

# **Final Draft Response to the 2008-09 Grand Jury Final Report**



**El Dorado County  
Board of Supervisors**

**September 15, 2009**

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## Explanation of Response Format

Board of Supervisors Policy A-11 provides guidance on the response format for Grand Jury reports. Specifically:

1. In order to meet response deadlines the Grand Jury is encouraged to:
  - a. work with the Chief Administrative Officer to provide a Final Report copy in a computer format compatible with the County;
  - b. to have all findings and recommendations individually identified in sequential order.
2. Each Grand Jury Finding and Recommendation should be individually identified in sequential order. The Response must clearly indicate which Finding and which Recommendation is being responded to.
3. All responses shall be organized similarly to the Grand Jury's final report. Each Finding and Recommendation shall be responded to separately.
4. Finding responses shall follow the format in Section 933.05 (a) of the Penal Code.
5. Recommendation responses shall follow the format and timelines specified in Section 933.05 (b) of the Penal Code.

All county responses to each finding and recommendation are embedded within each Grand Jury report using *italicized* font.



## EL DORADO COUNTY GRAND JURY 2008-2009

### Roadside Memorials

Case No. GJ-08-002

#### REASON FOR REPORT

The El Dorado County Grand Jury received multiple complaints from citizens regarding private roadside memorials located on County roads. Complaints centered around safety issues.

#### METHODOLOGY

The Grand Jury investigated various road locations to determine if memorials are on private property or on a roadway easement. The Grand Jury developed a dialogue with the County Department of Transportation to determine how this problem might be solved.

#### FINDINGS

1. There presently is no policy or ordinance in El Dorado County that provides for the oversight of roadside memorials. There are no restrictions regarding length of time memorials may exist or what form they may take.

*Response to Finding 1: The respondent partially disagrees with the finding. Title 12, Article I, Chapter 12.08 addresses road encroachments. Specifically, §12.08.030(B) defines encroachment as, “any thing or action with respect to a county highway for which a permit is required by the provisions of this chapter.” In addition, §12.08.030(D) defines obstructions as any tower, pole, pole line, pipe, pipeline, fill, fence, billboard, sign, stand or building, or any structure or object of any kind or character not particularly mentioned in the foregoing, which is placed in, under or over any portion of the right-of-way of any county highway.” Under a strict interpretation of this ordinance, as a “structure or object of any kind” roadside memorials within county right-of-way would require an encroachment permit.*

2. Several discussions with the County Department of Transportation have resulted in the drafting of a departmental policy which will provide the necessary regulation and oversight of roadside memorials and to take action when these regulations are not followed. The Board of Supervisors will be advised of this Department of Transportation Memorial Policy.

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

## **RECOMMENDATION**

The Grand Jury recommends that the County Department of Transportation have this policy reviewed and implemented by June 30, 2009.

***Response to Recommendation: The recommendation has not yet been implemented but will be implemented in the future. The Department of Transportation will bring a Roadside Memorial Policy to the Board of Supervisors for review in September 2009. The date of implementation will be determined pending the Board's discussion of the policy.***

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code S933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Zones of Benefit**

Case No. GJ-08-021

#### **REASON FOR REPORT**

The Grand Jury received citizen complaints regarding road maintenance Zones of Benefit (ZOB) operations and support from the County Department of Transportation (DOT), and decided to investigate the ZOB process.

#### **BACKGROUND**

The Zones of Benefit entity was established in the late 1970's and early 1980's by the Board of Supervisors under title 3, Division 2, Part 2, chapter 2.2 of the California Government Code. Section 25210.8 enables the County to establish Zones of Benefit within County service areas. The ZOB entity was used to build and maintain roads and allow for subdivision projects to proceed. The roads for these subdivisions, by the agreement between the County and developers, were not built in accordance with County standards due to the expense involved. However, the ZOB concept to have the roads built by the developer, but not maintained by the County, was a legal way to have future property owners pay for the upkeep of their roads. It also provided that the roads had public access, and that the County would coordinate and oversee the improvements and maintenance of these road systems through tax collection assessments.

There are currently thirty-three ZOB's in the County, although no new ZOB's have been created in the last twenty years. County ZOB's had been managed by the County General Services Department until DOT assumed responsibility in May 2006. The ZOB option has created many problems for its members. Most other subdivisions in the County have road systems that are managed by either a Community Services District (CSD), a Home Owners Association (HOA), or in some cases a private road association.

*Response to Background Section: The County provides the following information as clarification to the information presented in the Background section of the El Dorado County Grand Jury 2008-2009 report.*

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*Zones of benefit are established as extensions of the County through County Service Area Law, under which they are established. The Board of Supervisors is the governing body of the County Service Area and also of the zones of benefit within them.*

*There are currently 101 existing zones of benefit in the El Dorado County within County Service Areas #2, #3, #5, and #9 for which the Department of Transportation is responsible. The most recent zone of benefit formation was completed in 2006. The zone purposes and number of zones formed for these purposes are listed in the table below:*

<u>Purpose for Formation</u>	<u>Number of zones</u>
<i>Snow removal</i>	<i>2</i>
<i>Road and drainage maintenance– roads built to standards and accepted in County maintained mileage</i>	<i>12</i>
<i>Drainage, wetlands, landscape and lighting maintenance</i>	<i>1</i>
<i>Lighting maintenance</i>	<i>3</i>
<i>Erosion control maintenance</i>	<i>1</i>
<i>Drainage maintenance</i>	<i>49</i>
<i>Road and drainage maintenance– roads not accepted in County maintained mileage</i>	<i>32</i>
<i>Cemetery maintenance</i>	<i>1</i>
<i>Total</i>	<i>101</i>

*Of the thirty-three zones of benefit referred to in the El Dorado County Grand Jury 2008-2009 report, thirty-two were formed for road or road and drainage maintenance where the County has not accepted the roads into the County maintained mileage. One was formed for drainage, wetlands, landscape and lighting maintenance. Only four of the thirty-two formed for road or road and drainage maintenance were formed to satisfy conditions of development. The remaining twenty-eight were formed by petition of residents and property owners for maintenance of roads that were already in existence prior to zone formation. The roads in these zones are not built to standards established for County roads. The El Dorado County Board of Supervisors has appointed advisory committees to the thirty-four zones of benefit, thirty-three that are the subject of the Grand Jury report and one for the Georgetown Cemetery Zone of Benefit.*

*Responsibility for administration of the zone of benefit program was returned to the Department of Transportation May 16, 2005. Administration of the program was under the Chief Administrative Office from 1983 to 1987, with DOT from 1987 to 1992 and with General Services from 1993 to 2005.*

## **METHODOLOGY**

The investigation was conducted in two segments:

- Discussions with DOT staff allowed the Grand Jury to understand the ZOB process as well as receive specific financial data pertaining to all thirty-three ZOB's.

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- The Grand Jury then invited all thirty-three ZOB's in the County to attend a special closed meeting with representatives from the Grand Jury. Twenty-two ZOB's responded and sent representatives (generally the ZOB Coordinator) to attend that meeting.

The Grand Jury appreciates and commends the twenty-two ZOB's who attended and provided good input at that special meeting on a Saturday in February.

### FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The following findings are based primarily on input received from the ZOB's that attended the meeting, as well as information gleaned by the Grand Jury from DOT:

1. Many of the ZOB members stated that since the oversight responsibility changeover from General Services to DOT in 2006, there has been erosion in member service levels, as well as administrative fee increases, which some feel are excessive.

***Response to Finding 1: The respondent partially disagrees with the finding.** The County disagrees with the finding that there has been erosion of member service levels. The County agrees that there have been administrative fee increases but disagrees that they are excessive.*

*Zones of benefit are subject to the same codes, ordinances and regulations as all other County departments. The Department of Transportation has taken steps to ensure compliance by zones of benefit with these requirements. Current practices may not offer the same flexibility to zone of benefit advisory committees as previously experienced because regulations are strictly enforced. The Department of Transportation is not imposing any requirements on zones of benefit that are in excess of County regulations and is not acting alone, but in conjunction with County departments responsible for oversight and advisement, to ensure compliance with such regulations.*

*The Department of Transportation has given attention to implementation of regulations and to resolution of long standing issues within zones of benefit which has resulted in more time spent for administration. Department of Transportation rates represent a full recovery of cost associated with the zone of benefit administration. Zones of benefit are not charged directly by County Counsel, Risk Management or the Chief Administrative Office from which they also receive services.*

2. The last ZOB procedures document, titled: "Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area" was produced June 2, 1987, and it appears that no updates or new distributions have been made since that time. Also, new administrative procedures by DOT have not been well communicated to ZOB's, and much confusion has ensued.

***Response to Finding 2: The respondent partially disagrees agrees with the finding.** The County acknowledges that the "Policy and Procedure Guidelines for Creation and*



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*Administration of Zones of Benefit within a County Service Area” are outdated, but disagrees that administrative procedures have not been well communicated to ZOBs.*

*Department of Transportation staff has been working on a comprehensive update of the “Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area”. Staff has been working with County Counsel since early 2009 to ensure the Policies and Procedures are in compliance with governing regulations. It is anticipated that the revised document will be presented to the Board of Supervisors in late August or early September of 2009.*

*In an effort to educate advisory committees regarding administrative procedures, DOT staff has provided training sessions, workshops, new advisory committee orientation, the Zone of Benefit Advisory Committee Manual, included with this document for reference and newsletters and other correspondence.*

*The Department of Transportation has held the following training meetings open to all zone of benefit advisory committee members since taking responsibility for the zone of benefit administration:*

<i>Subject of Training Session/Workshop</i>	<i>Dates offered</i>
<i><b>Advisory Committee Training</b> - contracting, road maintenance specifications, purchasing regulations, reimbursement policies, budget preparation, Open Meeting Laws, proceedings required to increase an assessment or tax</i>	<i>10/12/05 11/16/06 11/27/07 9/10/08</i>
<i><b>New Advisory Committee Orientation</b> – review of program, role of advisory committee, introduction to contracting, purchasing, reimbursement policies, Open Meeting Laws, volunteer work program, budget preparation, road maintenance specifications, AB1234 Ethics Training,</i>	<i>5/17/07 6/18/08 9/10/08 (make up session) 5/12/09</i>
<i><b>Budget Workshop</b> –step by step budget preparation workshop and question-answer forum with individual assistance for budget preparation.</i>	<i>2/21/07 1/30/08 1/29/09</i>
<i><b>AB 1234 Ethics Training</b> –The training is required for advisory committee participants who receive reimbursements and must be renewed every 2 years. Advisory committee participants are considered public officials for purposes of this training. AB1234 was passed in October of 2005.</i>	<i>Offered 11/27/07 and at each new advisory committee Orientation</i>

*Advisory committees have been advised of the dates of training through newsletters, mailings and email communication. Most of the communication has been sent through the key contact of each advisory committee. In order to ensure information is disseminated and to save*

*mailing time and postage, DOT has developed an email distribution list that includes all advisory committee members and not just key contacts. Information is mailed to those who don't have access to email.*

*The Zone of Benefit Advisory Committee Manual has been developed during the time in which DOT has had responsibility for the zone of benefit program. The information has been provided at training meetings, orientations, and workshops and is available on the Department of Transportation website under Special Districts Zone of Benefits Manual link at: <http://www.edcgov.us/DOT/SpecialDistricts/ZOBAdvisoryCommitteeManual.pdf>*

3. Accounting for expenses has been sporadic and lacks sufficient detail.

***Response to Finding 3: The respondent partially disagrees with the finding. The County agrees that accounting has been sporadic but disagrees that it lacks sufficient detail.***

4. The annual meeting for ZOB's, when scheduled, is overly focused on "ethics training" and does not adequately address ZOB operational issues. A training program for new ZOB coordinators does not exist.

***Response to Finding 4: The respondent disagrees with the finding. The County disagrees with the finding that the training is overly focused on "ethics training" and does not adequately address ZOB operational issues and that a training program does not exist for new ZOB coordinators.***

*As described under number 2 above, the Department of Transportation has conducted regular training for zone of benefit advisory committees and new advisory committee participants. A sample presentation from each training session is included as Attachment A to illustrate content. Topics for the training meetings include; review of program, role of advisory committee, introduction to contracting, purchasing policies, reimbursement policies, Open Meeting Laws, volunteer work program, budget preparation, road maintenance specifications, and AB1234 ethics training.*

*The content of the AB1234 "ethics training" was reviewed and approved by County Counsel as meeting the requirements legal requirements of the bill. Assembly Bill 1234, passed in 2005, requires each public agency to provide ethics training every two years to public officials who may receive reimbursement for expenses incurred in the course of performing official duties. Counsel advised that advisory committee participants are required to participate in such training in order to receive reimbursement of approved expenses. The first ethics training session was conducted on November 27, 2007 and has been offered at each orientation for advisory committee participants.*

5. DOT does not provide much engineering expertise to assist ZOB's. In the event road engineering information is required, the information is very slow in being provided.

**Response to Finding 5: The respondent agrees with the finding.** *The Department of Transportation does not provide much engineering expertise to assist ZOBs.*

*Most of the work performed in the zones of benefit is for maintenance including patching, drainage maintenance, and minor surface treatment, none of which require a professional engineer. The Department has developed specifications for use in developing road maintenance projects that are found in the Zone of Benefit Advisory Committee Manual. The maintenance specifications have been presented at training meetings and are available on line at the link to the manual from the Department of Transportation website.*

*Direction from County Council is on file that County staff is prohibited from working on the zone of benefit roads that are not included in the County Maintained Mileage System. This has been interpreted to include engineering as well as maintenance work and has been the case since 1984. DOT staff offers the option of contracting for engineering services to zones of benefit as well as working closely with contractors to develop a scope for work to be performed.*

6. When ZOB homeowners volunteer to perform basic landscaping or road maintenance they find the process cumbersome relative to requirements, forms, and steps needed to purchase materials. In addition, a \$1,000,000 insurance rider is required by the County for any landscape work performed by property owners or outside (DOT contracted) hired professional help. The cost for this requirement is prohibitive for many ZOB's.

