes or the achievement of Department goals, such as the number of families reunified, number of children in stable placements and others.

Inconsistencies exist in the performance measures used in the Child Protective Services division. The variances not only exist between the two Department offices, but also within CPS units in the Placerville location. While there are many similarities, such as caseload numbers, between the units there was not a consistent guide for tracking outcomes throughout the division.

The Emergency Response unit in Placerville, we found there are more formalized performance measurements in place. The supervisor in that unit has created a series of reports and systems that can track performance within the ER unit. The performance measurements in that unit are as follows:

- Referral Count by Start Date
- Referral Count by End Date
- Voluntary Status Report
- Case Plan Start Date for Cases Opened Between two Dates
- Open Referrals with First Investigation Date
- Referral Performance Statistics
- Number of All Evaluate Outs
- Number of All Referrals upon Closing
- Number of All Voluntary Family Maintenance Cases upon closing
- Monthly Caseload Activity Report
- Caseload Summary
- After Hours Intake Log

Examinations of the Ongoing and Adoptions units show each unit within CPS has different standards which are examined to determine performance measurement. According to the Ongoing Unit supervisor, that unit reports social worker caseload numbers on a monthly basis. In addition, the supervisor scans cases and a determination is based on the case plan, as some

case types require more staff time than others do. In the Adoptions unit some performance outcomes are measured, such as the number of adoptions, but the outcomes are not linked to the case approach that preceded it in the other units.

Caseload Tracking

Another critical role of the supervisor is to monitor achievement of key casework activities and outcomes on a case-by-case basis. Monitoring activities and outcomes enables the supervisor to track client progress as well as the caseworker's completion of essential casework functions. In addition, supervisors monitor achievement of casework activities and outcomes across caseloads. Finally, by monitoring the unit to determine if it is achieving its program goals, supervisors can identify trends necessary for planning purposes as well as areas in need of corrective action.

One problem with caseload tracking in CPS is there is not a system in place to determine caseload numbers on a historical basis. Supervisors informed audit staff that caseload numbers change daily and there is not a systematic procedure to produce reports, which offer a historical perspective on caseloads. Even with the Monthly Caseload Activity Report, we were unable to get a historical assessment of assignments across units and of both DSS offices in the County. Analysis of the number indicated dramatic fluctuations in caseload numbers.

One consistent theme emerged from discussion with upper management of the CPS division. The theme is that the performance measurements are not outcome based. Some interviewed felt outcome based performance measurements would be beneficial to the Department

Outcome Measurement Systems in other Jurisdictions

Jurisdictions throughout California have or are in the process of instituting outcomes-based performance measures for their child welfare service departments. Los Angeles and Contra Costa counties are among the California counties that have or are establishing outcomes-based performance measurement systems. The Los Angeles County Department of Children and Family Services, in its Strategic Plan 2000, has identified accountability as one of its key values, defining it this way:

Accountability involves the belief that efforts to achieve an outcome will be made, that these efforts will be directed at a goal and will result in achieving that goal, that achievement can be demonstrated, and that someone is held accountable for the results. ¹

Based on this value, Los Angeles County distinguishes five broad outcome areas for all children in the county:

- Safety and survival
- Good health
- Social and emotional well being

Strategic Plan 2000, 2000; Los Angeles County Department of Children and Family Services

SPECIAL DISTRICTS

Section .3: Performance Measurement

- Economic well being
- School achievement and work force readiness

Of the broad goals listed above, each has its own specific outcomes tailored to the children in the Los Angeles County system, which includes performance indicators and data sources for each specific outcome. The data sources established in Los Angeles to track each performance indicator is generated by CWS/CMS. For instance, for social and emotional well being the desired outcome goal is to reduce the time a child spends in placement. To measure this outcome Los Angeles County used CWS/CMS data to determine the average amount of time a child spends in foster care, stratified by placement type. Data for this measure is available in CWS/CMS

Contra Costa County's child welfare system established broad outcomes, strategies, performance measures, and data sources, similar to the structure of Los Angeles County's system. The outcomes are as follows:

- Children's health and developmental needs are being met
- Families are satisfied
- Children are safe and remain in their own homes whenever possible
- Children achieve permanency in a timely manner

El Dorado County could replicate the outcomes and models in both Los Angeles and Contra Costa Counties. To establish an outcome based performance measurement system usually requires an investment of staff time and possibly funding for new or enhanced information systems. The Department of Social Services Child Protective Services division can create outcome based performance measures from data stored in CWS/CMS. While the system has its limitations, it also has the ability to produce some useful outcome and performance reports for management.

For example, throughout the audit, CPS staff provided ample data to audit staff directly extracted from CWS/CMS. The Department filled numerous audit staff data requests by extracting the data from CWS/CMS. Examples of the data provided included number of Emergency Response Investigations; Active Cases; Cases Closed; Current Caseload; Referral Counts by Start Date; and Voluntary Family Maintenance Cases.

Since CWS/CMS is an automated version of a case file, all data recorded about each child and family should be available from the system and able to be extracted and aggregated for outcome reporting. Some of these measures listed above, such as the number of families reunited at case closure and number of Social Workers per child, would require development of special reports that are not produced at this time, though they are all technically possible to produce. For example, recidivism data is recorded in individual case files and could be extracted to review family referrals to the Department subsequent to case closures, but this would require production of a new CWS/CMS based report. Production of any performance measurement report requires that all Social Workers input the data needed on to CWS/CMS. All staff do not consistently use the system at this time, making some data collection and analysis difficult to perform.

Employee Evaluations

As a result of an organization's goals and objectives, performance measures should be tracked to ascertain if the stated purpose of the organization is met. Further, organizations must have a formal system to review employee performance to determine if goals are being met by employees consistent with organization-wide goals. Without evaluation there is no objective, quantifiable measurement of service or staff quality, no technique for fostering improvement and no system to determine if stated employee goals are achieved.

Employee performance evaluations can foster improvement in worker morale and employee performance. With detailed employee evaluations, areas for individual employee improvement can be identified and goals set for improvement in those areas. Unless feedback is provided voluntarily by supervisors to their staffs, the absence of an employee evaluation system can encourage the status quo or even a decline in performance as it communicates the message that one's performance doesn't matter.

Performance evaluations are a method of communicating and reinforcing an organization's goals and values such as efficiency and responsiveness to customers. An effective performance evaluation system should not be constructed or used as a punitive measure but as a proactive system for management to communicate its expectations to employees and for assisting employees to improve. Employee performance evaluations are crucial in the initial stages of employment when workers are in the socialization process of learning the details of the job.

The Memorandum of Understanding (MOU) between El Dorado County and Public Employees, Local Unit No. 1 details the review process for the yearlong probationary period for new employees. The MOU identifies the probation review process as follows:

- The employee will receive a written statement of expectations signed by the supervisor and employee. The supervisor shall retain the copy signed by the employee and provide a copy to the employee.
- Not less than monthly the supervisor shall meet with the employee to review the employee's progress toward meeting the supervisor's expectations. The supervisor shall provide the employee with a written summary of the meeting.
- The employee will acknowledge receipt of the summary of his/her progress by signing a copy of the summary. The supervisor shall retain the copy signed by the employee.
- The employee shall be considered to have met expectations in any month in which the supervisor does not meet with the employees and provide them with a written summary of his/her progress.

- All written summaries, containing the employee's acknowledgement of receipt, shall be submitted to Human Resources with the appropriate forms for successful completion of probation or of the employee's failure to complete the probation period.

In addition to this process, the Department maintains a more formalized employee evaluation process in which probationary employees are reviewed using the Department's standardized *Employee Performance Appraisal* form after six months and eleven months of employment. These more formal reviews are done in accordance with Merit Systems. Merit Systems is a contractor for the California State Personnel Board that satisfies the State of California's responsibility to ensure that personnel systems which cover county employees of federal grant-in-aid programs comply with federal merit standards.

The employee evaluation process begins when an employee is hired. The Department gives the employee a description of the job and a list of essential functions related to the job. According to the Department, employees are given informal monthly reviews. These informal reviews are supposed to consist of a memorandum chronicling the employee's status and highlighting any issues regarding the employee's job performance. These reviews describe the nature of the meeting, and provide some feedback to the employee regarding their performance.

