



2023-24 GRAND JURY REPORT
EL DORADO COUNTY
JUNE 30, 2024 – CASE 24-10

CONTINUITY REPORT

The 2023-2024 Civil Grand Jury reviewed responses to prior year reports and the progress made on prior year recommendations, while informing the public of the continuous nature of Grand Jury work across multiple terms.

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Cover Photo: Salmon Falls Bridge over the South Fork of the American River. Courtesy: Gary Kinghorn

SUMMARY

Summary

The El Dorado County (County) Civil Grand Jury may appear to be an institution that exists continuously. However, it is actually a series of individual grand juries, each of which is impaneled for one year, as mandated in the California Constitution and statutes. No jury is a continuance of any other and is independent and separate from all others.

The purpose of this report is to evaluate the responses to the prior year's Grand Jury reports to determine if the required entities met their statutory requirements.

BACKGROUND

Each County Civil Grand Jury investigates County government during its one-year term. It can also investigate city governments, agencies, schools, and special districts within the County. Each investigation can generate a report containing evidence, with findings of fact derived from that evidence, and can recommend actions based on those findings. Each report can require responses to reported findings and recommendations from those officials responsible for the subject of the report.

Grand Jury reports may be published and released at any time during the Grand Jury term. The time involved in conducting investigations, evaluating information gathered and writing reports results in reports most frequently published between the middle and the end of the term.

Responses must be made within a timeframe of 60 or 90 days from the date the report is published. Responses to Grand Jury reports are sometimes received after the issuing Grand Jury's term has ended. The new Grand Jury in place receives the responses instead of the issuing Grand Jury. It is then incumbent upon the succeeding Grand Jury to evaluate those responses for statutory compliance and completion.

Discussion

The current Grand Jury reviewed responses to the 2022/23 Grand Jury reports. This review is intended to ensure that the work of prior Grand Juries is not disregarded. In most cases, responses were timely and complied with provisions of the California Penal Code. Follow-up actions specified in the responses had either been implemented, were in the process of being implemented, were not being implemented, or required further analysis.

The Grand Jury commends those local agencies and districts that provided timely and compliant responses to the reports of prior Grand Juries, as well as their commitment to implementing recommendations for improving programs and services.

Responses to reports published by the 2022-2023 Grand Jury were reviewed to determine:

1. Did they comply with the provisions of the California Penal Code?

Penal Code #933.05, subdivision (b), states that, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- a) If the recommendation has been implemented, a summary of the implementation must be given.
- b) If the recommendation will be implemented in the future, a time frame must be specified for completion.
- c) Should an agency respond that further study is required to accomplish a recommendation, the study must be completed within six months.
- d) When a response claims the recommendation is not warranted or is not reasonable, an explanation must be provided.

2. Have the actions promised in a response been completed?

The current Grand Jury completed a review of all responses to the 2022-23 Grand Jury report and found most to be complete and in compliance. The following is an update of responses that were *not* completed by the end of the 2022-23 Grand Jury.

CASE 22-23 CJ02: PROCUREMENT AND CONTRACTS (P&C)

Recommendation #6 - Finalize the update to the P&C procedural manual to reflect the changes made to the current Procurement Policy C-17, effective October 20, 2022, to be completed by October 31, 2023.

Original Response: The recommendation has not been implemented but will be implemented as staff resources allow with a goal of December 31, 2023.

DISCUSSION

Follow Up Response: The staff member who was working on the procedures manual left the County which caused a delay in finalizing this document. The Procurement and Contracts Manager has taken over finalizing this document and we expect to have this posted to the P&C website by the end of June 2024.

Recommendation #7 - For future policy updates, the P&C Division should incorporate changes to their procedural manual within 90 days of Board of Supervisors (BOS) policy approval.

Original Response: The recommendation has not been implemented but will be when a future policy update occurs.

Follow Up Response: We have not updated the policy, but this recommendation will be implemented when a policy update occurs. This and other policy updates will likely come before the Board of Supervisors by the end of the 2024 calendar year. Unless needed, policy updates typically occur every four years.

Recommendation #14 - Risk Management should develop and implement a “Risk Assessments” class for El Dorado County contract staff to better understand risk requirements for the County. Changes should be adopted to help avoid lengthy delays in contract approval by December 31, 2023.

Original Response: This recommendation has not been implemented but will be implemented by December 31, 2023.