**Response to Finding 6: The respondent disagrees with the finding.** *The County disagrees that the process for performing volunteer work in the zones of benefit is cumbersome relative to the requirements, forms and steps needed to purchase materials.*

*The volunteer work program in place today was approved by the County's risk manager in 1994. It allows specific tasks including; cleaning debris from drainage ditches, filling potholes, removing roadside weeds, tree trimming along the road, minor snow removal, removal of trash and installation of "STOP" signs. The program was not intended to allow zones to perform extensive work such as surface treatment and culvert installation. Purchase of materials and rental of equipment is accomplished in compliance with the Purchasing Ordinance as required of any other County department. DOT staff requires enough information on volunteer work forms to determine if the project is appropriate as volunteer work as established by the existing guidelines.*

*A \$1,000,000 insurance rider is not required for the zone of benefit Volunteer Work Program. Volunteers are required to sign a Waiver of Liability prior to working in the road right-of-way, indicating that they carry a minimum of \$300,000 in home owners' insurance coverage. The forms used for volunteer work are incorporated in the Zone of Benefit Advisory Committee Manual.*

7. The contract process for any roadwork takes too long and the DOT non-bid minimum threshold is too high. Since DOT does all of the administrative work for a contract, many of the smaller details of the contracted work get lost, resulting in work that has to be adjusted and done again. The cost of these errors is incurred by the ZOB. In some cases, work is being delayed due to the lack of expertise by one of the hired contractors. DOT does not allow for “splitting of contracts”, although there are often cases where two different contractors with different skills and expertise could handle a project more cost-effectively to the ZOB. Presently, prime contractors have to award subcontracts after bidding takes place.

***Response to Finding 7: The respondent partially disagrees with the finding.*** *The contract process does involve time for document collection, review, approval and signatures. It is unclear what is meant by a “non-bid minimum threshold” and therefore we are not able to respond. The County is not aware of what details have been lost, work that has been repeated, or delays due to contractors without expertise.*

*As previously mentioned, the zones of benefit established under County Service Area Law are subject to the same regulations as any other County department. DOT does not establish bidding thresholds, contract “splitting” prohibitions, insurance requirements, purchasing regulations, or contract approval requirements. DOT follows applicable regulations including the Public Contract Code, Purchasing and Contracting Ordinances, County Charter and other requirements and has relied on the direction of other County departments responsible for ensuring compliance with such regulations.*

*Since taking responsibility for the zone of benefit program DOT has processed approximately seventy contracts for work in the thirty-three zones of benefit as well as a number of as-requested landscaping and snow removal contracts. The original scope of work for contracts is submitted by a zone of benefit advisory committee representative and is subject to final review by the advisory committee and contractor prior to submission for review and approval. There have been several instances where the scope of work for a project has been changed in the field during a pre-bid job walk resulting in an addendum to a bid or cancellation and re-issuing of a bid.*

*Last spring, the Department of Transportation requested direction from County Counsel regarding the Public Contract Code bidding requirements with respect to zone of benefit work. In May of this year, Counsel provided direction that much of the work by zones of benefit is considered “maintenance” and would therefore be subject to the bidding limits found in the Purchasing Ordinance for service contracts and not to the Public Contract Code bidding limits for Public Projects. This revised direction allows more flexibility for the zones to perform work up to \$100,000 without a competitive process. It means that they are permitted to use as many contractors as they wish as long as they are not exceeding the bidding limit of \$100,000 for the work to be performed. Zones submitting work requests this spring have been advised of this change. DOT staff will present this information during the training provided to advisory committees this fall.*

8. An emergency or quick turnaround process is not in place to fix problems. The ZOB has to wait its turn for approval, and in the meantime, a problem that could have been resolved quickly may get worse, and costs often go up accordingly.

**Response to Finding 8: The respondent partially disagrees with the finding.** *The County disagrees that true “emergency” processes are not in place, but agrees that exceptions to established regulations are not available for “quick turn around.”*

*As previously stated, the zones of benefit are required to follow the same processes as County departments. DOT staff takes all steps possible to address true emergencies allowable within the applicable regulations and obtains direction from other County departments regarding any means available to expedite requests.*

9. Many of the ZOB’s are unhappy with the cost and structure of the ZOB process but do not see a viable way to exit from that road maintenance entity. Although they could vote to remove themselves from the ZOB, a readily available path to pursue an alternative entity is not in place. This is an important issue, as it remains one of the biggest frustrations of several ZOB’s.

**Response to Finding 9: The respondent disagrees with the finding.** *A process is currently in place for dissolving a zone of benefit. Part VI of the Policy and Procedure Guidelines for Creation and Administration of Zones of Benefit within a County Service Area, adopted June 2, 1987 contains the procedure in effect for dissolving a zone of benefit. In summary:*

- *Where proceedings are initiated by the Board of Supervisors, and Resolution of Intention to dissolve the zone is adopted, and a public hearing scheduled.*
- *Where proceedings are initiated by petition of the zone residents, the petition is verified by the County Registrar of Voters, and a public hearing is scheduled.*
- *Notice of the public hearing is published in a local newspaper of general circulation. Notice of the public hearing is mailed to all property owners and residents in the zone at least 20 days prior to the hearing, and posted at three public locations in the zone. Other noticing may be required.*
- *At the hearing, certain findings are required, for example, the Board must find that the services for which the zone was established is no longer necessary, or that it is no longer in the public interest to provide them. For some types of services, such as road maintenance, a successor entity to provide the services may be established prior to the dissolution proceedings in order that the finding may be made. (It should be noted that where the public’s right to use facilities maintained through a zone of benefit has been established, those facilities remain available for public use unless and until the interest in the facilities as generally vacated through a separate process, if such action is possible under the circumstances.)*
- *If more than fifty (50) percent of the registered voters in the zone file written protest against the dissolution of the zone, the proceedings are abandoned.*

## RECOMMENDATIONS

1. The Department of Transportation should achieve a consistent and frequent (quarterly) dissemination of accounting information, with an improved level of detail to allow ZOB's to better understand their costs and manage their organizations effectively.

***Response to Recommendation 1: The recommendation has not yet been implemented but will be implemented in the future.*** The Department of Transportation will work with staff to automate a process that will allow for the dissemination of detailed accounting information on a quarterly basis. Expected timeframe of implementation is December 31, 2009.

2. The contract process needs to be revamped to reduce the excessive time built into the current process, as well as increasing the dollar threshold for non-advertised contracts.

***Response to Recommendation 2: The recommendation will not be implemented because it is not warranted.*** The Department of Transportation has obtained an opinion from County Counsel, as mentioned above, that will allow maintenance work to be performed under the Purchasing Ordinance competitive process threshold of \$100,000 instead of the Public Contract Code (PCC) bidding threshold of \$30,000. If work meets the definition of a Public Project as outlined in the PCC, the \$30,000 will still apply. Wherever possible processes will be streamlined; however bidding thresholds and review requirements are not within the control of DOT to change.

3. The volunteer program process needs to be reviewed, with the goal of minimizing restrictions so that homeowners can more easily take care of simple tasks on their own.

***Response to Recommendation 3: The recommendation has not yet been implemented but will be implemented in the future.*** The Department of Transportation will submit the approved Volunteer Work Program for review by County Counsel and Risk Management. DOT will report on that review by December 31, 2009 through the Grand Jury Status Report provided to the Board of Supervisors.

4. Hold an annual meeting that focuses primarily on the operational concerns of ZOB's.

***Response to Recommendation 4: The recommendation will not be implemented because it is not warranted.*** The Department of Transportation will continue to hold the meetings, workshops and training sessions as detailed under number 2 of the "Findings" section above.

5. The Board of Supervisors should help facilitate a path for disgruntled ZOB's to exit the system and re-organize under an entity that best suits their needs. This issue is currently being discussed by County Counsel and DOT. We recognize that this is not a simple issue. Both the transition out of a ZOB to another road maintenance entity, and the adjustment from "public access to private roads" to "private roads only" needs to be addressed as part of this solution. We would urge that this recommendation produce a solution by the end of this calendar year.

***Response to Recommendation 5: The recommendation requires further analysis.*** The Department of Transportation and County Counsel are working on revisions to the Policy and Procedure Guidelines for the zones of benefit in which the process for dissolution of a zone is contained. The Board of Supervisors cannot commit to facilitating a new process without additional information. If a need for a new exit and reorganization process is identified, and a strategy is identified that provides agreeable solutions, the Board will take appropriate action at that time.

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.


Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

Attachment A  
Zone of Benefit Sample Training Material

## Zone of Benefit Workshop


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Presented by: El Dorado County  
Department of Transportation,



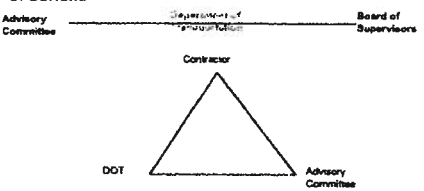
### Agenda Topics

- Advisory Committee Role
- Bids & Contracts
  - Limits, timeline
- Budget Preparation
- AB1234




### Advisory Committee Role

- Advisory Committees make recommendations regarding the scope of services to be provided, compilation of the annual budget, and other matters pertaining to the zone of benefit.




•Brown Act



### Bids and Contracts

Requests for contract or bid are due no later than April 18, 2008




### Bids and Contracts:

Public contract code requirements

- Allows negotiated contracts up to \$30,000
- Requires bidding over \$30,000
- "Splitting" work to avoid bidding is prohibited
  - Guidance: if the nature of the work requires different types of licenses, can be completed under separate contract.

Insurance and other contracting requirements




### Budget Preparation

Budget packets have been provided this evening.

Budget workshop January 30, 2008

Budgets are due February 15, 2008





Attachment A  
Zone of Benefit Sample Training Material

**Budget Preparation**

- Documents Provided:
  - Management Report (Replaces Budget Summary)
- Worksheet #1 - Estimated Fund Balance as of 6/30/08
- Worksheet #2 – Proposed Budget
  - Zone Parcel List
  - 2008/2009 Zone Work Plan
  - 2008/2009 Volunteer Work Plan
- Budget must be signed by all Advisory Committee representatives.

**Budget Preparation  
- 2 Steps**

**Step 1** - Calculate estimated fund balance as of June 30, 2008.

**Step 2** - Estimate revenue and expenditures for Fiscal Year 2008/2009

- Develop the Zone Work Plan
- Develop the Volunteer Work Plan

That's it!

**• AB1234 Training**

On October 7, 2005, the Governor signed Assembly Bill No. 1234. This law requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body (including advisory bodies) must provide ethics training to local agency officials by January 1, 2007, and every two years thereafter.

Principles of Public Service Ethics  
Scope of Public Service Ethics Laws

- Personal Financial Gain
- Personal Advantage and Perks
- Government Transparency – *Open Meeting Laws*
- Fair Processes - *Contracting*

**Questions?**


Have a good evening!

Attachment A  
Zone of Benefit Sample Training Material

**Zone of Benefit  
Workshop**


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Presented by: El Dorado County  
Department of Transportation,




**Budget Preparation**

Budgets are due February 15, 2008



**Budget Preparation**

- Documents Provided:
  - Summary of Revenue and Expenditures  
Includes administrative charges through December, all others through current
  - Worksheet #1 - Estimated Fund Balance as of 6/30/08
  - Worksheet #2 – Proposed Budget  
Zone Parcel List  
2008/2009 Zone Work Plan  
2008/2009 Volunteer Work Plan




**Budget Preparation  
- 2 Steps**

**Step 1** - Calculate estimated fund balance as of June 30, 2008.


**Step 2** - Estimate revenue and expenditures for Fiscal Year 2008/2009  
Develop the Zone Work Plan  
Develop the Volunteer Work Plan

That's it!



**Questions?**

Have a good evening!



Attachment A  
Zone of Benefit Sample Training Material

**Zone of Advisory Committee Orientation**

Presented by: El Dorado County Department of Transportation, May 13, 2009

**Agenda topics**

- Introductions
- Defining a Zone of Benefit
- Policy and Procedure Review
- Brown Act Requirements
- Procurement of Goods and Services
- Volunteer Work Program/Contracting

**Defining a Zone of Benefit**

Established by County Service Area (CSA) law to provide extended services

- Road maintenance
- Drainage & wetlands facility maintenance
- Landscape maintenance
- Lighting
- Erosion control
- Snow removal

**Defining a Zone of Benefit**

A zone of benefit is not:

- A "district"
- An "association"

A zone of benefit is:

- Within a County Service Area (CSA) – a district governed by the Board of Supervisors
- Funds become public monies
- Roads are public roads
- A guaranteed collection mechanism

**Policy and Procedure Review**  
Advisory Committee: Overview

- Serves at the pleasure of the El Dorado County Board of Supervisors.
- Meets with property owners and residents.
- Evaluates the adequacy of services.
- Compiles annual budget.
- Recommends action to county.
- Subject to open meeting laws ("The Brown Act").

**Advisory Committee Role**

Advisory Committees make recommendations regarding the scope of services to be provided, compilation of the annual budget, and other matters pertaining to the zone of benefit.

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graph TD; DOT[Department of Transportation] --- AC[Advisory Committee]; DOT --- Contractor[Contractor]; Contractor --- AC; DOT --- BOS[Board of Supervisors];
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Attachment A  
Zone of Benefit Sample Training Material

**Brown Act Requirements**

**What is Brown Act?**

The Ralph M. Brown Act, California's Open Meeting Law

*"Open decisions, openly arrived at."*

What are the requirements?

What are the consequences?

**Brown Act Requirements: Meetings**

**Meeting**

Any gathering of a quorum.  
Discussion of Zone business.  
Requires Noticing.  
Anyone may attend.

**Serial Meetings - Prohibited** under the Brown Act

Telephoning to develop concurrence.  
E-mailing to develop concurrence.  
Gathering of less than a quorum in series to develop concurrence.

**Brown Act Requirements: Noticing**

**Set regular dates, time and place**

Publish schedule annually.  
Mail notification of each regular meeting.  
When written request is on file.  
Zone Administration (DOT).  
Include Notice and Agenda.

**Post Agenda.**

Posting location freely accessible to public.  
72 Hours before each regular meeting.  
Make it legible, keep it simple.

**Brown Act Requirements: Meetings**

**Facilities**

Must be "freely accessible to the public."  
Allow accommodation for participation.  
Have contact person.

**Compliance**

Accommodation requested at least one full business day in advance.  
Contact Zone Administration if any questions on case by case basis.

**Brown Act Requirements: Documentation**

**Agenda**

Brief description (20 words) of topics  
Allow time for Public Comment  
Include ADA statement  
Refer to Sample provided

**Minutes**

Objectively document action taken  
Provide to Zone Administration

**Brown Act: Consequences**

**Criminal misdemeanor**

All committee members involved based on:  
Participation in the meeting.  
Knowledge that the law is being violated.

**Local District Attorney files charges.**

Zone funds cannot be spent on defense.

Attachment A  
Zone of Benefit Sample Training Material

**Brown Act: Consequences**

Any person or entity can file an action in Superior Court.

Violations could invalidate actions taken.

Applies to non-compliance with open meeting  
Noticing requirements,  
Agenda requirements.