The formal employee evaluation process starts with the supervisor completing a formal written evaluation of the employee. Once the appraisal form is complete the supervisor will sign and date the review. The employee will then review, sign and date the evaluation. The form, however, clearly states that the employee signature does not mean the employee is in agreement with the review. At this point, the Program Manager reviews the employee evaluation and signs the form. Unlike the employee signature, the upper management signature does indicate concurrence with the employee review.

The Department's instrument to meet the Merit System requirement for a formal performance evaluation is the *Employee Performance Appraisal*. This form is only completed for the formal evaluations at the six-month review and end of probation. This appraisal is used to evaluate the performance of staff **based** on several criteria. A review of this document indicates that the evaluator must (a) identify or report on the probation status of employee, (b) identify an overall rating, (c) identify employee goals, and (d) report on the employee's performance using a list of performance factors, which includes job knowledge, output, compliance with rules, and initiative. A supplementary appraisal form, used only in South Lake Tahoe, indicates that the evaluator must (a) list items discussed during the review, (b) identify desired training and training attended, and (c) identify length of time with the Department.

As part of this audit, verification of employee performance evaluations was conducted for 13 randomly selected CPS employees at pre and post-probationary stages and for all employees on probation during the previous three fiscal years. Several issues limited the immediate review of the employee evaluations. DSS management was reluctant to provide audit staff access to the employee performance reviews due to confidentiality considerations and outstanding litigation. The County Counsel's Office determined their office could conduct the review and provide the data to audit staff with names redacted so employee privacy would remain intact.

Based on this review, the Department does a good job of providing yearly post probationary evaluations. Analysis of the performance evaluations of post probationary employees revealed the Department completed an employee appraisal on a timely basis for all but one of the 13 employees. The employee that did not have a yearly review had their performance evaluated each of the previous six years prior and three years after the missed evaluation.

The evaluations reviewed were conducted more than one year after their last evaluations. Excluding the missed review, we found that in 8 of 26 yearly post probation evaluations for six employees, or 30.8 percent of all their evaluations, the Department missed the required yearly time period. On average the missed reviews were 58 days past the one-year period. The longest delay was 141 days more than a year. The shortest delay was 4 days past the one-year mark for a post probation evaluation.

This review found significant problems with probationary evaluations. The formal evaluation forms, performed after six months and at the end of probation, are conducted on an inconsistent basis. The Department does a sufficient job of conducting employee evaluations for some employees, while other employees get performance evaluations on a sporadic basis, if at all. As Exhibit 3.1 illustrates, the Department conducted formal Merit Systems evaluations during probation on employees at various frequencies. A majority of probationary employees, 23 out of 30, or 76.7 percent, received between one and three formal evaluations during their one year probation. Two employees, or 6.7 percent, received four formal evaluations, an average of once every three months.

Exhibit 3.1
**Completion of Formal Employee
 Performance Reviews during Probation**

Number of Probationary Reviews	Number of Employees	Percent
4	2	6.7%
3	7	23.3%
2	9	30.0%
1	7	23.3%
0	3	10.0%
N/A	2	6.7%
Total	30	100.0%

Further, Exhibit 3.1 shows of the 30 employees in the random sample, five employees, or 16.7 percent, did not receive a formal performance evaluation at either the six-month point of employment or at the conclusion of probation. Two of these employees are not applicable since each employee has been with the Department less than six months. However, of the three remaining employees without a formal review, one has worked for the Department for more than 540 days without a formal appraisal of work quality. Additionally, we found a second employee employed at the Department for over 375 days with no formal evaluation conducted, although

the Department policy is that these reviews should happen at the 6-month point of employment and again at the end of probation. Moreover, these two employees moved from the probation period of employment to post-probationary timeframe of employment without a formal review.

In an examination of nine probationary employees where formal probationary reviews were completed using the *Employee Performance Appraisal* form, we found minimal consistency in how the results of the formal evaluation were used. Of these nine cases, we found that only one employee was given ratings above standard, the equivalent of above average. The remaining eight employees were all rated as meets standard, which is the equivalent of average or satisfactory, for all of their formal reviews during probation. The findings of the eight employees are presented in Exhibit 3.2.

Exhibit 3.2
Probation Results for Eight Employees who
Met all Standards in Their Formal Evaluations

No. of Employees	Percent	Average Number of Reviews	Overall Rating Of Review	Result of Probationary Period
4	50%	1.50	Meets Standards	Retained
4	50%	1.25	Meets Standards	Terminated
8	<u>100%</u>	<u>1.38</u>		

As Exhibit 3.2 demonstrates, based on the formal evaluations half of the employees were terminated at the end or during their probationary period even though their overall ratings were the same as those who were retained. This demonstrates that either these formal evaluations are not documented well or the meaning of the evaluation elements are not consistently understood by all supervisors and the Program Manager who reviews all evaluations. Moreover, of the four terminated employees, three received a recommendation for a step increase in pay in their written evaluation forms. One of the forms with a recommendation for a step increase is dated just 17 days before the employee was terminated.

Inconsistencies exist in the informal review process as well. Since conducted on a monthly basis, the informal review process should be a way for the Department to address employment issues and problems to the employee in an effort to obtain improvement. However, a review of the informal evaluations for the eight employees listed in Exhibit 3.2 showed that the Department conducts these reviews on an inconsistent basis. Some employees receive multiple informal performance evaluations, while others do not receive any informal written evaluations. As Exhibit 3.3 illustrates, based on our sample of eight employees with the same ratings in the formal evaluations, the Department conducted informal evaluations during probation on employees at a range of frequencies. One employee received eight informal written performance evaluations. However, three employees never received any informal performance evaluations.

Exhibit 3.3
Completion of Written Informal Employee
Performance Reviews during Probation

Number of Reviews	Number of Employees	Percent
More than 4	1	12.5%
4	1	12.5%
3	0	0.0%
2	2	25.0%
1	1	12.5%
0	3	37.5%
Total	8	100.0%

As previously stated, the Memorandum of Understanding between the union and County states that employees shall be considered to have met expectations in any month in which the supervisor does not meet with the employees and provide them with a written summary of his/her progress. However, in the four cases where the employee was terminated at the end of the probation period, informal evaluations were not always conducted on a monthly basis. Of the four employees terminated during probation, one employee received four informal evaluations, one employee received two, one received one and the fourth employee received no informal evaluations.

Without feedback in the form of regular performance evaluations, employees may not be encouraged to improve, especially at the initial stages of employment. It is possible that employees are performing above expectations, but unless that is acknowledged by management a decline in performance is possible as the absence of evaluations communicates the message that one's performance doesn't matter. Based on the sample of performance evaluations reviewed, many employees at the Department have not received an evaluation within the first month of employment. Of the four terminated employees, only one received an evaluation within the first month of employment. The remaining three terminated employees received their initial evaluations at 163 days, 198 days, and 220 days.

In addition to the frequency of the evaluations completed on an inconsistent basis, the level of depth in the written memorandum varies considerably. Some of the memorandums are detailed descriptions, listing positive and negative attributes of the worker, as discussed during the informal review. However, a majority of reviews provide minimal detail. A majority of the informal reviews are a list of issues both positive and negative regarding the employee's performance, but detail is minimal and there is not a standard form or consistent criteria used in this informal review process.

Without consistent and detailed performance evaluations, it is unclear if Child Protective Services supervisors are doing a sufficient job of documenting communication with employees regarding their performance. Based on informal performance evaluations it is uncertain whether the communication between the supervisor and the employee of these issues is adequate. The

Section 3: Performance Measurement

Department provided documentation of CPS supervisor notes making comments of discussions regarding employment issues, but these are very brief comments explaining the issue. Moreover, these comments, along with the performance evaluations, occur on an inconsistent basis. As a result of these inconsistencies, the Department should formalize the review process so employees all receive the same number of reviews and that the reviews are done on a consistent form, whether an informal or formal evaluation.

Department management should strengthen their evaluation process for probationary employees. Once an employee accepts an offer of employment, the supervisor should conduct an intake interview. The purpose of the interview should be a discussion of the job requirements and a clear statement of the employee's goals, objectives, and critical job tasks. This statement should also include any specific training or other development needs agreed to by the employee and supervisor at the time of hire. The basis of this intake interview should be the approved job description and a clarification of the Department's goals and objectives of the employee during the probationary period. A written statement of the meeting should be developed and signed by both the employee and the supervisor. At a minimum, within the first three months the employee and the supervisor should conduct a documented performance review with a formal evaluation instrument that is based on the outline of job expectations during the probationary period.