During the time this Grand Jury report was drafted, Risk Management was already in the process of preparing a class to train contract staff on different insurance coverages and special endorsements which is now nearly completed. Risk Management will coordinate with Procurement and Contracts and other County contract staff to ensure as many attendees as possible.

Follow Up Response: Risk Assessment Training was conducted for Procurement & Contracts staff in December 2023. At the end of the training there was a Q&A session with the staff who attended.

CASE 22-23 CJ03: BUILDING PROJECTS - CAN YOU HELP ME, ... PLEASE?

Recommendation 2- Building Services should expand the current simple permit program to allow homeowners to request and pay for simple permits online. This recommendation should be implemented by December 31, 2023

Original Response: The El Dorado Board of Supervisors (BOS) responds that this recommendation requires further analysis that may be completed in 2024.

DISCUSSION

Any licensed contractor can apply and pay online for simple permits (referred to as “trade permits” and include permits such as water heaters, residential solar and EV chargers). Due to California Health and Safety Code sections 19825-19829, non-contractors are currently unable to procure permits online. This is because of the required verification requirements of these code sections. Contractors provide verification with a contractor’s license number. Homeowners who are acting as owner/builder on a project typically provide verification and proof of identification with a copy of their driver’s license and must do so in person. Currently, there is no way for homeowners to submit the required verification securely online. Please note that a notice is sent to the owner informing them that a contractor has applied for a permit on their property. Staff has identified expanding electronic plan submittals as a high priority and is currently working with IT and the TRAKiT program vendor, CentralSquare, to develop solutions and identify costs for the expanded service. This would include exploring if TRAKiT can provide the required security necessary to intake owner/builders proof of identification. Although it is a high priority, staff does not yet have a timeline for implementation or costs. It would likely not be by December 31, 2023, but rather sometime in 2024.

Follow Up Response: This has not yet been implemented, but is still on our “to do” list and will be discussed as part of our current contract with CentralSquare to assist with our outstanding needs. Due to very stringent security requirements related to credit card, driver’s license and other sensitive personal information, it is not a “simple” solution and requires coordination with both CentralSquare and our IT staff to determine the best system based on compatibility, functionality and cost.

Recommendation 4 - Building Services should create tools, such as a dashboard to provide transparency of permits in its system and document the approvals and inspections (by date) requested and the current status. Criteria should be established for triggering alerts when approvals or inspections stall. Update the system to require an inspection completion date. This recommendation should be implemented by December 31, 2023.

Original Response: The El Dorado BOS responds that this recommendation requires further analysis from the TRAKiT vendor which will be complete in 2024.

The County’s TRAKiT system does not currently provide a dashboard that summarizes permit data. However, information within TRAKiT is available for anyone to view. Contractors, homeowners, or community members may create an account in TRAKiT and view permit information. This includes key dates such as plan approvals and inspections. On the list for potential modifications or upgrades to TRAKiT is exploring TRAKiT’s ability to automatically send emails based on certain criteria, such as prolonged periods of inaction. Currently, it is not known if TRAKiT has that capability or, if it does, the cost of adding such a feature. Staff is also exploring alternatives and has already put in place a manual method for notifying applicants of expiring applications and permits. These written notifications are sent 30 days prior to Building Permit expiration and after issuance of a permit. These notifications remind applicants to either obtain a final inspection or renew or withdraw the permit. The letter includes information so applicants can easily renew or withdraw their application via email if they so choose.

DISCUSSION

Follow Up Response: This has been partially implemented. Reports can be run with permit status information, however, TRAKiT does not currently have a “Dashboard” interface. It will be discussed as part of our current contract with CentralSquare to assist with our outstanding needs. Staff is running reports for some permit types to note those that are “stale.” Staff has determined how to send automatic email notifications for certain actions and is currently testing to ensure accuracy and consistency. This will be expanded to more permit actions in the future. A dashboard outside of TRAKiT that provides valued information may be a possible solution. Staff is beginning the engagement of the development community to determine what information they find of value.

Staff is beginning to analyze this information for the purpose of setting up benchmarks and informing staff where permits tend to become stalled. From there, staff will develop solutions to minimize any stalls or delays due to County issues.

An update was provided to the Board and is attached. (See Attachment 1)

Recommendation 8 - The Planning and Building Department should establish a set of benchmarks by permit type for the time expected to get through planning and building projects. A quarterly report should be created detailing the overall activity of and status of timelines for processing permits for project types against established benchmarks. This recommendation is to be implemented by December 31, 2023.

Original Response: The El Dorado BOS responds that this recommendation requires further analysis.