**Procurement of Goods and Services**

Part V, Section C - Zone of Benefit policies and procedures

"The financial management of the zones of benefit shall be treated as any other department of the county."

Expenditures may be made from zone funds if approved by EDC Board of Supervisors in a line item budget.

No expenditure may be made without supporting revenue.

Procurement of services and supplies must be in accordance with county policies and procedures and all other applicable codes and regulations.

**Procurement of Goods and Services**

<b>Supplies-reimbursable</b>	<b>Supplies - Purchase Order required</b>
Postage	Road materials
Office supplies-mailing labels, envelopes, paper, printer cartridges, staples, writing implements, tape	Fuel for equipment
Printing/copying	Miscellaneous supplies
<b>Services</b>	
Room rentals	Any service provided by an outside vendor other than construction services.
Equipment rentals	
Materials hauling	

*Acquired through as-needed contracts*

**Volunteer Work Program**

All work must be included in the approved budget. Volunteer work must be approved by county before work begins.

Volunteer work must be allowed by Guidelines:

- Brush/Tree/Weed Trimming
- Pot Hole Patching
- Clearing ditches
- Trash pickup
- minor snow removal

Work must be in road right-of-way  
Waivers must be on file before work begins

**Contracting: Bidding and Contract Requirements**

Governed by Public Contract Code

<b>Negotiated Contract</b>	<b>Bidding Required</b>
<b>Under \$30,000</b>	<b>\$30,000 to \$125,000</b>
Negotiate agreement with contractor	Requires informal Bid prior to contract
Submit detailed scope of work to County	<b>\$125,000 and above</b>
Include Advisory Committee meeting minutes showing approval	Requires formal Bid prior to contract
Notice to Proceed issued by DOT	

Prevailing Wage is required by labor code for all public projects over \$1,000.

Payment and performance bonds required over \$25,000

**Key Elements in the Contract Process**

Scope of Work, Request for Proposal	6
Bid package preparation	4
Bid advertisement/ mailing	20
Bid award	2
Contract documents, bonds and insurance	10
County Counsel and Risk Mgmt review	15
Notice to Proceed	3
Notice of Completion	3
Release of bonds	1
<b>Working days in bidding and contract process *</b>	<b>64</b>
<b>Less working days required for bidding</b>	<b>-26</b>
<b>Working days in negotiated contract process *</b>	<b>38</b>

\* 64 working days = 80 calendar days    38 working days = 50 calendar days

Attachment A  
Zone of Benefit Sample Training Material

**Contracting: Insurance and License Requirements**

Commercial general liability \$1,000,000 per occurrence

Auto liability \$1,000,000

Workers Compensation \$1,000,000

County of El Dorado named as additional insured with endorsement.

Certificates must appear *exactly* as the sample provided.

Contractor's license and El Dorado County Business License are required.

**Questions?**

Thank you.

Attachment A  
Zone of Benefit Sample Training Material

## Fair Political Practices Commission

Local Ethics Training – AB 1234

### Introduction

- Passed 10/7/05
- Advisory Committee members are considered public officials for purposes of this training
- Applies to elected or appointed officials that receive compensation or reimbursement for expenses
- Objectives of this training:
  - ┆ Become familiar with laws that govern your service
  - ┆ Recognize when to ask questions
  - ┆ Encourage thought beyond legal restrictions
  - ┆ Comply with ethics education requirement

### Principles of Public Service Ethics

- Ethics vs. Ethics Laws
  - ┆ Ethics is what we ought to do – not just what we have to do
    - Just because something is legal, doesn't mean it is ethical.
- Public perception matters in determining the "right thing to do."
  - ┆ As public servants, public officials are stewards of the public's trust in governing public institutions.

### Universal Ethics Values

### Trustworthiness

Your role is to serve the community

- Be truthful even if the truth is unwelcome
- Avoid perception of personal interest vs. public interest
- Don't accept gifts or other considerations
- Don't knowingly use false or inaccurate information.
- Don't use position for personal gain
- Keep promises

### Fairness and Public Service

- Make decisions on the merits of the issues
- Apply agency's policies consistently
- Support the public's rights, promote involvement
- Promote equality and treat all people equitably
- Excuse yourself from decisions when you or your family's financial interest may be affected by your agency's action
- Credit others' contributions in moving community interests forward

Attachment A  
Zone of Benefit Sample Training Material

Responsibility and Public Service

- Work to promote the best interest of the community
- Promote efficient use of agency resources
- ▲ Don't use resources for personal benefit
- Represent *official* positions of agency, differentiate your opinion from official position of the agency
- Disclose instances of suspected impropriety to authorities
- Do not disclose confidential information without legal authorization
- Be proactive and innovative when setting goals and considering policies.

Respect

- Treat fellow officials, staff and public with courtesy
- Focus on the what is best for the community not on personality traits
- Search for value from diverse opinions and build consensus
- Follow through on commitments, keep others informed, make timely responses
- Be approachable and open minded
- Listen carefully, ask questions that add value
- Involve appropriate stakeholders

Retention Check 1

Scope of Public Service Ethics Laws

Four categories:

- Personal Financial Gain
- Personal Advantage and Perks
- Government Transparency
- Fair Processes

Personal Financial Gain

Personal Financial Gain

- Prohibition against acquiring property in redevelopment areas
- **Bribery prohibitions** – not just cash, any benefit not available to others. Penalties are high!
- **Revolving door restrictions** – top level managers representing people before former agencies within a year of employment
- **Financial interest disqualification requirements** – may not participate in a decision of your economic interests could be affected (hurts or helps!)



Attachment A  
Zone of Benefit Sample Training Material

If Disqualified from a Decision based on financial interest

- You can't influence the decision in any way, including discussing the matter
- Leave the room when the matter is up for discussion

Penalties if violated

- Decision could be nullified
- Offense can be prosecuted as a misdemeanor
- Official faces personal fines, attorney fees
- Embarrassment

Special Rules for Contracts

- If you are a member of a board and you have an interest in a contract, the contract cannot be entered into unless a specific legal exception applies. *Disqualifying yourself may not be enough.*
- If you are an employee, the contract can still be made so long as you disqualify yourself from every aspect of the contract-making process.

Penalties

*The agreement is invalid*

*The offense may be prosecuted as a felony which may result in fines, imprisonment and loss of office.*

Beyond Legal Limits

- Think beyond the legal requirements. Ask if constituents will question your ability to put personal interests aside.
- You can voluntarily abstain if you are concerned about perception.
- The law is a floor, not a ceiling in public service ethics.

Financial Situations of Concern

- If a decision or action may affect (positively or negatively) your immediate family income, assets, expenses or liabilities
- If a decision may affect your property interests
- If a decision may affect your business or investment interests
- If the decision affects someone who has given you a gift.

Retention Check 2

Personal Advantage and Perks

Attachment A  
Zone of Benefit Sample Training Material

No Perks Rule

- Public servants should not receive special benefits beyond the compensation provided by law for being in public service

Gifts

- Gifts include anything someone gave you that conveys a personal benefit for which you didn't provide equal or greater value.
  - ┆ Including meals, hospitality, tickets to events, travel
- The easiest way to avoid gift rules is not to take gifts, if you do then keep track of them!

Rules about Gifts

- Some gifts are excluded from gift rules (see list on page 6 of summary)
- Gifts from a single source adding up to \$50 are reported on Statement of Economic Interest (n/a for zones)
- State law sets the annual limit for gifts that may be accepted. Know the limit!
- You may decide to disqualify yourself from a decision involving someone who has given you a gift in the previous calendar year.

What to do with unwanted gifts

- Within 30 days of receiving a gift, you may do the following:
  - ┆ Return the gift unused
  - ┆ Deliver the gift to a non-profit 501(c)(3) without claiming the donation on your income taxes
  - ┆ Reimburse the gift-giver at fair market value of the gift.
  - ┆ See page 6 of the summary for other gift rules.
- Those who disregard reporting requirements face a penalty of up to \$5,000 per violation plus attorney fees.

Use of Public Resources

- Basic rule is that personal and political use of public resources is strictly prohibited
- Follow these rules:
  - ┆ Know the reimbursement policies/limits. When submitting reimbursement requests, carefully document compliance.
  - ┆ Don't use agency equipment (i.e., telephones, computers, copiers) or supplies for personal or political purposes.
- Consequences are fines and criminal penalties.

Retention Check 3

Attachment A  
Zone of Benefit Sample Training Material

Governmental Transparency Laws

- Public officials transact their business in public.
- Provides an opportunity to monitor and participate in business.
- The public trusts a process it can see.

Economic Interest Disclosure

- Some officials are required to file a Form 700, "Statement of Economic Interests" with the following:
  - ┆ Sources of income
  - ┆ Interests in real property
  - ┆ Investments
  - ┆ Business positions
  - ┆ Sources
- Zone of Benefit Advisory Committees are not required to file this form.

Conducting the Public's Business in Public

- Meetings are subject to open meeting laws – "The Brown Act" – business is conducted in an open and public meeting to ensure public is informed about local decisions
  - ┆ Meetings – a meeting is any situation involving a majority of the governing body in which business is transacted or discussed.
  - ┆ Serial Meetings – a series of communications that result in a majority of a governing body having conferred on an issue.

Conducting the Public's Business in Public

- Permissible gatherings
  - ┆ Majority of the body may attend the same educational conference
- Closed sessions – can't occur just because a topic is confidential or sensitive. Consult Counsel.
- Posting and following the agenda
- Public has a right to be heard – time on the agenda for public comment.
  - ┆ Reasonable regulations may be adopted to ensure orderly participation.

Public Right to Access Records

- Copies of agenda materials and other documents distributed to the governing body must be made available to the public.
- The public has a right to request public records from a public agency.
- *Assume all information is public*
- *Don't discuss agency business with fellow board members outside meetings.*

Consequences of Disregarding Open Government Laws

- Invalidating any decision made in violation of open meeting laws.
- Criminal sanctions for intentional violations (up to 6 months in jail/\$1,000 fine)
- Attorney fees

Attachment A  
Zone of Benefit Sample Training Material

Retention Check 4

Fair Process Laws

Fair and Equal Treatment

- Obligation to be a fair and unbiased decision maker.
- Multiple public offices may be prohibited if there they are incompatible

Competitive Bidding Processes for Public Contracts

- Designed to provide interested parties with equal opportunity
- Many competitive bidding requirements are locally imposed (i.e., Purchasing Ordinance)
- State law defines when cities and counties must use competitive bidding for public works.

Retention check 5

Attachment A  
**Worksheet #1 Estimated Fund Balance**  
 Fiscal Year: 2008/2009

**BUDGET STEP 1: Estimate the Fund Balance as of 6/30/08**

**Zone:** \_\_\_\_\_ **Work Order #** 98580 **Index Code:** 308804

Fund balance from Management Report		\$ 37,960.40	A
Budget Line Item (see reverse)	<i>Add revenue anticipated after the report date and before 6/30/08:</i>		
1	Additional anticipated revenue from taxes or assessments		
2	Other - explain below		
	<b>Total</b>	<b>\$ -</b>	B
Budget Line Item (see reverse)			
3	Maintenance - Irrigation System (landscape contract only)	\$ -	
4	Office Expenses	\$ -	
5	Postage	\$ -	
6	Professional Services (landscape, snow removal)	\$ -	
7	Road Maintenance & Construction	\$ -	
8	Road Materials: Plant Mix	\$ -	
9	Road Materials: AB Rock	\$ -	
10	Publications & Legal Notices	\$ -	
11	Rent & Lease Equipment	\$ -	
12	Rent & Lease Building - room rental	\$ -	
13	Utilities (lighting services)	\$ -	
14	Interfund Expenses: Service by other Depts (BOS, Elections)	\$ -	
15	Mainframe Computer Access Charges	\$ 56.00	
16	Administration	\$ -	
17	Insurance	\$ -	
18	Other - explain below	\$ -	
	<b>Total</b>	<b>\$ 56.00</b>	C
<b>Estimated Fund Balance as of June 30, 2008</b>		<b>\$ 37,904.40</b>	A + E

Attachment A  
 Zone of Benefit Sample Training Material  
**Worksheet # 2 - Proposed Budget**  
 Fiscal Year:2008/2009

**BUDGET STEP 2: Prepare the Proposed Budget**

Zone: \_\_\_\_\_ Work Order # **98580** Index Code: **308804**

Estimated Fund Balance as of 6/30/08 - from Worksheet #1 \$ 37,904.40 A

Budget Line Item (see reverse)			
<b>Estimated Revenue:</b>			
1	Tax : Direct Assessment	\$	-
	Special Assessment	\$	-
		\$	-
2	Less Auditor's fee - 1% of revenue assessment/tax	\$	-
3	Add: other revenue		
	Total Estimated Revenue	\$	- B
<b>Total Available Funds for fiscal year 2008/2009</b>		<b>\$ 37,904.40</b>	<b>A+B</b>
<b>Estimated Expenditures:</b>			
4	Maintenance - Irrigation System (landscape contract only)	\$	-
5	Office Expenses	\$	-
6	Postage	\$	-
7	Professional Services (landscape, snow removal)	\$	-
8	Road Maintenance & Construction	\$	-
9	Road Materials: Plant Mix	\$	-
10	Road Materials: AB Rock	\$	-
11	Publications & Legal Notices	\$	-
12	Rent & Lease Equipment	\$	-
13	Rent & Lease Building - room rental	\$	-
14	Utilities (lighting services)	\$	-
15	Interfund Expenses: Service by other Depts (BOS, Elections)	\$	36.00
16	Mainframe Computer Access Charges	\$	120.00
17	Administration	\$	-
18	Insurance	\$	706.00
19	Other - explain below	\$	-
<b>Total Budgeted Expenditures</b>		<b>\$ 862.00</b>	<b>C</b>

**A+B = C Expenditure total must be equal to the available funds + revenue.**

Costs provided by DOT





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Environmental Management Radon Awareness Program**

Case No GJ-08-023

#### **REASON FOR REPORT**

This report is being issued in response to a citizen complaint regarding the lack of implementation of the El Dorado County Radon Awareness Program.

#### **BACKGROUND**

The El Dorado County Environmental Management Department oversees environmental health and safety concerns for the citizens of El Dorado County. They monitor, enforce and educate citizens relative to environmental issues and concerns. Much of the department's focus and information is generated from the State of California and the federal government.