Analysis of the formal probationary evaluation instrument found employees terminated during or at the end of their probationary period had the same ratings as those who were retained, and some were recommended for a salary increase weeks prior to termination. This indicates that supervisors and the Program Manager who review all probationary evaluations do not have a consistent understanding of the review process or evaluation criteria. To address this problem the Department should implement a policy to have the Deputy Director review all probationary evaluations to ensure consistency between supervisors and the Program Manager. Additionally, using a formal performance evaluation instrument for all evaluations will address the concerns that similar reviews lead to dissimilar outcomes.

The performance evaluation form should be refined and the performance measures should be expanded. Additional categories, such as Quantity of Work, Quality of Work, Accountability, Dependability/Reliability, Job/Technical Knowledge, Working Relationships, and Judgment should be implemented to provide employees with additional feedback on performance. The overall ratings should be increased to, at minimum, a five point scale, which includes the following: Well Above Standard, Above Standard, Meets Standard, Below Standard, and Well Below Standard. Additionally, Department management should ensure that post-probation reviews should be conducted annually. These efforts should reduce any uncertainties that may arise during the employee performance review process.

Conclusion

The Department of Social Services Child Protective Services unit does not have a formal system in place to track its outcomes. The various units of CPS track caseload, but not outcomes. Some other counties in California have established or are establishing outcome based performance measurement systems. CPS has this capability through the CWS/CMS computer system.

Without tracking and closely monitoring key outcome measures, CPS and Department management is at a disadvantage in terms of monitoring its performance, identifying existing or potential problems, making necessary changes to improve performance, and measuring the results.

The Department is not consistent in its approach to employee evaluations. The Department should conduct formal performance evaluation at least twice during the probation period, but in 33 percent of the time fails to properly do so. In addition, the Department has an informal performance evaluation where a memo is utilized to document employee status. Based on a review of these informal evaluations, 75 percent of employees receive fewer than two of these evaluations. This demonstrates that the Child Protective Services division is not properly documenting employee evaluation.

Recommendations

The Department of Social Services should:

- R3.1 Implement a comprehensive set of outcome-based goals and performance measures;
- R3.2 Implement performance measurement reports that can be produced from CWS/CMS to track performance measures and to determine improvements needed within the Department;
- R3.3 Implement a policy to have the Deputy Director review all probationary evaluations;
- R3.4 Amend the employee performance evaluation process so that (a) written first year and ongoing job requirements clearly explained to new employees at a documented intake interview, (b) in-person, sit-down and documented performance evaluations are conducted every three months of employment during the probationary period using a standardized performance evaluation instrument, (c) the personnel evaluation form includes additional performance measures related to departmental goals and objectives, and (d) post-probation reviews should continue to be conducted annually.

Costs and Benefits

The costs of the above recommendations would be sustained in the form of staff time to develop performance measures based on outcomes and produce reports from the CWS/CMS computer system to provide data for the outcomes. An additional one-time staff cost would result in the effort to amend the employee appraisal form. The benefits of implementing the above recommendations would include data to document Department outcomes and achievements of stated goals and creation of a common vision shared by all Department staff. An improved employee evaluation system would provide consistency across the unit and provide employees with feedback on their performance.

Responses Required for Findings

F3.1 through F3.4 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

Responses Required for Recommendations

R3.1 through R3.4 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

4. Supervision

- F4.1 The Child Protective Services division (CPS) is organized into four units, with one supervisor responsible for each unit. The four supervisors report to a Program Manager who reports to the Deputy Director and Director of the Department of Social Services. The four units vary in size, number of functions and spans of control. The largest unit, the Adoptions unit, has 11.1 full-time equivalent positions, including vacancies, while the smallest unit, South Lake Tahoe, has 5.1 full-time equivalent workers. The Adoptions unit supervisor oversees adoptions social workers in Placerville and South Lake Tahoe and all CPS clerical staff in Placerville. No other supervisor oversees staff from two different functions and in two different offices.
- F4.2 There is one social worker supervisor at South Lake Tahoe but no on-site representatives of upper management. The CPS Program Manager is located in Placerville and is supposed to routinely visit the South Lake Tahoe office but this does not happen on a regular basis. An Administrative Services Officer position is assigned to the South Lake Tahoe office with responsibility for clerical staff and facility management. For social work staff at South Lake Tahoe the absence of an on-site manager results in less access to upper management on CPS issues and less opportunity to address and resolve social worker staff concerns and problems.
- F4.3 The Department should reorganize to address imbalances in supervision levels and the gap in management presence at South Lake Tahoe by: 1) removing oversight of adoptions staff at the South Lake Tahoe office from the Adoptions supervisor in Placerville to the South Lake Tahoe CPS supervisor; 2) reclassifying the Administrative Services Officer position at South Lake Tahoe to a Program Manager, with responsibility for all program staff at that facility.

Child Protective Services division supervisors have a variety of responsibilities and perform an essential role in day-to-day operations of the division. As previously stated in the Introduction to this report, the Child Protective Services (CPS) division is comprised of four units: Emergency Response; Ongoing; Adoptions; and, South Lake Tahoe. Each unit has its own supervisor responsible for overseeing their unit's staff. All of the supervisors report to the CPS Program Manager.

Fragmentation of Supervision

Two of the four supervisors oversee staff in a single functional area at the Placerville office. The South Lake Tahoe supervisor manages all CPS staff at that office in all CPS functional areas except adoptions. The fourth supervisor is responsible for adoptions social worker staff in Placerville and South Lake Tahoe and all CPS clerical staff in Placerville.

A review of the Department's organization and staffing charts and documents reveal differences in the assignments and number of staff reports to the supervisors of the different units. The number of social workers and office assistants the supervisors are overseeing varies substantially, and consequently, so does the volume and complexity of their workloads. To assess these differences, we used organizational charts provided for each unit to determine how many positions report to each supervisor and how many levels of staff there are in each unit. The findings are presented in Exhibit 4.1.

**Exhibit 4.1
Overview of Supervision by Unit
Within Child Protective Services**

Unit	Emergency Response Supervisor	Ongoing Unit Supervisor	Adoptions Supervisor	South Lake Tahoe Supervisor
overseen ^s	ER	Continuing	Adoptions Clerical Placerville	Continuing
# SW Staff	10.06	7.0	4.64	5.05
#OA Staff			66.5	
Location of Staff	Placerville	Placerville	11.14 Placerville South Lake Tahoe	South Lake Tahoe
Location of Supervisor	Placerville	Placerville	Placerville	South Lake Tahoe

Source: Compiled from Department of Social Services Organizational Chart and interviews with CPS staff.

As Exhibit 4.1 shows, the supervisors within CPS lack consistency in their spans of control. Based on the data provided above, CPS supervisors vary in the number of staff they supervise. The numbers supervised range from a high of 11.14 in the Adoptions unit to a low of 5.05 in South Lake Tahoe.

Further examination of Exhibit 4.1 shows there is variance not only in the number of employees supervised but also the number of functions and the number of offices where supervised staff are located. Only the Adoptions and South Lake Tahoe supervisors oversee two functions each, the other supervisors are responsible for one function each. Of all the supervisors, only the Adoptions supervisor is responsible for staff in both Placerville and South Lake Tahoe. All of the other supervisors oversee staff in a single location.

While there are many opinions and recommended standards regarding supervisor to staff ratios for child welfare agencies, in many organizations, a ratio between 6 and 15 is fairly typical. The Department is within this range though on the high side for the Emergency Response and Adoptions units. The ratios in El Dorado County are similar to those in Santa Clara County. The Emergency Response unit in Santa Clara County supervisor to staff ratio is 8, while in the Continuing unit is it 10.

Though the Emergency Response supervisor is responsible for almost as high a number of positions as the Adoptions supervisor (10.06 for Emergency Response vs. 11.14 for Adoptions), the Emergency Response supervisor oversees only one function at one location. The Adoptions Supervisor oversees two dissimilar functions in two locations.

The Adoptions supervisor must not only divide time between office assistant and social worker staff in Placerville, but she is also responsible for the adoption social workers in South Lake Tahoe. The difficulty for a supervisor of properly supervising staff performing different functions is compounded in this situation by having staff in two locations. The consequence of this structure is fragmented supervision and often a supervisor who is unavailable to provide proper guidance to the staff.

The Department has recognized the problem of having the Adoptions supervisor oversee both clerical and social worker staff. The Department is attempting to add an Office Assistant Supervisor position to provide direct supervision of clerical staff. This ongoing effort would remove office assistant supervision from the Adoptions supervisor and lower the span of control to supervision of only 4.64 full-time equivalent of only adoption social workers.

The proximity of the supervisor to line staff has a direct and significant impact on the quality of the supervision. As defined by one study on this subject:

The supervisor is the link between the front line of services delivery and upper levels of administration. The supervisor brings the resources of the organization into action at the front line, the point of client contact. Simultaneously, the supervisor communicates information from the unit to upper management, which enables agency administrators to plan and allocate resources. The CPS supervisor has two overarching roles - building the foundation for and maintaining unit effectiveness and developing and maintaining individual staff capacity.¹

The ability of CPS to achieve the goals listed above by the Department of Health and Human Services study is doubtful based on the current organizational structure. The problem with achieving the optimal goals provided above is that without direct supervision on site, it is difficult to achieve unit effectiveness. Because of the lack of proximity between Placerville and South Lake Tahoe the levels of supervision varies dramatically. While the supervisor makes a concerted effort to provide as much guidance and supervision as possible, deficiencies clearly exist in the level of supervision.

Critical Nature of Supervision

As previously discussed in Section 2, the lack of supervision for After Hours cases is a significant potential liability for the Department. Additionally, supervision in general for CPS is perceived as a critical element to provide services effectively and efficiently. Supervisors must have the expertise and experience needed to provide consultation and guidance to workers in

Morton, Thomas and Salus, Marsha. Supervising Child Protective Services Caseworkers. United States Department of Human and Health Services. 1994.

decision-making and to teach new skills to workers. The Child Welfare League of America (CWLA) wrote supervision in child protective services is critical to effective service delivery and staff and professional development. Moreover, CWLA further wrote that competency and qualifications of supervisors is critical to assure that caseworkers provide services, engage families from a helping perspective, and follow agency policies and procedures. In short, supervision in child protective services is critical to effective service delivery and staff and professional development.

Supervisors should be able to take a step back from the daily operations of line staff and offer critical evaluations of decisions and assist staff to make a decisive decision regarding a case. Based on the survey responses from employees, CPS supervisors were praised as a beneficial and a useful source of information. As shown in Exhibit 4.2, the survey responses are overwhelmingly favorable toward CPS supervision.

Exhibit 4.2
Survey Responses
Regarding Supervision

	<u>Disagree</u>	<u>Agree</u>
My supervisor is almost always available to help me with m work.	14.3%	85.7%
My supervisor provides useful guidance to me in m work.	5.5%	95.5%

Source: Compiled from survey responses of CPS staff.

Based on Exhibit 4.2, when the supervisor is available to provide guidance, social worker and office assistant staff feel the guidance is constructive. Furthermore, the finding that 86 percent of workers felt supervisors are always available to assist in work demonstrates that supervision is generally adequate in CPS. However, the fact that 14 percent felt that supervisors are not available demonstrates that there is some room for improvement.

As mentioned previously in Section 2, supervision can stem the potential threat of liability. The risk of liability stems from negligence resulting in an error by a staff member, or when an employee does not follow the Department's policies or procedures. Moreover, Recommendation 5.2 in Section 5 recommends the Department overhaul the policies and procedures manual, thus, creating policies and procedures which should result in more consistency. However, until that happens direct supervision is critical to ensure that staff understands current Department policies to keep the risk of litigation to a minimum.

The importance of supervision goes beyond the supervisors with direct contact over line staff. The supervision continues up the chain of command to include program managers and even the Director of the Department. The role of the Program Manager is critical to offer support and guidance to the supervisor, just as the supervisor should provide to the line staff. While the Program Manager has a visible presence in the Placerville office, that does not appear to be the

^z Child Welfare League of America, "CWLA Standards of Excellence for Services for Abused or Neglected Children and Their Families." Revised Edition, 1999.

case in the South Lake Tahoe office. The problem is compounded by the fact that according to the Program Manager she has not had an on-site visit to the South Lake Tahoe office since January 2002, at the time of this report some four months without an on-site visit to that office.

In the past, a full time Program Manager was assigned to oversee all programs at the South Lake Tahoe office³. This position was reportedly eliminated due to difficulties in managing the broad range of programs at that office. A position with the level of authority greater than any in the office at this time is appropriate as it would provide on site management presence and the ability to more quickly resolve program management issues. In interviews and surveys, staff at South Lake Tahoe reported weaker communications with upper management than reported by staff in Placerville, as demonstrated by the survey responses presented in **Exhibit 4.3**.

**Exhibit 4.3
Survey Responses
Regarding Supervision**

	Agree- Placerville	Agree- South Lake Tahoe	Disagree- Placerville	Disagree- South Lake Tahoe
The CPS Manager regularly communicates with staff about <u>Department</u> activities and <u>policies</u>	87.5%	0.0%	12.5%	100.0%
Communications between the Department's top management and CPS are <u>very good</u>	73.3%	0.0%	26.7%	100.0%

Source: Compiled from survey responses of CPS staff.

Consistent and regular contact by the Child Protective Services Program Manager with CPS staff on a monthly basis in an open forum and meetings would provide South Lake Tahoe staff with a management representative who could respond to program issues raised by staff and resolve problems more quickly than under the current structure. Moreover, to ensure that the meetings take place and the Program Manager is holding meetings on a monthly basis, the meetings should be documented and their occurrence reported to the Board of Supervisors every 6 months and if they have not occurred, explanations for why not should be reported. This will ensure that the meetings happen on a consistent basis. Moreover, the meetings would address issues and would the Program Manager would provide consultation and problem solving authority to the South Lake Tahoe staff.

Conclusion

The Child Protective Services organizational structure contributes to inconsistency in the level of supervision a worker receives due to variances in the number of employees, functions and office locations overseen by CPS supervisors. Supervision is accepted as a critical element in CPS, however, the current structure is organized in such a way that some staff receives less

³ Besides CPS, Department Special Investigations, Income Maintenance, Employment Services, and Staff Services are also located at the South Lake Tahoe office.

supervision than others. The organizational units within Child Protective Services vary in size, number of functions and spans of control exercised by the supervisors. The Adoptions supervisor oversees 11.1 clerical and social worker full-time equivalent positions (FTEs) in two locations while the South Lake Tahoe supervisor oversees 5.1 FTEs in one location. This structure makes it impossible for all staff to receive a similar level of supervision and guidance. Though the CPS Program Manager is responsible for overseeing staff in both Placerville and South Lake Tahoe, the South Lake Tahoe office receives substantially less attention than the Placerville staff and irregular on-site visits.

Recommendations

The Department of Social Services should:

- 4.1 Remove the oversight of adoptions staff at the South Lake Tahoe office from the Adoptions supervisor in Placerville to the South Lake Tahoe CPS supervisor;
- 4.2 Mandate that upper management representatives, the Director, Deputy Director and the Program Manager, meet separately with CPS staff at Placerville and South Lake Tahoe at least monthly in an open forum, document the meetings and report their occurrence to the Board of Supervisors every 6 months including explanations for any months when such meetings have not occurred.

Costs and Benefits

There are minimal costs associated with the restructuring of Child Protective Services based on these recommendations. Costs will be in staff time by the Program Manager to travel to the South Lake Tahoe office. Additional staff time will be necessary to complete the documentation required to provide verification of visits to the Board of Supervisors. However, on-site visitation by the Program Manager would result in improved communications between management and staff at South Lake Tahoe and improved decision making and problem resolution. Benefits of implementing the recommendations would also include a more equal distribution of staff among CPS supervisors and greater consistency in the level of guidance and supervision provided to all employees.