Radon is a colorless, odorless and tasteless gas that is radioactive and occurs naturally in the environment. It escapes from uranium rich rocks into the atmosphere. Radon can and does, depending on geological locations, disperse through confined spaces such as home basements and foundations. The Lake Tahoe Basin has a high positive test rate above the minimum "safe" threshold of 4.0 picocuries (a unit of measure for levels of radon gas). Of the 693 tests in participating homes in the Tahoe basin that were tested in 2007 and 2008, 384 (55%) tested above the 4.0 picocuries level. We tested our county building (Building B, Fair Lane in Placerville, downstairs), and our reading came in at a very safe level of <0.5 picocuries.

It should be noted that a key radon expert at the California Department of Public Health willingly provided the Grand Jury with information, and agreed to personally present additional information to the Grand Jury. That meeting was suddenly cancelled at the last minute by the State. In our attempt to discover the rationale behind the sudden CDPH refusal to continue to provide the Grand Jury with radon information, we were told that a subpoena would be required. This Grand Jury is concerned as to why that State agency (CDPH) would require a subpoena to present taxpayer-funded public information to this California County entity.



El Dorado County developed a Radon Awareness Program in 2007. It consisted of a number of initiatives, primarily targeting education and construction method change recommendations, specifying completion by February 2008. The County Board of Supervisors has also determined that there is a concern regarding radon in our County, as they passed a Resolution making January 2009 (as well as January 2008) Radon Action Month (see attachments).

## METHODOLOGY

People interviewed:

- California Department of Public Health Staff Environmental Scientist
- El Dorado County Department of Environmental Management personnel

Documents reviewed:

- El Dorado County Radon Awareness Program (December 2007)
- El Dorado County Resolutions #'s 05-2008, 10-2009
- State of California, and other websites related to radon information

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The response(s) are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The County Environmental Management Radon Awareness Program, designed to be completed in February 2008, incorporated 18 actions (see attachment). The complainant indicated that a minimal number of those activities had been completed as of early 2009. Our investigation revealed that the County Department of Environmental Health, by their own admission, had yet to complete about 50% of those program components. They cited both financial and human resource reductions as the partial cause of their failure to complete the program as written.

***Response to Finding 1: The respondent disagrees in part with the findings. The “Radon Awareness Program” with its six objectives, was intended to be a guide for Environmental Management staff. Each objective had suggested actions to complete the objective, depending on staff and resources. There was never intent to complete these objectives by February 2008 because this is an ongoing program. Progress continues toward these objectives.***

2. The County Radon Program depends, in part, on materials and information from the State of California Department of Public Health. That department has been slow in providing key mapping and other data that this County could use to better manage the radon program.

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

## **RECOMMENDATIONS**

1. The Grand Jury recommends that the El Dorado County Environmental Management Department implement the Radon Awareness Program in the manner and intent in which it was developed and written.

***Response to Recommendation 1: The recommendation has been implemented.*** The Environmental Management Department continues to implement the radon program in the manner and intent in which it was developed and written. This is an ongoing program and the department continues to provide free test kits and radon awareness information. For example, the department's website has extensive information about radon, and there have been recent press releases, media coverage, and an interview on the local radio station regarding radon in the Lake Tahoe area.

2. The Grand Jury recommends that the El Dorado County Department of Environmental Management seek support from the Board of Supervisors to help reduce the time delays in providing appropriate information to our County from the State Department of Public Health.

***Response to Recommendation 2: The recommendation will not be implemented because it is not warranted.*** The California Geological Survey released the "Radon Potential in the Lake Tahoe Area" study in May 2009. The entire study can be viewed through a link on the Environmental Management website. A letter has been sent to the State Department of Public Health requesting release of detailed survey information. The State has provided free radon test kits and informational brochures to El Dorado County Environmental Management for distribution to the public.

## **RESPONSES**

Response(s) to both Findings and Recommendations to this report are required in accordance with California Penal Code §933.05. Address response(s) to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Adult Protective Services**

Case No. GJ-08-024

#### **REASON FOR REPORT**

As part of the El Dorado Grand Jury's ongoing oversight of County Government, a study was made of the El Dorado County Adult Protective Services (APS) Department to review its responsibilities and methods used to provide appropriate services to the County's elder and dependent adults.

#### **BACKGROUND**

The California Legislature has recognized that elders and dependent adults may be subjected to abuse, neglect, or abandonment, and that this State has a responsibility to protect these persons. Both the State and individual counties have been given the responsibility through Welfare and Institutions Code Section 15600-15601 to develop services to protect these individuals. Section 15600 (g) states: "The Legislature declares that uniform state guidelines, which specify when county adult protective service agencies are to investigate allegations of abuse of elders and dependent adults and the appropriate role of local law enforcement as necessary in order to ensure that a minimum level of protection is provided to elders and dependent adults in each county."

#### **METHODOLOGY**

Grand Jury members visited Adult Protective Services in Placerville on three different occasions. Our goals were to identify documentation regarding policies and procedures, organizational issues as well as available services and their provision. We also wanted to learn what actions were being taken in light of the economic downturn.

## Final Draft Response to the 2008-09 Grand Jury Final Report

Documents reviewed include the following California Welfare and Institutions Codes:

- Section 15600-15601: Legislation creating and describing programs and services to protect elders and dependent adults
- Section 15610-15610.65: Description of agencies, issues and terms to be included in provision of these services
- Section 15630-15632: Mandated reporting
- Section 15633-15637: Confidentiality issues
- Section 15640: Reporting to law enforcement and other agencies
- Section 15650: Investigation reports
- Section 15653-15655.5: Role of adult protective agencies to determine need for investigation, investigation guidelines, training, interaction with care facilities
- Section: 15656: Punishment for willfully causing or permitting older or dependent adult abuse
- Section 15657-15657.5: Liability, legal actions, awards of protection and damages
- Section 15658: Written reports
- Section 15659: Proof of knowledge of Section 15630 and its compliance
- Section 15660: Criminal records
- Section 15670-15675: Background checks
- Section: 15700: Mechanism for temporary emergency protection
- Section 15701-15701.4: Definitions
- Section 15703-15705.40: Temporary emergency protection protocols
- Section 15750-15766: County system of protecting services

### **FINDINGS:**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court:

1. It is beneficial that many of the County departments and entities which are involved in providing adult protective services are co-located in one building on Briw Road in Placerville. This includes the Adult Protective Services Department, Ombudsman Program, Multipurpose Senior Services (MSSP) and Linkages Programs, In-Home Supportive Services, Visiting Nurse Program, Health Insurance Counseling & Advocacy Program (HICAP), Public Guardian and District Attorney.

*Response to Finding 1: The respondent agrees with the finding. The Department of Human Services (DHS) staff is proud of the Adult Protective Services (APS) Program and the coordination between APS, other DHS programs, County departments and community agencies to provide a comprehensive range of services to County residents.*

2. A Multidisciplinary Adult Services Team (MAST) meets monthly to review and discuss cases that present unusual challenges to systems, involve multiple agencies, or require cooperative access to resources. Participants include staff from Adult Protective Services (APS), Public Guardian, Mental Health, Marshall Hospital, Long Term Care Ombudsman, Citizen Advocates for the Protection of Elders (CAPE), Information and Assistance, In-Home Supportive Services, MSSP/Linkages, ALTA Regional Center,

Victim Witness Services and Public Health. Law Enforcement, Animal Services, Code Enforcement and other agencies sometimes attend for specific cases. Educational presentations are provided as suggested or requested.

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

3. The Elder Protection Unit (EPU) also meets monthly to review and discuss cases that are being considered for, or are in the process of, criminal prosecution or civil litigation. Participants include staff from the District Attorney's Office (Prosecutor, Investigator, and Legal Secretary) Deputy County Counsel, Public Guardian, Senior Legal Services Attorneys, Victim Witness Services, LTC Ombudsman, Adult Protective Services, Probate Bar Representative and a Certified Investment Advisor & CPA. Educational presentations are provided as suggested or requested.

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

4. The Multidisciplinary Death Review Team (MDRT) meets monthly to review pediatric (under 18 years) and geriatric (over 60 years) deaths in the community with the goal of identifying and collecting data about premature or preventable death. Participants include Public Health Nursing Management, County Sheriff & Coroner, Placerville Police Department, Snowline Hospice, Human Services Child Protective Services (CPS), APS, and LTC Ombudsman, DA and Victim Witness, Deputy County Counsel and New Morning Youth & Family Services. Educational presentations are provided as suggested or requested.

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

5. The El Dorado County Protective Services Department also interfaces with a substantial network of programs which utilize volunteers to support the well-being of elders and dependant adults and aid in the prevention of their abuse. They include:
  - Citizen Advocates for the Protection of Elders (CAPE) provides intake information to identify and prevent possible elder abuse.
  - Family Caregiver Support provides information and support services to informal caregivers of older individuals to maintain independence in a home setting.
  - Friendly Visitor Program provides friendship, support and contact for isolated or homebound seniors through home visits.
  - Health Insurance Counseling & Advocacy Program (HICAP) personnel are trained to provide assistance with Medicare problems, health insurance and long term care insurance.
  - Long Term Care Ombudsman Advocates monitor the quality of care and life of residents of skilled nursing facilities and elderly residential care homes.
  - Senior Center Activities volunteers provide a variety of recreational activities and educational opportunities designed for seniors.
  - Senior Nutrition Programs assists in the provision of hot nutritious lunches in both a congregate and home-delivered setting.

## Final Draft Response to the 2008-09 Grand Jury Final Report

- You Are Not Alone (YANA) provides a free daily telephone check-in and reassurance service available 7 days a week supported by the Sheriff's Team of Active Retirees and Human Service Volunteers.
- Sheriff's Team of Active Retirees (STAR) senior volunteers assist the El Dorado County Sheriff's Office to enhance crime prevention.

*Response to Finding 5: The respondent agrees with the finding. DHS relies upon volunteers on a daily basis to achieve program goals. DHS and the County in general are grateful for their support. Volunteers throughout the County continue to make a difference in the lives of many.*

### **RESPONSES**

Response to Findings in this report is required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

### **COMMENDATION**

The County of El Dorado Department of Human Services, Adult Protective Services should be commended for their concern for elders and dependent adults. By co-locating various programs which focus on this population, they have created an atmosphere of convenient and rapid communication and problem solving. They continue to reach out into the County to cooperate and coordinate effectively with other service providers who also focus on this population. They interface with volunteer programs which provide older persons with meaningful opportunities to serve others and to benefit elders in the community.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Response Review Report**

Case No. GJ-08-025

#### **REASON FOR REPORT**

To provide the public and future Grand Juries with a current status and update of pending actions to the findings, recommendations and responses of Grand Jury Final Reports.

#### **BACKGROUND**

The El Dorado County Grand Jury is in session for 12 months. Each year the Grand Jury reviews and follows up on the responses to the reports written by prior year Grand Juries. The review is to determine that responses to the Grand Jury findings and recommendations meet California Penal Code Section 933.05 and to determine the current status of responses to recommendations and findings. Each Grand Jury is independent and decides its own course of action. Previous Grand Juries have followed up on responses and actions taken by various agencies with different methods and formats, but none have issued a final report on the subject matter. This year's Grand Jury has issues with several of the responses to recommendations made in last year's Grand Jury report. We recognize that priorities, budget and policy changes can impact prior responses. Therefore, this Grand Jury has elected to include in its final report a formal Response Review Report that can be readily monitored by future Grand Juries.

#### **METHODOLOGY**

The Grand Jury reviewed the written penal code required responses to the findings and recommendations from each County agency and department. This review gives opportunity for recommendations by this Grand Jury and those recommendations are identified and included below by title and case number. The Grand Jury conducted quarterly meetings with the CAO's office to determine the status of countywide findings and recommendations and we appreciate their support. Interviews were conducted with numerous agencies, cities and CSD's. Additional documents supporting responses to findings and recommendations provided by departments and agencies in the County were reviewed.

**RESULTS OF INVESTIGATION (Response Review-Grand Jury Determinations)**

**Grand Jury Report 07-25 Consolidation (Analysis) of Fire Districts- County and Fire District Response**

Last year's Grand Jury report focused on using County General Funds to subsidize eight fire districts, and the potential savings to the taxpayers if merging of fire operations were considered.

Most of the responses did not address the "tax fairness" issue but instead focused on local justification for the County providing General Funds to the eight fire districts. Taxpayers outside of those subsidized districts pay taxes to support their own fire districts, in addition to the County General Fund which provides funding to these subsidized fire districts. The report created a spirited response by various fire boards and agencies either in support or opposition to the findings and recommendations in that report.

This year's Grand Jury has followed the activity of various groups including the Board of Supervisors, LAFCO, and the Fire Chiefs Association. The problems discussed this year by the interested parties have focused on stabilizing the Aid to Fire funding. It has been discussed that no unsubsidized fire district would merge or combine if it were not financially feasible. Many other fire operational concerns would need to be addressed by various fire district boards if the Aid to Fire funding were eliminated by the Board of Supervisors. These fire district boards are independent governing bodies responsible for the fire operations in their local jurisdiction.

The annual Aid to Fire funding from the General Fund has been over \$1.3 million per year for the last three years. The Grand Jury has reviewed the responses and concludes that the tax fairness issue has not been addressed and continues to present an opportunity to analyze fire operations in the county. Last year's report focused on funding, not operational issues. Currently all County fire districts work together through mutual aid agreements and a central dispatch system for fire and emergency services operated by Cal Fire in Camino, providing County citizens the fastest available response to an emergency regardless of location. This combined system works well.



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Listed below is the Aid to Fire General Fund contribution made to the eight subsidized fire

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b><u>FIRE DISTRICT</u></b>	<b><u>ANNUAL OPERATING BUDGET</u></b>	<b><u>COUNTY AID TO FIRE CONTRIBUTION</u></b>	<b><u>AID as a % of BUDGET</u></b>	<b><u>AID TO FIRE FUND BALANCE Jun-08</u></b>	<b><u>BALANCE as a % of BUDGET</u></b>	<b><u>BALANCE as a % of AID AMT.</u></b>
Fallen Leaf Lake	235,184	60,454	25.7%	145,622	61.9%	240.9%
Garden Valley	2,175,771	205,285	9.4%	386,009	17.7%	188.0%
Georgetown	1,047,576	36,240	3.5%	21,055	2.0%	58.1%
Latrobe	433,452	168,978	39.0%	153,020	35.3%	90.6%
Meeks Bay	1,222,161	312,945	25.6%	2,026,695	165.8%	647.6%
Mosquito	381,500	35,047	9.2%	133,288	34.9%	380.3%
Pioneer	1,026,489	279,047	27.2%	291,789	28.4%	104.6%
Rescue	1,912,972	202,351	10.6%	775,756	40.6%	383.4%
<b>TOTALS</b>	<b>8,435,105</b>	<b>1,300,347</b>	<b>15.4%</b>	<b>3,933,229</b>	<b>46.6%</b>	<b>302.5%</b>

districts operating budgets as of June 30, 2008.

The total General Fund contribution for FY 2008-2009 is **\$1,300,347**. These numbers were compiled and presented to the Board of Supervisors by the CAO's office on March 30, 2009.

Note the wide discrepancy in dollars (column C) and contribution percentage of budget (column D) among the eight fire districts.

Note the levels of unspent Aid to Fire Dollars (Column E). These dollars indicate that the existing budget balances would support current Aid to Fire contributions for an average of over three years (column G). These numbers do not show if the Aid to Fire Fund balances are allocated for specific purposes.

There is a separate trust fund that was established for the exclusive use of fire districts. This fund currently contains \$963,513. The CAO's office has recommended that this trust fund be distributed to the fire districts as the FY 09/10 contribution for Aid to Fire funding. Distribution of the trust fund will ease the transition from canceling the Aid to Fire Funding contract which is the purpose of the trust fund. This Aid to Fire contract cancellation would provide the tax fairness and distribution that last years Grand Jury recommended.

The Grand Jury concludes that the current status of fire services in the County can be maintained or improved, and deliver tax fairness to all taxpayers in the County. The cancellation of the Fire District Contract between the County and the eight fire districts clearly provides an opportunity for this change.

Maintaining the Aid to Fire funding will not provide the leadership to analyze fire operations in the County, and will not provide incentive for fire districts and fire boards to look at change or consider other methods of operations. The current system, to quote a current member of the Board of Supervisors, "is arcane".

### **Recommendation 1**

This year's Grand Jury reaffirms last year's Grand Jury recommendation that Aid to Fire, as it is currently structured, continues to be a tax distribution and fairness issue. This requires a majority of property owners in the County to pay for their own fire districts operations, and support through the General Fund, fire services in eight other fire districts in the County. We recommend that the Board of Supervisors cancel the Aid to Fire contract with the fire districts, and distribute the trust fund monies for Fiscal Year 2009-2010 consistent with current contract funding agreements. The Grand Jury recognizes the Board of Supervisors may have made this decision during budget negotiations as this Grand Jury report is being prepared. If not, we recommend this contract be cancelled for next fiscal year 2010-2011.

*Response to Recommendation 1: The recommendation has been implemented. On June 2, 2009 the Board of Supervisors adopted Resolution 111-2009 terminating Supplemental Funding for Fire Districts. The Resolution allowed for the use of approximately \$964,810 in the trust fund, which was coupled with an additional appropriation of \$335,537 in fiscal year 2009-10 to minimize financial hardship to fire districts who had received Supplemental Funding. The total FY 2009-10 allocation to fire districts was equal to the FY 2008-09 amount, less \$100,000 which will be used by the County to fund a LAFCO study of the feasibility of achieving efficiencies in fire service delivery, including consolidation of districts.*

### **Recommendation 2**

The Grand Jury recommends that the Board of Supervisors authorize an outside qualified consulting firm to analyze, evaluate, and make recommendations relative to the structure of our County fire service operations. This analysis should include mutual aid agreements, emergency medical services, and the ability of fire departments to operate without Aid to Fire funding. All fire district concerns should be brought out in the open for discussion and resolution as part of the analysis.

*Response to Recommendation 2: The recommendation has been implemented. Please see the response to Recommendation 1.*

### **Recommendation 3**

We recommend that the cost of this independent analysis be paid by the current Aid to Fire funding. Based on interviews by the Grand Jury with two independent fire consulting firms we believe this analysis could be accomplished for an investment of under \$100,000, which is only 7.7% of the current Aid to Fire funding. Not performing an independent analysis keeps the status quo and perpetuates the same problem of tax fairness and distribution.

*Response to Recommendation 3: The recommendation has been implemented. Please see the response to Recommendation 1.*

### **NOTE:**

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*It should be noted that the Board of Supervisors – as this report was going to press – at their June 2, 2009 meeting, addressed this Aid to Fire issue, and did, in fact, make the very changes recommended in this report. Below is that segment to those minutes from the June 2<sup>nd</sup> meeting. We applaud the BOS for their actions.*

“Chief Administrative Office recommending the Board discuss Supplemental Funding to Fire Districts (Aid to Fire) and take the following actions:

- 1) Adopt Resolution 111-2009 terminating Supplemental Funding for Fire Districts, making findings to support that termination, and providing for an additional appropriation of \$335,537 in Fiscal Year 2009-2010;
- 2) Authorize staff to work with Local Agency Formation Commission (LAFCO) to initiate a request for qualifications for a Fire Service Consultant and prepare a Memorandum of Understanding with LAFCO for the administration of a Fire Service Consultant Agreement; and
- 3) Bring Fire Service Consultant findings and recommendations back to the Board prior to the Fiscal Year 2010/2011 budget.

FUNDING: General Fund

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, as follows:

- 1) Adopt Resolution 111-2009;
  - 2) Authorize staff to work with Local Agency Formation Commission (LAFCO);
- And
- 4) Bring the draft findings and recommendations from the Fire Service Consultant back to the Board on or before January 26, 1020.

Yes: 4 - Knight, Sweeney, Briggs and Santiago

Noes: 1 Nutting”

### **Grand Jury Report 07-030 Use of County Vehicles – County (CAO Office) Response**

The **2007- 2008** Grand Jury reported eight Findings and four Recommendations. The County responses met the requirements of the penal code.

The Grand Jury recognizes the work of the CAO’s office following Board Policy #D4 to review permanent assignment and overnight retention of vehicles on an annual basis to continue or rescind authorization. The recent annual review has reduced the number of take home vehicles by County employees and cost savings will follow.

### **Grand Jury Report 07-06 Audit of Human Services and Mental Health Medi-Cal Revenue Department Responses**

The 2007-2008 Grand Jury commissioned a respected and experienced firm, Harvey M. Rose Associates, LLC, to conduct an audit of our County Human Services and Mental Health

## Final Draft Response to the 2008-09 Grand Jury Final Report

Departments. This action was prompted by prior Grand Juries' investigations that had identified problems in the proper management of Medi-Cal billing practices. The purpose of the audit was to determine how much loss in State reimbursement was occurring based on those departments' operations. The audit did in fact show some serious process deficiencies, and the projected substantial dollar losses to the County were realized.

The responses from the Board of Supervisors (BOS), presumably using input from the Mental Health and Human Services Departments, attacked the credibility and methods of the audit. The head of the Mental Health Department at that time publicly (at an open BOS meeting) denounced the audit findings, and indicated that all was well in his department. The BOS response focused on statistical methods and techniques, and virtually ignored the key findings and recommendations of the audit and subsequent Grand Jury report. It should be noted that when the responses to that audit from the BOS were approved and given to the Grand Jury on September 30, 2008, the BOS had already approved the transfer of \$3,319,000 from the County General Fund to cover the Mental Health Department's 2007-2008 fiscal budget shortfall due to uncollected Medi-Cal payments.

Time has certainly exonerated the damaged credibility of that audit. As indicated above, at the end of last fiscal year (2007-2008), the Mental Health Department needed over \$3,000,000 to supplement its budget shortfall due to uncollected revenues from the State. Much of that shortfall can never be collected, as strict time rules exist between the State and Counties to recover past submission errors. And, per the County Auditor-Controller, it appears that the negative budget balance in the Mental Health Department will occur again this fiscal year (2008-2009).

In October of 2008 the Board of Supervisors changed the management of the Mental Health Department placing that department under the umbrella of the County Department of Public Health. This Grand Jury has met with members of the Public Health Department management team as well as our County Auditor/Controller to review the status of those fiscal problems. The Mental Health Department, under this new management, has recognized and embraced these problems, analyzed where the problems are, and, we believe, is taking steps to solve them.

The Mental Health Department (under the supervision of the Public Health Department) has indicated that they are taking the following actions:

- An electronic "bridge" is being placed between the two electronic systems designed to bill the State in a proper and timely manner
- Payroll has been consolidated into one operation
- The contract process has been consolidated
- The purchasing function has been consolidated
- There is an ongoing attempt to change the culture in order to place the proper priority on the billing and reimbursement process

According to the new management team at Public Health, the statewide average disallowance rate (non-reimbursed funds) is approximately 7%. The County is now running at 10%, which is down from 16% last year. This marked improvement in the disallowance rate still has much room to improve. The Mental Health Department will still require County "bailout" funds to balance the Mental Health Department budget this year. According to our County

Auditor/Controller, at least 2.5 million dollars of General Fund money will again be needed this fiscal year (2008-2009) to cover the budget shortfall of the Mental Health Department.

### **Recommendation 1**

The taxpayer dollars lost due to fiscal mismanagement were huge, and every effort needs to be made by the Board of Supervisors to prevent a recurrence. The Grand Jury recommends that the BOS authorize an audit for next fiscal year to ensure that the purported progress being made by the Mental Health Department is real, and continues. The Grand Jury certainly recognizes the budget constraints that currently exist. However, if the recommended improvements in billing practices had been implemented last fiscal year the audit would have paid for its cost by a multiple of many times. The County taxpayers lost over \$3,000,000 due to poor fiscal management in the Mental Health Department and the audit cost less than \$50,000.

*Response to Recommendation 1: The recommendation requires further analysis. During fiscal year 2008-09, newly assigned management staff in the Health Services Department (now including both the Public Health Division and Mental Health Division) conducted a substantial review of the fiscal processes and billing practices in the Mental Health Division. Through this comprehensive internal review, staff identified several areas where changes were needed to improve cost accounting, billing systems and processes, and a variety of other factors that contributed to previous operating losses. It is important to clarify that not all of the fiscal problems in the Mental Health Division were related to uncollected Medi-Cal payments or other billing issues. There were numerous factors that contributed to prior losses; reports have been prepared describing key issues and recommendations for restructuring. Steps to implement necessary corrections have been, and are continuing to be, put into place within the Mental Health Division. The findings of internal reviews by Health Services management, as well as reports addressing steps taken or planned to address findings, have been documented and shared with the Board of Supervisors, as well as the Auditor's Office. The Health Services Department agrees with the recommendation of the Grand Jury that continued close monitoring of the Mental Health operations and fiscal status is essential. The Health Services Department will support, and fully cooperate with any monitoring/auditing process determined necessary by the Board of Supervisors.*

### **Grand Jury Report 07-19 Purchasing Department – County (CAO Office) Response**

The Grand Jury reported seven findings and three recommendations in the report on the Purchasing Department. The County's responses met the penal code requirements.

Last year's report (Recommendation 1) called for the formation of a task force of end users and outside vendors. The purpose was to improve customer service to all internal and external customers of the Purchasing Department. This recommendation was made because the Grand Jury investigation revealed that the service problems that plagued the department were recognized by the CAO and the Purchasing Department. The purchasing systems are burdened with time consuming, paper laden processes and outdated systems. The County response said partially, "It is expected that the new Chief Administrative Officer will monitor the progress of the purchasing function".

The current CAO has made significant changes to the operation and personnel in the Purchasing Department. The Grand Jury believes that time will determine if the customer service levels will improve internally and externally.

### **Recommendation 1**

The Grand Jury recommends that the CAO's office conduct a confidential County and partial vendor survey. This survey should attempt to determine if recent changes made in the organizational structure have affected the performance standards, measurements and processes of the Purchasing Department with improved levels of service to both internal customers and vendors.

We are not recommending a costly survey or project. This could be done internally with a one or two page document with a series of questions that asks for feedback on department performance objectives and measurements. Feedback by users and suggestions should be included. This survey could be done via email and should not take users or vendors a lot of time or any significant expense, however it is conducted. Results of the survey should be evaluated by the CAO's office to determine the relative success of the recent organizational changes.

*Response to Recommendation 1: The recommendation requires more analysis. The Procurement and Contracts Division remains under the management of a Principal CAO Analyst, and the Chief Administrative Officer is still serving as the Purchasing Agent. Review of ordinances, policies and processes is ongoing. The Chief Administrative Office has considered the development of a survey tool or other feedback mechanism in order to gain a clearer understanding of user satisfaction and interaction with the Procurement and Contracts Division. However, no formal feedback mechanisms had been developed prior to the recent changes within the Division. Consequently, any data generated as a result of a new survey would more appropriately be viewed as baseline feedback on recent changes, not strictly comparable to past performance. The Chief Administrative Office will consider the recommendation with the intent of implementing a survey or other feedback tool by December 31, 2009.*

### **Grand Jury Report 07-14 Victim Restitution - Various County Department Responses**

Last year's Grand Jury report contained nine findings and six recommendations. The responses by the District Attorney and the Sheriff meet the penal code requirements.

The current Grand Jury reviewed the responses and decided to interview all department heads and selected staff personnel that are directly involved in at least one aspect of the victim restitution process. This included the District Attorney's Office, Probation Department, Sheriff's Department, Child Support Services Revenue Recovery and the Presiding Judge of the Superior Court.

The District Attorney's Office has implemented most of the recommendations listed in the Grand Jury report. The primary responsibility of the District Attorney is victim contact and restitution identification. A policy was implemented in October of 2007, and restitution orders are now being made in 85% - 95% of all cases where restitution is appropriate. The District Attorney's

Office is unable to complete some restitution orders because some victims fail to cooperate, or the restitution amount is unknown at the time of sentencing, i.e. continuing medical costs.

The Sheriff's Department responded that their role in victim restitution is minimal. Their response indicated that the use of STAR volunteers for victim contact and follow-up will require further analysis due to scheduling, training and confidentiality issues. No time frame for this analysis completion was given by the department and should be provided.

Interviews with all department heads has led the Grand Jury to determine that all County departments are now fully aware of the existing problems in the victim restitution process, and a need to centralize the County's process. The involved departments are organizing a task force to establish a process that is centralized and will best serve victims entitled to restitution. The Grand Jury has concluded that all involved parties in the County are committed to resolving problems with the victim restitution process in a timely and efficient manner.

### **Recommendation 1**

The Grand Jury recommends that the task force referenced above address a centralized victim restitution program to be completed and implemented by the end of 2009.

***Response to Recommendation 1: The recommendation requires further analysis.*** A task force team is in the development stage. County Departments; District Attorney, Courts, Child Support Services and the Probation Department have met to begin the process. Data has been gathered and the task force will meet on a regular basis to review the current process of restitution collection. The task force timeline for gathering all required facts and data and reporting the findings to the Grand Jury is December 31, 2009.