Responses Required for Findings

F4.1 through F4.3 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

Responses Required for Recommendations

R4.1 through R4.2 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

5. Communications

- F5.1** Communications with top management of the Department of Social Services is considered poor by many staff social workers and office assistants. Many staff members feel there is no forum to express their concerns and problems and to make suggestions for improvements. This is particularly true in the South Lake Tahoe office as visits and meetings with staff there by the CPS Program Manager and the Director and Deputy Director are infrequent. Regular forums with open communications between staff and managers should be employed as a mechanism for improving CPS processes and services and to improve staff morale.
- F5.2** The CPS policies and procedures manuals are not up to date and omit some key areas of operations such as how the CWS/CMS computer system should be used for case intake and processing. Incomplete, out of date or missing policies and procedures could lead to inconsistencies in staff approaches to case work. Most staff surveyed reported that the Department's rules and regulations are not clear or consistently enforced. The manuals are now all hard copy paper documents and could be placed on the Department's computer system for easier updating and access by all staff.
- F5.3** Many staff members believe that more and different types of training are needed to ensure greater consistency in approach by staff. A mentor program for new staff is one approach suggested by staff which Department management could implement on a pilot basis and assess its costs and benefits to see if it should be replicated throughout the CPS division.
- F5.4** The Department does not have a formal written policy or formal reporting mechanism for client and family complaints. Such a policy is needed to ensure consistency in responses to complaints and to ensure that management is kept informed of all complaints and staff responses and correct **ive actions**.

For staff and supervisors to perform in a manner that will lead to the consistent and desired outcomes for an organization, management must first clearly and accurately define policies and procedures. Second, management must communicate these policies and procedures to staff. Then, adequate resources and supports for staff to perform successfully must be provided. Finally, and most important, the organization must maintain a capacity to obtain feedback and measure and report the degree of success it has achieved in following the policies and to determine if the policies are effective. Deficiencies, in various forms, were identified in each of these elements at Child Protective Services.

Communications

The employee survey conducted for this audit showed that many CPS employees perceive communication between management and staff as a problem. Exhibit 5.1 shows the responses from social workers and office assistants to statements regarding communications within CPS.

Section 5. Communications

As the Exhibit clearly shows, line staff feel there is a problem with communications in the Department, particularly with top management.

Exhibit 5.1 Survey Responses Regarding Departmental Communication

	Agree	Disagree
Communications between Department's top staff and CPS staff are <u>very good</u>	41.7%	58.3%
Top Management of the Department are very <u>supportive</u> of CPS	50.0%	50.0%
Top Management of the Department is very <u>responsive</u> to <u>suggestions</u> from staff	33.3%	66.7%
<u>I can influence matters above me.</u>	<u>16.7%</u>	<u>83.3%</u>

Source: Audit survey of CPS social worker and office assistant staff

Only 16.7 percent of the survey respondents believe they have the ability to influence matters above them. Overall, 83.3 percent of office assistants and social workers felt they have little or no influence over Department matters. Further, 66.7 percent of the survey respondents believe that top management is not responsive to suggestions or concerns. Of greater concern is that half of all survey respondents, 50 percent, felt that Department management was not supportive in general of the Child Protective Services division and only 41.7 percent believe top management and CPS staff communications are very good. These perceptions are not conducive to high staff morale or a motivated work force.

Child Protective Services management conducts staff meetings in Placerville bi-weekly. These meetings are attended by the CPS Program Manager, supervisors and line staff. A review of staff meeting minutes demonstrated that the CPS staff meetings are primarily a forum for management to update staff on new Department developments, changes in policies and related matters. The Department Director and Deputy Director do not attend these meetings. While CPS should be commended for its efforts to keep staff informed, the meeting minutes demonstrate that staff is not provided with an opportunity to express concerns and grievances or make suggestions for program improvements at these meetings. Department staff indicate that forums to provide such opportunities do not occur on a regular basis.

Regular staff meetings with the CPS Program Manager, supervisors and staff do not take place at the South Lake Tahoe office as they do in Placerville. The managers based in Placerville may discuss issues and concerns with South Lake Tahoe supervisors, but there is minimal, if any, group communication and feedback between the Program Manager and South Lake Tahoe line staff. Without regular contact with management, many of the South Lake Tahoe staff feel they do not have a place to air grievances, complaints or make suggestions for improvements.

One technique for improving communications between management and line staff would be to set aside time during the regularly scheduled meetings where employee concerns and suggestions can be freely expressed directly to upper management. As such, the Director of the Department

and/or the Deputy Director should attend these meetings which should take place on a regular basis in both the Placerville and South Lake Tahoe offices'. It is of equal importance that top management respond to issues, concerns, and suggestions on a timely basis. Many employees expressed frustration in their written comments on the audit survey over the lack of response from management toward their suggestions for improvements made in the past. Furthermore, employees often felt when a response came from management it was long after the employee suggestion was made if a response came at all.

The Department should have strong support systems in place to provide workers with open forums to discuss and deal with dissatisfactions and frustrations, and suggestions for how to make constructive improvements. The forums should not become a series of sessions where workers continually complain about the Department but should be directed toward identifying and solving problems.

The discussion above is not meant to imply that upper management should immediately implement any and all suggestions made by staff. But the process will be perceived as meaningless if management does not respond to staff suggestions and grievances within a reasonable amount of time, even if the decision is to not implement the staff suggestion. Responses to staff suggestions should be communicated directly to employees by upper management, including the Director, through as few layers as possible. By taking timely actions to address employee concerns, even if the actions are not what employees suggested, management would demonstrate responsiveness to staff concerns. Regularly communicating how and why decisions have been made to staff would also help improve morale.

Updating the Policies and Procedures Manual

Child Protective Services possesses extensive policies and procedures manuals that provide guidance to social workers and staff regarding Department operations. However, the manuals are lacking some key policies and procedures such as reference to the Department's CWS/CMS computer system and policies and procedures for office assistant support staff. Without documentation of all key areas of operations, the chances increase of certain activities being inconsistently applied throughout CPS.

This current state of Department policies and procedures is consistent with findings of the FY 1999-2000 El Dorado Grand Jury which reported:

The Grand Jury requested and received a copy of the El Dorado County CPS Policy and Procedures manuals. Analysis indicated that the manuals contained many outdated or undated documents, documents whose origin could not be determined, unsigned documents, and documents that referred to manual record keeping operations which had long since been replaced by computerized operations. This dilapidated state appeared to have been in existence for several

A recommendation in Section 4 calls for routine visitation by the Program Manager to South Lake Tahoe so that upper management is represented at that office and to provide a means of resolving staff concerns and issues. One of the appropriate roles of this position would be conducting staff forums as described above.

Section 5: Communications

years. In May, 2000, the Grand Jury observed that these manuals had been professionally updated. Further, it is noted that the Department of Social Services (DSS) has initiated other corrective actions, including initiation of periodic internal audits to ensure compliance with state requirements.

The Department disagreed with the previous Grand Jury finding wholly, stating "first, the outdated manuals were state regulations that are outdated. Second, the professionally updated manuals were prepared by DSS." However, during our review of CPS policy manuals we found that some formal statements were outdated and appeared to be produced by the Department. Many of the policies that appear outdated involve some of the most important responsibilities facing the Department and social workers such as use of CWS/CMS in processing cases.

The Department's policies and procedures regarding the overview of CPS appears to be dated 1992. The manual was written prior to the full implementation of CWS/CMS by the State. Thus, Department policies and procedures regarding the intake and screening process do not make any reference to CWS/CMS. As demonstrated in Section 2 of this report, documentation of intake processes could not always be found on CWS/CMS, indicating inconsistent application of Department policies and procedures.

As discussed below in more detail, CPS does not have formal written policies regarding client complaints. Although, management provided a detailed oral description of how the client complaint process works, without a formal written policy in place regarding how to address concerns raised against the Department, responses to complaints have the potential to be inconsistently handled. Department management acknowledges these lapses in the policies and procedures, however, they do not feel it is necessary to rectify these deficiencies.

Clerical staff perform a vital role within CPS but currently are working without any formal policies regarding their roles and duties. According to staff, an effort is underway to complete a formal clerical policies and procedures manual but it is not yet complete. Thus, clerical staff are not provided with a training manual when new to the job and must learn their duties primarily through on-the-job training without written materials to use as references. Samples, training and written policies are particularly important for the Department's court report procedures, which are very specific and must comply with the requirements of the State Welfare and Institutions Code.