Risk factors include the purchase and implementation of program applications, staffing, laws that govern the collection of restitution, disbursement of collections to include the hierarchy of fines or distribution priority for fees and fines, work space, and the operating funds for centralizing the collection of restitution. In addition, Courts, a non-County agency must agree and work with the County should the conversion of responsibility be feasible. Other county departments must also agree and contribute to the effort.

### **Recommendation 2**

The Grand Jury recommends that the Child Support Services Revenue Recovery Department be responsible for victim restitution collection. This department has the desire, tools and expertise in revenue recovery to handle this responsibility.

***Response to Recommendation 2: The recommendation requires further analysis.*** The responsibility of the collection of restitution by one agency requires further evaluation by the task force. Should the laws, funding, staffing and efficiency of the program support the "one agency" concept, Child Support Services, Revenue Recovery Division is willing to accept the responsibility for collection of restitution for El Dorado County and the courts. The task force timeline for gathering all required facts and data and reporting the findings to the Grand Jury is

## Final Draft Response to the 2008-09 Grand Jury Final Report

December 31, 2009. A cost analysis will be developed and reviewed. Funding is an issue. Courts and other departments must agree to the switch in responsibility.

### **Grand Jury Report 06-022 Department of Human Resources Response**

The original response to the 2006 Grand Jury report by Human Resources outlined a time frame to create a Human Resource Document/Book containing all the different County Human Resources policies. The time frame established was the second quarter of 2008. This has not been accomplished.

While turnover has occurred at the Director level, this Grand Jury does not believe any effort was made to accomplish this agreed to response by the Department.

Numerous attempts to follow up with the prior department head over the past year were deferred based on a variety of reasons, mostly under the banner of current labor negotiation.

#### **Recommendation 1**

The Human Resource Department must complete the original recommendation as agreed to in their response.

***Response to Recommendation 1: The recommendation will not be implemented because it is not reasonable.** Since the original Grand Jury report was issued on this subject, the Human Resources Department has reduced staffing by 37%. Key positions that would have been available to complete this project are gone. The current priorities for the Human Resources Department are further workforce reductions as a result of budget constraints, negotiating the impact of those reductions and closing the remaining 8 out of 12 labor contracts. These priorities have been constant for the last two years, and will remain ongoing for the foreseeable future.*

#### **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Jail South Lake Tahoe, California Case No. GJ-08-026**

#### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

#### **BACKGROUND**

The South Lake Tahoe Jail was built in 1970 and was renovated in 1991. The jail has a maximum capacity of 158 inmates. Staff consists of 1 lieutenant, 7 correctional sergeants, 25 correctional officers, 1 cook supervisor, and 1 lead registered nurse to operate the institution in 12-hour shifts.

#### **METHODOLOGY**

Members of the Grand Jury inspected the facility on September 17, 2008.

##### People Interviewed:

- Sheriff of El Dorado County
- El Dorado County Under-Sheriff
- Commander of South Lake Tahoe County Jail
- Correctional staff

##### Documents Reviewed:

- California Code of Regulations, Title 15, §1029 and §1080
- Corrections Standard Authority Biennial Inspection Report dated June 3, 2008
- El Dorado County Sheriff's Office, Custody Division, Policy and Procedures
- Grand Jury reports 2005 through 2008

Website:

- El Dorado County Sheriff's Department, [www.co.el-dorado.ca.us](http://www.co.el-dorado.ca.us)

## RESULTS OF INVESTIGATION

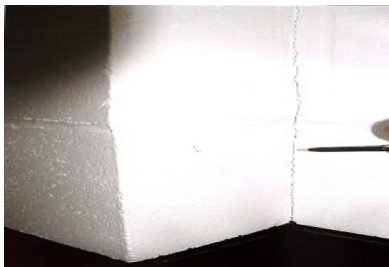
The attitude of the administration and officer staff demonstrates a progressive and efficient organization dedicated to its mission. Of particular note are the number of programs and opportunities staff provides for inmates to improve their skills as contributing members of society. Examples of these programs are:

- Addiction Recovery through Self Responsibility (H.E.A.R.T.S) Program
- Church Services
- Culinary Arts
- Day Reporting
- Drug and Alcohol Counseling
- Employment Success Program
- English as a Second Language
- General Education Diploma (GED)
- Health Education
- Mental Health Court
- Reentry Program
- Spanish H.E.A.R.T.S. Program
- Women's Health

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The interior cinder block wall on the east side of the jail that separates "B" and "C" pods from a common hall has cracks. The wall vibrates when doors on that wall are closed.



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

2. The strike plate on the door jamb of the door leading to the kitchen supply room is damaged.



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

**RECOMMENDATIONS**

1. It is recommended that the Sheriff initiate an inspection to assess the structural integrity of the cinder block wall located in the “B” and “C” pods of the jail and report any safety concerns to the appropriate entity.

***Response to Recommendation 1: The recommendation has not yet been implemented, but will be implemented in the future. The Facilities Engineering Division will work with Sheriff's department to determine potential safety concerns and appropriate actions. A facility inspection was held on July 16, 2009. Analysis set to be complete by December 2009.***

2. It is recommended the door jamb strike plate be replaced or repaired within the 2008-2009 fiscal year.

***Response to Recommendation 2: The recommendation has been implemented. The repair has been completed.***

**RESPONSES**

Response(s) to both the Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court

**COMMENDATION**

The 2008-2009 Grand Jury commends the El Dorado County Jail, South Lake Tahoe for their dedication to providing a safe and secure custodial area for inmates. The administration and staff are also commended for the number of programs and opportunities they provide for the inmates.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Juvenile Hall South Lake Tahoe Case No. GJ-08-027**

#### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

#### **BACKGROUND**

The South Lake Tahoe Juvenile Treatment Center is located at 1041 Al Tahoe Boulevard. It is approximately three years old. The facility houses a maximum of 40 male and female minors. On the day the site was visited, there were 13 children in residence. The El Dorado County Probation Department is responsible for maintaining the facilities that house youthful offenders. El Dorado County Office of Education is responsible for education during the child's period of detention. The name of the school located in the Juvenile Hall is Blue Ridge School. The relationship between the Probation Department and the school is integral to the success of both programs.

Children who are sent to juvenile hall have become temporary wards of the court pending adjudication. During this time a minor's health, safety and education are protected by federal and state educational codes, as well as California Code of Regulations, Title 15 and Title 24.

#### **METHODOLOGY**

Members of the Grand Jury visited the South Lake Tahoe Juvenile Treatment Center on September 17, 2008.

##### People Interviewed:

- Deputy Chief Probation Officer - El Dorado County Probation Department
- Staff Members - Juvenile Hall
- Juvenile Wards

Documents Reviewed:

- California Code of Regulations, Title 15, §1029, Policy and Procedures Manual
- California Code of Regulations, Title 15, §1280, Facility Sanitation, Safety and Maintenance
- California Code of Regulations, Title 17, §6000-6075
- California Education Code 49068 & 49403
- Health and Safety Code, §120325-120380

Website:

- California Department of Education - [www.cde.ca.gov](http://www.cde.ca.gov)

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. Although numerous recruiting strategies have been employed, the staffing issue continues to be a problem.

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

2. Probation and education staff is dedicated to increasing a young person's ability to succeed in his/her environment. Programs are in place to educate, support, and promote youthful offenders and their families in effective rehabilitation information and strategies. These programs include:

- Challenge Program
- Counseling Programs
- Mental Health Programs
- Ranch Program
- Vocational Programs

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

3. In addition to sending for and receiving complete school records (including proof of immunization) within 24 hours of intake, the probation staff has also initiated a more effective health review upon intake.

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

## RECOMMENDATIONS

1. The Grand Jury recommends that South Lake Tahoe Juvenile Hall continue to seek solutions to their recruiting difficulties.

*Response to Recommendation 1: The recommendation has been implemented. In June of 2008 the Board of Supervisors authorized a Recruitment and Retention stipend of 7% for sworn positions within the Probation Department as well as positions at the South Lake Tahoe Juvenile Treatment Center. The stipend has been very successful and the SLT JTC is approximately 95% staffed. The Probation Department will continue to seek recruiting solutions.*

## RESPONSES

Response(s) to Finding and Recommendations to this report are required in accordance with California Penal Code §933.05.

Address response to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## COMMENDATION

The 2008-2009 Grand Jury commends the El Dorado County Probation Department and the El Dorado County Office of Education for their outstanding advocacy and rehabilitation programs for at-risk youth.



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Jail Placerville**

Case No. GJ-08-028

#### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

#### **BACKGROUND**

The El Dorado County Jail located in Placerville was built in 1988. The maximum capacity is 271 inmates. The jail population at the time of the Grand Jury inspection was 231 inmates.

#### **METHODOLOGY**

Members of the Grand Jury inspected the facility on September 24, 2008.

##### People Interviewed:

- Sheriff of El Dorado County
- El Dorado County Under-Sherriff
- Commander of Placerville County Jail
- Correctional staff

##### Documents Reviewed:

- California Code of Regulations, Title 15, §1029 and §1080
- Corrections Standard Authority Biennial Inspection report dated June 3, 2008
- El Dorado County Sheriff's Office, Custody Division, Policy and Procedures
- El Dorado County Fire Protection District Inspection report (2008)
- Grand Jury reports 2005 through 2008

Websites:

- El Dorado County Sheriff's Department, [www.co.el-dorado.ca.us](http://www.co.el-dorado.ca.us)

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The facility currently uses a VHS recording system to monitor selected locations in the jail. It supports eight cameras throughout the facility with the recorder and monitor units located in a secure room. The multiplex transfer equipment and approximately 2500 tapes are stored in a separate secure room. The jail is required to maintain the tapes for a period of three years, which necessitates the purchase of 800 new tapes a year. This dated recording system is no longer manufactured and it is difficult to find qualified technicians to repair the system when it fails.

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

2. The soundproofing of the attorney/inmate interview rooms is inadequate. Individuals in the area can hear conversations outside the attorney's section of the rooms.

***Response to Finding 2: The respondent disagrees with the finding. As stated in the Sheriff's response to the finding, attorneys routinely prevent the door from locking, which also allows sound to escape. When the doors are used correctly, the soundproofing is adequate.***

## RECOMMENDATIONS

1. It is recommended that the Sheriff replace the VHS recording system with a digital system capable of recording the same locations presently being monitored.

***Response to Recommendation 1: According to the Sheriff's response, the recommendation has not yet been implemented but will be implemented in the future because the cost of recording systems has fallen. The Board of Supervisors defers to the Sheriff's determination whether or not the investment in a new recording system is cost-effective and prudent use of budgeted resources.***

2. The Sheriff should install additional soundproofing material to protect attorney/client privilege in the attorney/inmate interview rooms.



*Response to Recommendation 2: The recommendation will not be implemented because it is not warranted. Again, according to the Sheriff's response to Finding 2, the soundproofing is adequate when the doors are locked.*

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Juvenile Hall Placerville**

Case No. GJ-08-029

### **REASON FOR REPORT**

The California Penal Code §919(a) and §919(b) requires the Grand Jury to annually inspect any jail or prison within the county. This includes juvenile correctional facilities.

### **BACKGROUND**

The Placerville Juvenile Hall was built in 1971. The facility houses a maximum of 40 male and female minors. The El Dorado County Probation Department is responsible for the care of the minors, as well as the facility and personnel, while the El Dorado County Office of Education is responsible for the education of the minors. The relationship between the two departments is integral to the success of both programs. Children who are sent to juvenile hall become temporary wards of the court pending adjudication. During this time, a minor's health, safety and education are protected by Welfare and Institution Codes, California Code of Regulations - Title 15 and Title 24, and federal and state educational codes.

Programs are in place to educate and support youthful offenders and their families in effective rehabilitation information and strategies. These programs include counseling programs, mental health programs and many vocational programs. Providing an education to youthful offenders who have been detained for errors in judgment and unlawful behavior allows the young person the opportunity to stay abreast of or catch up on his/her school work. Graduating a youthful offender from high school furthers the potential to re-enter the community ready to become a productive member of society.

### **METHODOLOGY**

Members of the Grand Jury visited the Placerville Juvenile Treatment Center October 22, 2008.

People Interviewed:

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- Superintendent – Juvenile Hall
- Staff Members - Juvenile Hall
- Juvenile Wards

### Documents Reviewed:

- California Code of Regulations, Title 15, §1029, Policy and Procedures Manual
- California Code of Regulations, Title 15, §1280, Facility Sanitation, Safety and Maintenance
- California Code of Regulations, Title 17, §6000-6075
- California Education Code 49068 & 49403
- Health and Safety Code, §120325-120380

### Website:

- Department of Education - [www.edc.ca.gov](http://www.edc.ca.gov)

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The facility appears to be in excellent condition. There is a plan to update the security monitoring system and to expand the facility. Both of these items are in the current capital improvement program.

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

## RESPONSES

Response to Findings in this report is required in accordance with California Penal Code §933.05.

Address response to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

## COMMENDATION

The Grand Jury commends the El Dorado County Probation Department and the Office of Education for their outstanding advocacy and rehabilitation programs for at-risk youth.



## EL DORADO COUNTY GRAND JURY 2008-2009

### El Dorado Senior Day Care Center

Case No. GJ-08-007



### REASON FOR REPORT

The Grand Jury selected the Senior Day Care Center in Placerville as one of its general reviews and to observe implementation of Grand Jury recommendations of 2002-2003.

### BACKGROUND

The Senior Day Care Program provides a stimulating environment for seniors and the disabled over age 18 to receive physical therapy, support services, recreational activities and a nutritional lunch as a daily respite for caregivers. Generally, 30 to 44 persons attend daily. Transportation to and from the facility may also be provided as needed.

## **METHODOLOGY**

A review of the Grand Jury recommendations of 2002-2003 was made prior to the visit. Those recommendations included painting the building, repairing the parking area, and painting directional arrows in the driveway. Grand Jury members conducted an unannounced visit on August 26, 2008, and a tour of the facility was provided by the Program Supervisor.

### **People Interviewed:**

- Day Care clients
- El Dorado County Fire Marshall
- Kitchen attendant
- Member of State of California Department of Aging
- Program supervisor

### **Documents Reviewed:**

- Achievement Awards
- California Department of Social Services License (September 1993)
- Department of Aging Survey, 1999 (most current)
- El Dorado County Fire Protection District inspections of September 2002 and October 2008
- Grand Jury Report 2002-2003
- Policy and Procedure Manual for Senior Day Care Facility
- State of California Health and Human Services Survey (September 2004)

## **RESULTS OF INVESTIGATION**

The recommendations from the 2002–2003 report have been implemented. The building was recently painted and parking was paved with directional arrows applied. Parking remains limited. There were quiet rooms with recliners and blankets for rest periods. Additionally, activity rooms, craft rooms and a physical therapy room were available for activities and treatment. The high degree of motivation of the Senior Day Care Center staff should be recognized. The staff is focused on enriching the daily lives of vulnerable adults and senior members of our community.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The general appearance of the facility was clean, neat and well landscaped.

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

2. The staff demonstrated respect and courtesy to clients.

***Response to Finding 2: The respondent agrees with the finding. The Department of Human Services staff is proud of this program and is always looking for opportunities to improve services.***

3. Personal care was given to clients in a safe and private manner.

***Response to Finding 3: The respondent agrees with the finding. The Department of Human Services staff is proud of this program and is always looking for opportunities to improve services.***

4. The entire facility was wheelchair accessible.

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

5. The emergency exits were marked and there were smoke detectors in all rooms.

***Response to Finding 5: The respondent agrees with the finding.***

6. An aluminum can recycle bin was overflowing at the time of visit.

***Response to Finding 6: The respondent agrees with the finding. The recycling bin is now monitored closely.***

7. The emergency exit on north end of the building does not have a permanent alarm, allowing unsecured quiet exit of clients.

***Response to Finding 7: The respondent agrees with the finding. At the time of the visit from the Grand Jury members on August 26, 2008, the door did not have an audible alarm. However, an audible alarm has since been installed on the north end emergency exit door.***

8. It is difficult to access the fire alarm on the patio. An access code is needed. Without an access code, the gate will open only if the arm is activated from inside the building.

***Response to Finding 8: The respondent disagrees wholly with the finding.***

*The fire alarm is located on the exterior side of the patio gate, but the alarm can be accessed by reaching between the vertical bars of the metal gate. A hard plastic cover, which is lifted to access the alarm, was added to serve as a deterrent to false alarms.*

*The fire alarm does not require an access code, and the gate will release when the alarm is triggered from any fire alarm inside or outside the entire building or if the building loses power.*

9. The code for the patio's keyless exit lock is reversed and is in a location that is difficult for untrained persons and visitors to see.

***Response to Finding 9: The respondent disagrees partially with the finding.*** *The code is printed in reverse order to ensure the safety of the Senior Day Care participants, but the location of the keyless exit lock is not difficult to identify.*

*The respondent agrees that the code is printed in reverse. This is intentional to prevent individuals with dementia from leaving the Center unescorted. The code is printed in black letters on a white label, with a label positioned on each side of the key pad. The label identifies the access code as being "backwards", which is generally difficult for Senior Day Care participants to comprehend. The manner in which the access code is identified helps protect Senior Day Care participants from using the code to open the access gate and exit the building unseen and unsupervised into parking lot traffic.*

*The respondent disagrees that the location is difficult for untrained persons and visitors to see. The location of the label can be seen when looking at the access pad, which would allow access to visitors in the unlikely event that an exit is required from the patio. However, the patio gate is not a primary or secondary exit from the building, and visitors should not be utilizing it as an exit.*

10. Concerns over the safety of wandering clients are addressed by a non-automated exit alarm at the main entry.

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

11. The most recent Fire Marshall inspection prior to our initial visit was conducted 6½ years ago. After a Grand Jury inquiry, a Fire Marshall inspection was accomplished in October 2008.

***Response to Finding 11: The respondent agrees with the finding.***

## **RECOMMENDATIONS**

1. We recommend that a permanent egress alarm system be installed on the exit door of the north end of building to protect against unsupervised exits by confused clients.

***Response to Recommendation 1: The recommendation has been implemented.*** *When the door at the north end of the building is opened, an audible alarm sounds.*

2. The recycling area should be monitored to ensure that recycled cans are picked up or stored so that there is no overflow.

**Response to Recommendation 2: The recommendation has been implemented.** The recycling bin is emptied every Friday.

3. We recommend that the emergency fire alarm currently located outside the patio be moved so that it is inside the patio for ease of access.

**Response to Recommendation 3: The recommendation will not be implemented because it is not warranted.** The safety inspection performed by the El Dorado County Fire Protection District on September 29, 2008 did not state a need for the fire alarm to be relocated. The alarm is readily accessible by reaching through the space between the vertical bars of the gate. Additionally, relocating the alarm to the inside of the gate would likely cause a significant increase in false alarms, which have in the past been triggered by Senior Day Care participants who may not fully comprehend the results of their actions. False alarms activate the fire alarm system in the entire complex, leading to unnecessary expense to the County and the Fire Department in responding to the false alarm and needless stress to the clients at Senior Day Care and Public Health (including the Psychiatric Health Facility). Leaving the alarm in its current location allows individuals to access the alarm from both the patio and parking lot side of the gate, while minimizing the likelihood of false alarms caused by Senior Day Care participants.

The hard plastic cover was added to the fire alarm to prevent Senior Day Care participants from pulling the fire alarm and triggering false alarms. Since its installation approximately five years ago, the cover has eliminated false alarms generated by Senior Day Care participants. Relocating the fire alarm to the interior side of the gate would, even with the cover, likely result in false alarms once again being triggered by Senior Day Care participants.

Senior Day Care participants are adults who cannot be left alone due to a variety of reasons, including diminished mental or physical capacity, probable Alzheimer's Disease or related dementia. Participants become accustomed to a daily routine and the location of all items at the Center, including equipment. Relocating a bright red fire alarm box to the inside of the gate would be an "attractive nuisance" in need of exploration by the participants.

4. The exit release code on the patio exit should be placed in a clear spot so that visitors and untrained persons can exit by that gate.

**Response to Recommendation 4: Response to Recommendation 4: The recommendation will not be implemented because it is not warranted.** Visitors enter and exit the building through the main entrance. The side gate is not, and should not be, utilized for this purpose. Additionally, building exits are configured in such a manner that the patio gate is an "exit of convenience" and is not a primary or secondary regular or emergency exit.

Placing the exit code in a clearly visible location would allow Senior Day Care participants to easily access the code and exit through the gate unsupervised, directly into the path of traffic in the parking lot. The position of the access code is such that it is difficult for Senior Day Care participants to locate, thus avoiding unsupervised exits from the building, but the



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*code is accessible by others who may need to access the gate in the unlikely event that an exit from the building's patio is necessary through the gate.*

*The safety inspection performed by the El Dorado County Fire Protection District on September 29, 2008 noted "Provide panic hardware at patio exit door/fenced area. Please see fire prevention (FD) for requirements." On October 1, 2008, Wanda Demarest, Senior Day Care Program Supervisor, met with Chief Mark Johnson from the Fire Department. Chief Johnson did not provide a written report, but Ms. Demarest noted their conversation as "Met w/Chief Mark Johnson. Okayed gates as long as capacity is 49 or less and south exit becomes 'exit of convenience'." Since that meeting, the south end is no longer identified as an emergency exit ("Exit" sign at ceiling has been covered) and the north end door is now an emergency exit.*

5. We recommend that a video monitoring system be installed to ensure client safety.

***Response to Recommendation 5: The recommendation requires further analysis.*** Senior Day Care is 100% funded through fees for services and donations. A video monitoring system was submitted as a fixed asset purchase in the FY 09-10 budget with the notation that the equipment would be purchased if donations are sufficient to cover the cost of the equipment. FY 09-10 revenues were estimated based on anticipated average daily attendance, average daily rate and donation trends and may not meet budgeted revenues. Additionally, it is anticipated that State funding budgeted for the Senior Day Care Program will be reduced in FY 09-10. While a video monitoring system may provide beneficial secondary monitoring of Senior Day Care participants, providing direct services to the clients, including maintaining a staff-to-client ratio that meets the State requirements, must take priority over purchasing equipment that is not required by regulation.

Prior to implementation of a video monitoring system, further analysis will be required to determine the legal requirements, system requirements, equipment specifications and the required ongoing expenditures. Said analysis would be performed by County staff from the Department of Human Services, Department of Transportation, IT, Purchasing and other departments as necessary. Final purchasing of the equipment would follow the procedures set forth in County purchasing policies. The analysis would occur once it has been determined that the budget for Senior Day Care can support the purchase of a video monitoring system. This determination may not occur until late in the fourth quarter of FY 09-10.

6. The facility should not rely on the El Dorado County Fire Marshall to schedule fire inspections on a timely basis, but should request inspection on a more frequent basis to decrease fire danger to vulnerable adults.

***Response to Recommendation 6: The recommendation has not yet been implemented but will be implemented in the future.*** The Department of Transportation facilities staff will create and automated Preventive Maintenance Service Request for necessary fire inspections within the new Building and Grounds WINCAMS systems. Automated Service Request scheduled to be completed within 6 months.

**RESPONSES**

Response(s) to both the Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address response to: The Honorable Suzanne N. Kingsbury, Presiding Judge, El Dorado County Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **Placerville Airport - Placerville** Case No. GJ-08-009



### **REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County Per California Penal Codes §925, §925(a) and §928. The focus of the inspection is health and safety conditions and operation according to law and regulations.

### **BACKGROUND**

Placerville Airport (KPVF) is owned and operated by El Dorado County. Funding for operation of the airport has come from a combination of Federal, State and County funds as well as funds from airport operations consisting of the sale of aviation gasoline and jet fuel and the leasing of space for hangers and businesses on the airport property.

The runway consists of one 4,200 foot asphalt surface runway on headings of 230 and 50 degrees. The runway services general aviation aircraft as well as fire fighting aircraft. The runway can accept aircraft weighing up to 12,500 lbs on a routine basis. During emergency operations, this weight limitation may be removed or changed as circumstances and public safety require. The airport is available for both instrument and visual landings.

Demand exists to expand the availability of hangers to store aircraft; however the project has been interrupted until such time as the issue of a need for a fire sprinkler system in the aircraft storage areas has been resolved. The Department of Transportation and the El Dorado County Fire Marshall have begun discussions on this issue.

The airport services approximately 180 aircraft per day. Usage patterns are approximately 53% transient aircraft, 45% local general aviation aircraft, 2% military and 2% air taxi. The airport provides fuel sales for general aviation as well as jet fuel for turbine operations. The airport serves as a refueling location for rotary wing air fire operations during fire season.

This past year, the administrative responsibility for the airport has shifted from El Dorado County Department of General Services to El Dorado County Department of Transportation.

## **METHODOLOGY**

The grand jury gathered data from sources including: the state government, cities and agencies that have similar airports, and technical sources listed below. Additionally, the grand jury visited the site and interviewed persons associated with the Airport

### People Interviewed:

- Managers within the El Dorado County Department of Transportation
- Personnel working at the Placerville Airport
- Personnel within the El Dorado County Fire Marshall's office
- Personnel within the El Dorado County Sheriff's Department.

### Documents Reviewed:

- The most recent El Dorado County Disaster Response Plan

### Websites:

- AIRNAV <http://www.airnav.com/airport/KPVF>

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The airport is well managed and constitutes an important hub for air operations within El Dorado County.

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

2. The sale of aviation fuels with marketing to flight crews is being used as an opportunity to recover some of the costs associated with the airport.

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

3. A demand for additional hanger space exists but is not met. The County Fire Marshall has communicated a requirement for sprinklers, which has halted construction due to the prohibitive cost.

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

4. Use of the airport is not addressed in the El Dorado County Disaster Response Plan.

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

## RECOMMENDATIONS

1. Efforts to sell additional aviation fuel by marketing to flight crews should be expanded. This program should be continued and evaluated to determine if it can be made even more attractive to aircrews.

***Response to Recommendation 1: The recommendation has not yet been implemented but will be implemented in the future. Airport management and staff will work with the Placerville Airport Commission to evaluate alternatives and work to expand business during the next 6 months.***

2. Discussions between Department of Transportation and the County Fire Marshall should continue. If they are not productive, other avenues to resolve the sprinkler issue should be taken to resolve the impasse.

***Response to Recommendation 2: The recommendation has been implemented. Airport management and staff are continuing discussions with the Fire Marshall. The Airport staff has already started to develop potential solutions to allow the hanger construction to proceed.***

## RESPONSES

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Psychiatric Health Facility Placerville**

Case No. GJ-08-011



### **REASON FOR REPORT**

The El Dorado County Grand Jury selected the Psychiatric Health Facility as one of its general reviews. This review is also a follow up on recommendations made by the Grand Jury of 2002-2003.

## **BACKGROUND**

The Psychiatric Health Facility (PHF) provides inpatient services for persons over the age of eighteen requiring intensive, 24-hour psychiatric care. Some patients require involuntary hospitalization. The patients are generally referred by the family or law enforcement to this facility. The average length of stay is six days. Patient treatment includes a focus on discharge planning to assure discharge to a safe and appropriate situation.

The mission of the PHF is “to promote mental health and public safety, prevent mental illness, serve persons with mental illness, and severe emotional disorders in the most cost efficient and least restrictive manner possible”. This is the only facility of its kind in El Dorado County.

This building was built in the 1960’s and has been used as the Psychiatric Health Facility since the early 1980’s. It has the capacity for 16 patients admitted for acute short-term stays. The facility provides twenty-four hour care. The facility care givers are licensed psychiatric staff: mental health workers, one RN, LVNs, licensed clinical psychiatric aides, licensed clinical social workers, and psychiatrists.

## **METHODOLOGY**

Members of the Grand Jury made an announced visit to the facility on December 2, 2008. A tour of the facility was given by the Program Manager. A brief description of the functions of the facility was given by the Program Manager and the Interim Manager.