In some counties, clerical staff has specific written guidelines of their duties and responsibilities. In Los Angeles County, for example, a clerical policies and procedures manual deals with many issues similar to those faced by El Dorado County's clerical staff. For instance, Los Angeles County has specific policies and procedures regarding how to handle instances of a mail referral containing allegations of child abuse or neglect. Los Angeles County policies also include court procedures ranging from processing proof of service notices for Welfare and Institutions Code 366.26 hearings to entering Court results into CWS/CMS.

The results of the employee survey for this audit demonstrate staff concerns regarding Department policies and procedures. Exhibit 5.2 presents responses from social workers and

office assistants regarding Department policies and procedures and enforcement of these procedures.

Exhibit 5.2
Survey Responses Regarding
Department Rules and Regulations

<u>Question</u>	<u>Agree</u>	<u>Disagree</u>
Department rules and regulations are clear	22%	78%
Department rules and regulations are consistently enforced	18%	82%

Source: Audit survey of CPS social worker and office assistant staff

Nearly 8 out of 10 survey respondents, or 78 percent, stated that rules and regulations in the Department are not clear. Further, 82 percent of survey respondents stated that regulations are inconsistently enforced. This demonstrates a combination of incomplete written policies and procedures and/or lack of consistent implementation.

One reason staff may feel policies and procedures are inconsistent and unclear is because the Department does not present them in a standardized format. At least three different formats are used to explain and illustrate current policies, each with different levels of information. By comparison, Los Angeles County has very formal policies and procedures regarding their entire Child Protective function all presented in a consistent format. Each policy is given a formal issue date, the employees the policy is applicable to, associated documents, and relevant Code sections. Additionally, each policy provides a detailed description of the adopted policy and provides a step-by-step detailed description for guidance of the procedure.

For some of El Dorado County's CPS policies and procedures, the format includes subject, adoption date, revised date, reference and a detailed explanation of the policy and procedure. However, this format is the exception rather than the rule in the Department's written policies and procedures. A standardized format with the data elements listed above should be used for all procedures to provide staff with improved guidance and clarity in performing their job duties.

Improvements to Department policies and procedures should include making the manual available on-line to ensure that all staff members have access to the most up-to-date versions of all policies and procedures and that they are applied consistently throughout CPS. In written responses to the audit questionnaire, numerous staff expressed concern that each staff member did not have their own copy of the manual. An on-line version would be particularly useful for ensuring that the South Lake Tahoe staff has access to any updates or revisions to Department policies and procedures. All staff should be oriented and trained on the use of the on-line policies and procedures manual as soon as it is fully updated. When new policies or procedures are implemented, supervisors should be directed to discuss the changes with all unit staff at unit meetings rather than distributing copies to staff. That way accountability for remaining current with management approved policies and procedures would rest with the supervisor, rather than the line staff person.

Training

One example of a staff concern that could be addressed through the recommended staff forums is training. Throughout the audit process of interviewing line staff, supervisors and managers, concern about training was a common theme. Without exception, those that commented on employee training indicated that training is not done on a regular basis, and/or more training is needed but, for various reasons, is not taking place. Training is necessary to ensure supervisor, social workers and office assistants have the specialized skills and knowledge required to effectively provide the functions of CPS.

Of the employees that responded to a survey conducted for this audit, 70 percent stated that not all CPS staff had received adequate training to perform their jobs. Many social workers believe that ongoing training was a key weakness in Child Protective Services. The main concern voiced by staff at all levels was that the training received by new employees of CPS was not sufficient given the complexity of the job.

In discussions, some employees suggested that a mentoring program for new employees could provide new staff with a more useful hands-on training in the various functions performed by the Department. A staff forum for exchanging ideas and considering improvements in operations would be a place to discuss ideas such as this. Department management could then consider the costs and benefits of a mentoring program or other training enhancements and respond to staff within a specified time frame concerning whether or not the idea could be implemented. Key to management's decision should be an assessment of the costs and benefits of any proposals with benefits expressed in measurable terms such as reduced turnover, improved family outcomes, or reduced delays in processing cases.

Client Complaints

The Department does not have written policies and procedures regarding complaints filed against the CPS division or its social workers. Department management reports a single procedure for responding to all complaints filed against Child Protective Services. According to management, CPS requests that grievances be formally submitted to the Department in writing. Once a complaint is received, the Program Manager reports that she and the supervisor will develop a response and, in some cases, the complaint will be investigated. When the response is finalized, it is provided to the complainant in writing. The Program Manager and the supervisor responsible for the unit determine the final outcome.

In response to a request by auditors for copies of documentation regarding complaints against any CPS social workers or CPS practices, the Department provided copies of seven complaints and all documentation prepared in response to the complaints, all of them dated from January to December 2001. The nature of the complaints against CPS included transfer of cases between two social workers, visitation complaints, placement complaints, and inadequate case plan therapy. One file contained a letter stating that the Department had failed to respond to an original complaint, sent 133 days earlier.

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Several of the complaint files contained documentation of the follow-up investigation conducted by the Department in response to the initial complaint. The thoroughness of the investigation, based on the documentation provided, ranges from extremely detailed to very brief. One letter chronicles the specific details of the investigation and makes it clear the Department indeed investigated the grievance. However, the letters explaining the details of the follow-up investigation make it difficult to determine the Department's response.

The Department should document and implement a formal consistent policy regarding how CPS responds and documents formal complaints. The Department should create a centralized, computerized database detailing the grievance and the response to said complaint. The computerized database should be accessible to County Counsel staff to conduct a periodic review to determine if the Department is handling complaints properly. A regularly produced summary report, such as quarterly, should be provided to the Department Director by the CPS Program Manager reporting the date of each complaint received, date the internal response was initiated, nature of internal response (e.g., full investigation, employee discipline, etc.), and date of written response to complainant.

The Department should institute formal procedures governing when and how complaints are investigated, as follows:

- The complainant shall make a formal complaint in writing and the Program Manager and/or unit supervisor shall have initial contact with the complainant within 10 working days;
- The investigation and final decision shall be rendered by Child Protective Services within 10 working days once contact is made;
- The final decision shall be signed off by the Director of Social Services or the Deputy Director of Social Services; and
- The Department has the authority for formal disciplinary action if the investigation finds the staff violated State law or DSS policy.

A benefit of this review process and a centralized database is that CPS will have access to documentation currently unavailable to determine any trends in grievances. The review and the database could provide a mechanism to implement further policy and procedure changes to minimize the number of complaints.

Conclusion

The employee survey conducted for this audit showed that communications between management and staff is not perceived positively by most Department employees. Specifically, most line staff believe upper management is unresponsive to their needs and that staff has no ability to influence matters above them within the Department. A widely held belief of CPS staff is that Department policies and procedures provide inadequate guidance for job tasks. Analysis of the Department's policies and procedures manual found that complete formal policies do not exist for some key aspects of CPS, such as grievances and clerical duties and responsibilities, and that existing policies and procedures are presented inconsistently and without key information such as the date the policy became effective. Many of the existing policies are old

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and outdated. Our analysis found that child removal policies were written prior to the implementation of CWS/CMS, and the manual makes no reference to the program. Many employees expressed frustration at the level of training, especially relating to clerical support and new hires.

Child Protective Services does not have written formal policies governing grievance procedures. Even where information was presented in the actions taken by the Department, the standard response or evidence of ample investigations could not be consistently documented.

Recommendations

The Department of Social Services should:

- R5.1 Instigate monthly forums in Placerville and South Lake Tahoe attended by the Director and/or Deputy Director and the CPS Program Manager in which employees are encouraged to voice concerns and offer suggestions to improve CPS, which includes a drop-box where employees can anonymously offer suggestions;
- R5.2 Update, revise and finalize the Department Policies and Procedures manuals to make them complete with all policies presented in a consistent format and including the following: issue date; revision dates; end dates (if short-term policy); identification of employees to whom the policy applies; associated documents such as samples attached; citation of relevant State laws or other regulations; and, signature of the Department Director or CPS Program Manager;
- R5.3 Make the updated version of the CPS policies and procedures manuals available to staff on-line through the Department's computer network;
- R5.4 Implement, within Child Protective Services, a pilot mentoring program where new probationary social workers work on cases with an experienced social worker to gain knowledge of CPS policies, procedures, and organization, and assess the costs and benefits of this pilot program before replicating throughout the Division;
- R5.5 Implement formal policies and procedures regarding client grievances where the complainant, social worker, supervisor and Program Manager work together to find a timely solution to the grievance;
- R5.6 Implement a computerized database which details the grievance, date the grievance was filed, and the Department response to the grievance. This database should be accessible to County Counsel for periodic review and summarized and reported to the Department Director quarterly.

Costs and Benefits

The costs of the recommendations would include staff time for the Director, Deputy Director and Program Manager to attend monthly staff forums and for staff to update and complete the

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division's policies and procedures manuals. Installing the manual on-line using the Department's computer network can be done at very low cost. The costs in staff time of a full mentoring program could be substantial. However, the recommendation is for a pilot program with low initial costs to provide management an opportunity to determine if the quantifiable benefits of the program outweigh the costs before it is replicated throughout the division. Implementation of the recommendations would also provide the Child Protective Services with better documentation of complaints filed by clients and families and would ensure consistency and that proper investigations and responses are provided by the Department

Responses Required for Findings

F5.1 through F5.4 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

Responses Required for Recommendations

R5.1 through R5.6 El Dorado County Department of Social Services
El Dorado County Board of Supervisors

SPECIAL DISTRICTS COMMITTEE

Cameron Estates Community Services District

Citizen Complaint #01/02-C-003

Reason for the Report

A complaint was received which alleged mismanagement of the affairs of the Cameron Estates Community Services District (CECSD) by its past and present Board of Directors. Additionally, the complaint alleged violations of the Brown Act, County Ordinance 4159 (Bidding Procedures), and Government Code §61240 (Appointment of Manager and Secretary). The complainant requested that the Grand Jury dissolve the District in favor of a Zone of Benefit.

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Quote from the Ralph M. Brown Act

Scope of the Investigation

The 2001/2002 El Dorado County Grand Jury carried out a significant investigation into the allegations of the complaint. Members of the Grand Jury attended a district meeting and met with the present Board of Directors and District Secretary.

The following documents were reviewed:

- Complaint #01/02-C-003 to the El Dorado County Grand Jury, and associated information including a document entitled “History of Cameron Estates,”
20 complaint items, and 89 supporting exhibits;
- Ralph M. Brown Act, California Government Code §§54950-54962, as amended;
- California Government Code §§ 61240, 61241, 61242, 61244 (Community Services District Law);
- Inventory of Local Agencies, prepared by Local Agency Formation Commission (LAFCO), May 2001; and
- Documents from the California Special Districts Association’s web site. (www.csda.net)

Findings

- F1: Empowered services of the District are road and easement maintenance, definition of riding trails, CC&R enforcement, architectural control, water, fire and police protection, public recreation and parks. Currently provided services are road maintenance and CC&R enforcement.
- F2: On August 16, 2001, members of the Grand Jury attended a district meeting where a violation of the provisions of the Brown Act pertaining to closed sessions was observed. The closed session was not properly noticed or agendized. There was no report out following the session.
- F3: The California Special Districts Association, a statewide organization, offers continuing education to all members of special districts boards.
- F4: Based upon investigation of Board of Directors agenda and meeting minutes, nothing irregular was found regarding the District's roadwork bidding or awarding process.
- F5: The District is in violation of California Government Code § 61240(a), in that a General Manager has not been appointed. A District Secretary, however, has been appointed in compliance with California Government Code § 61240(b).
- F6: The complaint alleges misappropriation of funds by the District. The District "donated" \$300 to the church where District meetings are held. The Board considered that expenditure to be an administrative cost in lieu of rent. Additionally \$100 was spent on a combination community picnic and District meeting. Neither of these incidents constituted a misappropriation of funds.
- F7: The Grand Jury has no jurisdiction to dissolve an existing Community Services District, as requested by the complainant.
- F8: The remaining complaint items are old and the Grand Jury chose not to address them.

Recommendations

- R1: Cameron Estates Community Services District should refrain from referring to payments for the use of church premises as "donations".
- R2: The CECSD should join the California Special Districts Association and avail itself of the education provided by that organization about how to legally and effectively administer the business of the District. The cost of membership

should be considered a necessary administrative expense. The web address is www.csda.net.

Responses Required for Findings

F1 through F8 CECSD Board of Directors

Responses Required for Recommendations

R1 and R2 CECSD Board of Directors

SPECIAL DISTRICTS COMMITTEE

Golden West Community Services District

Citizen Complaints #01/02-C-020 and #01/02-C-024

Reason for the Report

Complaint #01/02-C-020 and Complaint #01/02-C-024 charge that the Golden West Community Services District (GWCS D) Board of Directors violated the Ralph M. Brown Act and other provisions of California law. There are also allegations that the GWCS D Board of Directors cannot reach agreement on action to repair roads within the district.

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Quote from the Ralph M. Brown Act.

Scope of the Investigation

The following documents were reviewed:

- Complaints #01/02-C-020 and #01/02-C-024 to the El Dorado County Grand Jury;
- Ralph M. Brown Act, California Government Code §§54950-54962, as amended;
- California Government Code §6253 (Public Records Act);
- California Government Code §§61240, 61241, 61242, 61244 (Community Services District Law);
- Inventory of Local Agencies, prepared by Local Agency Formation Commission (LAFCO), May 2001;
- Board of Supervisors Resolution No. 324-83;
- LAFCO Resolution No. L-83-43;
- Chapter 1: Rules and Procedures of the Board of Directors of the Golden West Community Services District (two different copies - no dates of adoption given);
- Ordinance No.1, Chapter 1, GWCS D Road Encroachment Ordinance, revised and adopted February 11, 1999;
- GWCS D Road Policy;
- Agenda and minutes of meetings of the GWCS D Board of Directors; and
- Documents from the California Special Districts Association’s website. (www.csda.net)

The following persons were interviewed:

- Members of the present GWCS D Board of Directors;
- Members of the past GWCS D Board of Directors; and
- Residents of the GWCS D.

Findings

F1: The GWCS D was established November 3, 1983 for the following purpose:

“Opening, widening, extending, straightening, and surfacing, in whole or part, of any street in such district as authorized in subdivision (j) of section 61600 of Government Code and the construction and improvement of bridges, culverts, curbs, gutters, drains and works incidental to the purposes set forth in subdivision (j) as authorized in subdivision (k) of 61600 of the Government Code.”

F2: According to LAFCO records, GWCS D bylaws were adopted in 1992. The GWCS D Board President was unable to locate or produce a copy of any bylaws for a long time.

F3: Finally, the President of GWCS D supplied two different versions of “Rules and Procedures” with three different times and locations of regular designated meetings. Both of those documents were not consistent with a verbally noticed time and location announced at a January 12, 2002 general community meeting.

F4: Neither version of the “Rules and Procedures” shows an adoption date and have no distinction of which has precedence.

F5: A five-member Board of Directors elected by the residents of the District for four-year periods govern the GWCS D. The terms of office are staggered every two years to provide continuity of the Board. The last contested District election with names on the ballot was held November 1993.

F6: When District positions are scheduled for election, the Elections Department sends a notice to the District, at its current address, and to the local newspaper for publication of the positions which are scheduled for election. It is the District’s responsibility to post notice of the positions to be filled in a public, regularly known, location within the District.

F7: In the November 2001 election, the two members who remained on the board prior to the District’s loss of a quorum ran for four-year terms. The other members, who had been most recently appointed, ran for two-year terms. Because no sixth person ran, no names were listed on the ballot.