### People Interviewed:

- Director of Health Services
- Interim Program Manager
- Program Deputy Director
- Psychiatric Health Facility Program Manager

### Documents Reviewed:

- California State Department of Mental Health Annual Evaluation dated June, 2008
- El Dorado County Environment Management Inspection Report
- El Dorado County Fire District Inspection dated October, 16, 2008
- El Dorado County Psychiatric Health Facility Permit dated January, 2008
- Grand Jury Report 2002/2003

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury inspected the El Dorado Center facility, which has arrived at the following findings:

### ***Department Response Overview:***

*The Psychiatric Health Facility (PHF) is housed in a building originally built in November 1949. Renovations were made to the building in approximately 1960 and 1982 and the facility was remodeled in December 2008 to accommodate the Crisis Residential Treatment Program. Although the building is sound, maintenance of this old building remains a challenge. In addition, patients often take their frustrations out on the doors, walls, and bathroom fixtures, requiring patching, painting, and plumbing repairs. Maintenance is required year-round as well as replacing and updating old fixtures. Although the Psychiatric Health Facility is in need of additional storage areas and offices, this is not feasible and staff make the best use of available space. Some of the items addressed by the Grand Jury are indicative of the problems the Psychiatric Health Facility experiences as a result of housing patients and attempting to provide adequate office space for staff in an old building. Following are the findings and recommendations of the El Dorado County Jury's 2008-2009 Report along with the Department's responses. All necessary replacement, cleaning, and repairs will be completed by County Building Maintenance / DOT by August 30, 2009.*

1. The laundry room is cluttered.

***Response to Finding 1: The respondent disagrees partially with the finding.*** *The laundry room does, at times, look cluttered. Due to the lack of space in the Psychiatric Health Facility, the laundry room is used to wash and dry patients' clothing, store clean sheets, blankets, towels, and maintain a second hand clothes closet for patients who come in with no clothing. As well, toiletries are stored to dispense to patients at shower time. The laundry room experiences a lot of activity during the day, and staff organize the laundry room on a daily basis. Additional shelving has been added to aid in organization.*

2. There is a lack of storage area in the entire facility.

***Response to Finding 2: The respondent agrees with the finding.*** *There is one room available to house supplies consisting of packaged and canned food stored in separate locked cabinets, as well as paper, custodial, nursing care, bathroom and art supplies. Supplies are ordered on a monthly basis to have an adequate supply on hand.*

3. Stronger exhaust fans are needed in showers.

***Response to Finding 3: The respondent agrees with the finding.*** *Five of the exhaust fans date back to the 1982 remodel of the building and will be replaced by Building Maintenance. Service Request 000286 has been issued to Buildings and Grounds staff to access the need and provide cost estimates to PHF facility staff.*



4. Air filters throughout the facility are dirty.

**Response to Finding 4: The respondent agrees with the finding.** All air filters for the air conditioning and heating units are changed by Building Maintenance personnel on a quarterly basis. However, all internal air grills (25-30) need to be cleaned. Service Request 000286 has been issued and all filters have been changed.

5. Floors in the isolation rooms are peeling and stained.

**Response to Finding 5: The respondent agrees with the finding.** The seclusion room floors are made from poured epoxy and are textured to prevent slips and falls on a slick surface. Some areas have been slightly pitted and discolored. The custodial staff will be instructed to perform deep cleaning of floors in an attempt to remove the stains. Service Request 000287 has been issued to Buildings and Grounds staff to access the need and provide options to PHF facility staff.

6. Shower doors need to be installed in the new residential area.

**Response to Finding 6: The respondent agrees with the finding.** The shower door was replaced as part of the Crisis Residential Treatment Facility remodel in December 2008.

7. The lock on the stall door in the ladies restroom in the patient hallway is broken.

**Response to Finding 7: The respondent agrees with the finding.** The lock is still functional however, Service Request 000287 has been issued to West Slope Buildings and Grounds staff to correct the issue within 30 days.

8. The urinal in the patient hallway men's restroom leaks.

**Response to Finding 8: The respondent agrees with the finding.** Service Request 000288 was issued to West Slope Buildings and Grounds staff and the item has been repaired since the Grand Jury's visit.

9. There is an unidentified outlet hanging from the wall in the RN's office.

**Response to Finding 9: The respondent agrees with the finding.** Service Request 000288 was issued to West Slope Buildings and Grounds staff and the phone jack has been reattached to wall.

10. The RN has an office used for supply storage, so there is insufficient room for her to function.

**Response to Finding 10: The respondent disagrees partially with the finding.** The Psychiatric Health Facility has limited office space for personnel. The RN has been offered a shared office, but prefers to keep her desk at its current location in the storage room where

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*there is sufficient space to perform her work. Most of the RN's work time is spent with patients and not at this desk.*

11. There are stained ceiling tiles in the patient room hallway and RN's office.

***Response to Finding 11: The respondent agrees with the finding. Service Request 000288 has been issued to West Slope Buildings and Grounds staff to correct within 30 days. This work will include determining source of stains as well as replacing existing tiles.***

12. The facility has its own kitchen which appears neat, orderly and clean.

***Response to Finding 12: The respondent agrees with the finding and thanks the Grand Jury for its positive findings regarding the kitchen. The kitchen is maintained in good order by the cook with scheduled cleaning by staff.***

### RECOMMENDATIONS

1. The Grand Jury recommends that the deficiencies noted in the above findings be addressed and/or repaired.

***Response to Recommendations: The recommendation (to address or repair deficiencies) has been implemented. Some repairs have been completed, as noted above; other repairs will be completed by approximately August 30, 2009. Our approach to addressing other general findings has been noted in the paragraphs above.***

### RESPONSES

Response(s) to Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court



## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **South Lake Tahoe Administration Facility El Dorado Center COMMUNITY SERVICES DIVISION Case No. GJ-08-013**



### **REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County per California Penal Codes §925, §925(a) and §928. The focus of the inspection is health and safety conditions.

### **BACKGROUND**

One of the county's buildings in South Lake Tahoe, known as El Dorado Center, was inspected by the Grand Jury on November 17, 2008. This facility was built in 1968 as a commercial bank and was purchased by the county in May of 1991. The inspection was limited to the Community Services Division located in Suite #202. This office handles several programs including, Women, Infant, Children (WIC), Energy Assistance Programs, Special Needs Transportation, Housing Choice Vouchers (Section 8), miscellaneous Senior Programs and Information and Referral. There are two full time employees, seven part time employees and numerous volunteers.

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury inspected the El Dorado Center facility, which has arrived at the following findings:

1. The annual elevator Permit to Operate expired on July 21, 2007.

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

2. Ceiling tiles in the reception area are dirty and stained from a previous leak.

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

3. Temperature control throughout the building is inconsistent. The individual offices have no way to control and maintain an acceptable office temperature.

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

4. The individual offices are small and cramped. When meeting with clients, the conversations can be overheard from other areas, creating privacy issues.

***Response to Finding 4: The respondent partially disagrees with the finding. There are a variety of office sizes and conditions throughout the facility. Several departments utilize this facility. Each has placed employees into the spaces available. This has caused some departments to have small and cramped offices. For those departments with limited space for the size of staff, this finding is correct.***

## RECOMMENDATIONS

1. The elevator service company under contract for this facility should be contacted to address the expired permit.

***Response to Recommendation 1: The recommendation has been implemented. The State of California is currently 6 months behind on inspections. Buildings and Grounds staff in conjunction with Elevator Services Co. have contacted the state regarding inspection and permitting. Buildings and Grounds staff will create an automated Preventive Maintenance Service Request for necessary elevator inspections within the new Building and Grounds WINCAMS system. The Automated Service Request to be completed within 6 months. The State of California inspection and associated permitting is also expected within the next 6 months.***

2. Replace stained ceiling tiles in the reception area.

***Response to Recommendation 2: The recommendation has not yet been implemented but will be implemented in the future. Service Request 000289 has been issued to SLT Buildings and Grounds staff to correct this issue within 30 days.***

3. Correct the deficiency to maintaining acceptable office temperatures in individual offices.

***Response to Recommendation 3: The recommendation requires further analysis. Recommendation will need further analysis. HVAC system consists of Boiler based base board heating, Chiller based cooler, and is the original El Dorado Center HVAC equipment. The system is activated based on outside air temp. The electronic energy management system has not been operational for some time. Buildings and Grounds to work with IT staff to correct the system issues. A functioning energy management system may improve office temperatures.***

4. Office should be evaluated for privacy issues and, if required, install additional soundproofing material.

***Response to Recommendation 4: The recommendation requires further analysis. Facilities Engineering, assisted by Buildings and Grounds, to work with Community Service Staff to determine potential safety concerns and appropriate actions. Improvements will be coordinated with current projects to re-arrange staff and reconfigure spaces in this facility.***

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court



**EL DORADO COUNTY GRAND JURY 2008-2009**  
**El Dorado County Health Services Department**  
**PLACERVILLE**  
Case No. GJ-08-017

**REASON FOR REPORT**

The El Dorado County Grand Jury conducts inspections of county, city and special district facilities owned or leased within El Dorado County per California Penal Codes §925, §925(a) and §928. The focus of this investigation is a periodic inspection for health and safety.

**BACKGROUND**

El Dorado County Health Services (formerly EDC Public Health) is located at 929 Spring Street in Placerville. It is a two level building with access in back for disabled persons. Accessibly impaired parking is available. The lower level is only used by the staff as it is not in full compliance with the American Disabilities Act (ADA).

**METHODOLOGY**

Members of the Grand Jury made an announced visit to the facility on December 9, 2008. A tour of the facility and a description of its functions were given by the Health Program Manager.

People Interviewed:

- Director of Health Services
- Health Program Manager
- Executive Assistant to the Director of Health Services

Documents Reviewed:

- Health and Safety Binder
- EDC Public Health Department Health and Safety Log
- Bragg and Associates Safety Report/Site Inspection
- El Dorado County Fire District Inspection of 11-08

## FINDINGS

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The response(s) are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 El Dorado County Grand Jury has arrived at the following findings:

1. The appearance of the building was neat and clean with mature landscaping.

***Response to Finding 1: The respondent agrees with the finding. (Please note that the inspection occurred at 931 Spring Street, not 929 Spring Street, on December 9, 2008. We believe the address was inadvertently noted incorrectly on the report.)***

2. The parking lot is adequate and directional arrows have been applied to the pavement.

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

3. A security door is in place for privacy and staff safety.

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

4. Refrigerators are locked and have backup generators available for medication requirements.

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

5. Restrooms were clean, well supplied and ADA compliant.

***Response to Finding 5: The respondent agrees with the finding.***

6. The facility is equipped with an intercom system.

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

7. Emergency exits were marked and evacuation signs posted in hallways.

***Response to Finding 7: The respondent agrees with the finding***

8. There was a broken light in the ceiling of office five.

***Response to Finding 8: The respondent agrees with the finding. The light fixture has been repaired as recommended.***

9. Office supplies and equipment cluttered the hallway near office five creating a potential emergency evacuation hazard.

***Response to Finding 9: The respondent disagrees partially with the finding. The Health Services Department recognizes the importance of ensuring that facility exits are not blocked, and items temporarily placed in the hall are placed so that room is still provided for safe egress. The facility has large hallways that are five and a half feet wide. Items noted during the Grand Jury inspection were surplus items that have since been removed.***

## RECOMMENDATIONS

1. We recommend the broken light in office five be replaced.

***Response to Recommendation 1: The recommendation has been implemented. Service Request 000176 was issued to West Slope Buildings and Grounds staff to correct the broken light.***

2. Hallways need to be cleared of office equipment and supplies for safety/emergency issues.

***Response to Recommendation 2: The recommendation will not be implemented because it is not warranted. The hallways at the Spring Street facility are larger than most facilities (at five and a half feet wide). Every effort is made to minimize the number of items placed in the hallway. However, there are times when surplus items, boxes of clinic supplies or other items must be temporarily placed in the hallway. In addition, equipment such as photo copiers, are strategically placed in hallways to allow use by multiple staff within the building. Equipment and other items placed in the hallways are placed against the wall and positioned so that they do not restrict movement of staff or block exits.***

## RESPONSES

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05. Address response(s) to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court





## **EL DORADO COUNTY GRAND JURY 2008-2009**

### **El Dorado County Branch Library El Dorado Hills Case No. GJ-08-014**



### **REASON FOR REPORT**

The El Dorado County Grand Jury selected the El Dorado Hills Branch Library as one of its general reviews of The Grand Jury of 2008-2009.

### **BACKGROUND**

Construction of the El Dorado Hills Library began in September 2004 with a grand opening in February 2006. Some of the services offered include adult literacy tutoring, used book sales, childrens special programs and the use of community meeting rooms. A library card is issued free of charge to any California resident. Access to computers and the internet is available. The library is funded through a combination of the County General Fund and Library Assessment Zones, community donations and assistance from The Friends of the Library of El Dorado County and The Literacy Action Council of El Dorado County.

## **METHODOLOGY**

The Grand Jury made an announced visit to the facility on January 6, 2009. A tour of the library and a brief description of the functions, inventory and procedures were given by the Branch Manager.

## **FINDINGS**

In accordance with the California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court:

1. The overall facility is exemplary in both style and function.

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

2. The library staff is efficient and pleasant.

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

3. Routine maintenance of equipment used at the Library has posed special challenges for the Library and for the County. The machinery used for the automated book sort process requires routine maintenance of a specialized nature. Only one company has been identified as being capable of doing this required maintenance.

Title 5, El Dorado County Ordinance Code requires businesses transacting business in the unincorporated areas of the County to obtain, for a fee, an annual County Business License.

Unfortunately, the potential vendor declines to obtain a business license. This has resulted in breakdowns of this equipment due to lack of routine maintenance with increased costs associated with repairing the equipment. This seems to be an unintended consequence of the County Business License requirement. Note that had the same piece of County property be physically located in Placerville, or South Lake Tahoe, no license would be required to service the same piece of property.

***Response to Finding 3: The respondent disagrees partially with the finding. The vendor in question acquired a business license after the Grand Jury's visit and is now maintaining the air compressor associated with the book return.***

4. The carpeting seams in the main room are separating, creating a potential safety issue. There is a dispute over responsibility for this problem. The building contractor and the carpet installer each attributes the problem to the other and declines to fix the carpet. This has resulted in the problem not being corrected.

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

5. While the stacks and the children's areas are well lit, lighting in the center library area is too dim and needs to be increased.

***Response to Finding 5: The respondent agrees with the finding.***

## **RECOMMENDATIONS**

1. The Board of Supervisors should consider amendments to the existing ordinance to mitigate this type of unintended consequence identified in finding # 3 above.

***Response to Recommendation 1: The recommendation will not be implemented because it is not warranted. A greater public interest is served by requiring businesses to obtain a county business license.***

2. The solution to the carpeting problem needs to be resolved between affected contractors within 90 days. The Board of Supervisors should pursue litigation to resolve the matter if the problem is not resolved in this period.

***Response to Recommendation 2: The recommendation will not be implemented because it is not reasonable. The matter cannot be resolved within 90 days as specified by the Grand Jury. The County withheld approximately \$306,900 from the final payment to the contractor to assure repair of this outstanding issue. The County has now been named as a defendant in a lawsuit concerning this issue, and on June 23, 2009 the Board authorized County Counsel to defend the County in the lawsuit. Litigation has been ongoing for over a year to resolve this issue.***

3. The lighting in the main room needs to be reassessed to determine if lighting is adequate and meets building code.

***Response to Recommendation 3: The recommendation has not yet been implemented, but will be implemented in the future. A reassessment of the lighting level in the library will be completed within 90 days by Buildings and Grounds in the Department of Transportation.***

## **RESPONSES**

Response(s) to both Findings and Recommendations in this report are required in accordance with California Penal Code §933.05.

Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado Superior Court