- F8: Annual District assessments are \$120.00 per developed or undeveloped parcel. This amount has not been increased since the District was formed.
- F9: The District is under-funded. This lack of funds results in an inability to maintain the roads. That inability creates dissension among Board members and District residents.
- F10: For the last two or three years, GWCSO Board members apparently did not have or reference copies of the Brown Act. They demonstrated little apparent knowledge of its scope, content or application.
- F11: The California Special Districts Associations, a statewide organization, offers continuing education to all members of special districts boards.
- F12: In May 2001, three members of the GWCSO Board resigned, leaving the Board without a quorum. A majority of the authorized number of directors is required for a quorum. The Board must have a quorum to conduct the business of the District.
- F13: At an informational community-wide meeting on June 9, 2001, the President of the Board of Directors (the only Board member present) announced the existence of a Road Advisory Committee consisting of four members. At least two of those members were not told of, and were unaware of, their membership on this Committee.
- F14: By July 26, 2001, composition of the GWCSO Board of Directors was returned to five members. To provide a quorum, one member was appointed by the Board of Supervisors. Subsequently, the GWCSO Board of Directors appointed two additional members.
- F15: On September 14, 2001, a District resident submitted a letter to the Board, pursuant to California Government Code §54960.1(b), demanding that the Board cure or correct various actions which the Board had committed in violation of the Brown Act.
- F16: Pursuant to California Government Code §54960.1(c)(2), the letter also demanded (i) that the cure or correction be accomplished within 30 days, (ii) that the Board inform the demanding party in writing of its corrective action or of its decision not to cure or correct the challenged actions, and (iii) to be informed as to what actions would be taken by the Board to assure that it would comply with the Brown Act in the future. The Board did not respond to the demanding party.
- F17: On December 5, 2001, the same District resident made a second letter of demand requesting certain GWCSO documents. A number of requested documents were never received by the demanding party. This constituted a violation of the California Public Records Act.

- F18: On December 10, 2001, another district resident made a demand, for the fourth time, for GWCSO documents that were not previously provided. This constituted a violation of the California Public Records Act.
- F19: Two Grand Jury members attended a GWCSO Board meeting on March 14, 2002. The meeting was generally conducted in accordance with the Brown Act. Agenda item 6C was presented by the Road Manager for general public discussion, but it was neither acted upon nor continued. Also, a motion to officially close the meeting was never made.
- F20: A second incident of resignation occurred in March 2002. Three members of the Board of Directors resigned, leaving the GWCSO Board bereft of a quorum for the second time within a year. As of the end of April 2002 there were still only two Board members. The remaining Board members were informed by the Department of Elections that any business conducted by the remaining Directors will be a violation of the Brown Act.
- F21: The GWCSO Board of Directors has had a Phase 1 road maintenance plan under consideration for over a year. Lack of understanding, poor communication and personal bad feelings have resulted in lack of action on a road bid package during the term of the current Board President.
- F22: Confusion and unrest regarding a schedule for road maintenance has existed within the GWCSO Board of Directors for two years. As a result, little roadwork has been done. This is attributed primarily to the unyielding and contentious attitude of the current Board President.
- F23: The current President of the GWCSO has violated many provisions of the Brown Act, subjecting the District to possible legal consequences.
- F24: Special GWCSO Board meetings have been held at various Board members' homes rather than in public places, with little prior notice and during normal business hours. This practice has made it difficult and uncomfortable for District residents to attend, and has effectively circumvented the intent of the Brown Act.
- F25: The GWCSO does not publish a directory for residents of the District.
- F26: The GWCSO does not publish a District newsletter of any kind.
- F27: In violation of California Government Code §61240, the GWCSO has neither a General Manager nor a Secretary who are not members of the Board.
- F28: Unless and until a quorum is established, any business conducted by the District would be in violation of the Brown Act. Notwithstanding that fact, however, the two remaining board members are continuing to do business and act upon road repair issues without a quorum.

Recommendations

Many of the Grand Jury's following suggestions and recommendations to the GWCSO Board should be implemented only after the District's residents have elected a new Board of Directors or a Board quorum has otherwise been established.

- R1: The GWCSO residents should file a request with the El Dorado County Elections Office for an election of a new Board of Directors.
- R2: In order to improve District relations and communications, the GWCSO Board of Directors should publish a newsletter on a regular schedule.
- R3: The GWCSO Board of Directors should provide an annual District directory to all GWCSO residents.
- R4: The GWCSO Board of Directors should become educated on all provisions of the Brown Act and should comply with them.
- R5: The GWCSO Board of Directors should take necessary steps to become more accomplished in the procedures for conducting meetings.
- R6: The GWCSO Board of Directors and residents should consider increasing District assessments to meet increasing costs.
- R7: The GWCSO Board of Directors and residents should contact the El Dorado County Elections Department to initiate a ballot by mail. The cost of this process is considerably less than a general ballot election.
- R8: The GWCSO Board of Directors should promptly respond to requests made by residents for information.
- R9: The GWCSO Board of Directors should adopt and/or revise a set of District bylaws and should make them available to residents of the District.
- R10: The GWCSO Board of Directors should conduct all meetings, properly noticed, at a public meeting place.
- R11: To comply with California Government Code §61240, the GWCSO Board of Directors should take action to incorporate the positions of General Manager and Secretary into their operating structure.
- R12: The GWCSO should join the California Special Districts Association and avail itself of the education provided by that organization about how to legally and effectively administer the business of the District. The cost of membership should be considered a necessary administrative expense. The web address is www.csda.net.

R13: In light of the continuing activities by the two remaining GWCSB Board of Directors, the Grand Jury strongly recommends that the El Dorado County District Attorney investigate and consider prosecution of violations of the law by the GWCSB Board of Directors.

Responses Required for Findings

F1 through F28	GWCSB Board of Directors
F13, F15 through F20, F23, F24, F27 and F28	El Dorado County District Attorney

Responses Required for Recommendations

R2 through R12	GWCSB Board of Directors
R13	El Dorado County District Attorney

Appendix A

Instructions to Respondents

As specified by the California Penal Code, the Final Report of this Grand Jury contains a series of reports on individual investigations and reviews conducted during the Grand Jury's term of office.

Each report of an individual investigation or review contains Findings and Recommendations made by this Grand Jury and names Respondent(s).

Section 933 (c) and (d) of the Penal Code specifies that each Respondent named in this Final Report must respond to the Presiding Judge of the Superior Court for each Finding and each Recommendation pertaining to matters under the Respondent's control.

Presiding Judge Suzanne M. Kingsbury of the El Dorado County Superior Court has directed this Grand Jury to inform each Respondent to forward a written response as specified in Sections 933 and 933.05 of the Penal Code to:

Hon. Eddie T. Keller
Supervising Grand Jury Judge
El Dorado County Superior Court
495 Main Street
Placerville, Ca 95667

The written response of each named Respondent will be reprinted in a publication to the citizens of El Dorado County. Each Respondent must organize the written response as follows:

The [*Respondent's Official Title*] responds to the Final Report of the 2001-2002 El Dorado County Grand Jury as follows:

/List Title of Individual Report/

Finding # [*Retype Text of Finding as written in Final Report*]

Response: [*Review California Penal Code Section 933.05 (a) (1) and (2). Respondent must specify with one of three options - a) Respondent agrees with finding, b) Respondent disagrees wholly with finding, or c) Respondent disagrees partially with finding. If*

Respondent uses options b or c then the Respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.]

Recommendation # [Retype Text of Recommendation as written in Final Report]

Response: *[Review California Penal Code Section 933.05 (b) (1) - (4). Respondent must specify with one of four options - a) recommendation has been implemented with a summary regarding the implemented action, b) recommendation has not been implemented but will be implemented noting a timeframe for implementation, c) recommendation requires further analysis or study, noting a timeframe not to exceed 6 months from date Final Report was issued, d) recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefor.]*

Respondent must use the above formats for each separate finding and recommendation, which the Grand Jury's Final Report identifies to the Respondent.

The California Penal Code provides specific legal requirements on each Respondent named in the Grand Jury's Final Report. Applicable Penal Code Sections for responding are reprinted below for reference.

CALIFORNIA PENAL CODE SECTION 933 (c) and (d)

933 (c) No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the Grand Jury has responsibility pursuant to Section 914.1 shall comment within sixty days to the Presiding Judge of the Superior Court, with an information copy sent to the Board of Supervisors, on the findings and recommendations pertaining to matters under the control of the county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the Presiding Judge of the Superior Court who impaneled the Grand Jury. A copy of all responses to the Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Grand Jury Final Report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

- (d) As used in this section, “agency” includes a department.

CALIFORNIA PENAL CODE SECTION 933.05 (a), (b), (c)

933.05(a) For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each Grand Jury recommendation, the responding person or entity shall report on the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury Final Report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or Department Head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or Department Head shall address all aspects of the findings or recommendations affecting his or her agency or department.