Planning and Building staff are working with IT staff towards that goal. Staff is currently working on extracting data from TRAKiT to determine the number of days to process a permit, by permit type. There are several variables that need to be considered when extracting such data including the number of days waiting for action by the County (i.e., plan check), the number of days waiting for action by the applicant (i.e., revising plans based on plan check comments) or applicant pauses or delays (no action by applicant Page | 23 due to other reasons). Staff will likely initially focus on those permit types that have the highest number of applications in both the Planning and Building divisions and eventually add other permit types. A timeframe for completion of this project will not be known until Planning and Building and IT staff have the opportunity to define and extract the data; however, the Planning and Building Department will provide an update to the Board, via memo, no later than December 31, 2023.

Follow Up Response: Because of the wide variety of factors, tracking the length of time from submittal date to date of issuance may take a significant amount of time to analyze and have limited value. More value may be gained by identifying the timeframes plans and permits are “in-house” and common “sticking points” within the process (those areas more likely to cause delays). Tracking this information will better help staff to develop and implement tools or modify processes to address the problem areas. Staff will work with IT to determine if needed data can be extracted from TRAKiT in a meaningful way. Once data is extracted, metrics can be developed to track progress as processes are modified and new tools are added. (For complete response see Attachment 1)

DISCUSSION

CASE 22-23 CJ04: HOW WILL GRIZZLY FLATS WATER DISTRICT SURVIVE?

Recommendation 1: The GFCSD Board should develop a post Caldor Fire contingency plan to facilitate coordination and communication with the EDC Board of Supervisors, the El Dorado Water Agency, FEMA, CalOES and other agencies as needed. This should be accomplished by December 31, 2023.

Original Response: The recommendation will be implemented within the suggested timeframe.

Follow Up Response: The Grizzly Flats Community Service District Emergency Contingency Plan was approved by the Board of Directors on November 9, 2023

FINDINGS

F1 - Follow-up actions have mostly been addressed. The exception is “*Case 22-23 CJ03: Building Projects - Can You Help Me, ... PLEASE?*” in which responses to Recommendations are still pending.

RECOMMENDATIONS

R1 – The incoming 2024-2025 Grand Jury should follow-up on responses associated with “*Case 22-23 CJ03: Building Projects - Can You Help Me, ... PLEASE?*”

ATTACHMENT

- El Dorado County Planning and Building Department Memo

Attachment

ATTACHMENT – PLANNING AND BUILDING DEPARTMENT MEMO



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-5355, Fax (530) 642-0508

Date: December 26, 2023
To: Honorable Board of Supervisors
From: Karen L. Garner, Director
Subject: **Grand Jury Report Update**

At the September 12, 2023 Board meeting, the Board reviewed the 2022-23 Grand Jury Final Report and provided feedback to staff on responses R5 and R8. The Board approved the 2022-2023 Grand Jury Final Report with revisions at the September 19, 2023 Board meeting.

R5 addressed the "Ombudsman" position. The "Ombudsman" was a working title and is filled by an Administrative Analyst II classification. As noted in the Board's response to the Grand Jury, the term "Ombudsman," as defined and understood by the public, may not be an accurate working title for the position. The Board directed the Planning and Building Department to revisit the working title for this position and ensure that the description of the function on the website is accurate, and that all staff within the department understand the role of the position.

Shortly after the September Board meeting, the Planning and Building management team discussed this matter and determined a more accurate and descriptive working title is Planning and Building Liaison. The web page for the Liaison has been updated and explains the role of this position. [liaison \(edcgov.us\)](http://liaison.edcgov.us). The role of this position has been shared with staff throughout the Department and is incorporated into the department's onboarding process for new hires.

R8 addressed permit status quantity or timelines for processing permits by permit type and directed staff to report back to the Board on the progress by December 31, 2023.

Permit quantities for both the Planning, Building and Cannabis divisions has been documented in the Department's Quarterly Reports. The Quarterly Report also provides data for the number of Building Permits that are processed over-the-counter, in one or two days through the Department's Walk-Up Counter service and the Permit Center. This data is important as a significant volume of Building permits are "simple" permits and can be processed in two days or less. In January of 2023, the Department added the Walk-Up Counter service to expand expedited processing of simple permits in addition to those

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already handled through the Permit Center. The Walk-Up Counter is staffed by a Building Inspector/Plans Examiner and a Development Technician and can provide quick review of more technical, yet still relatively simple permits, while still completing most within two days or less.

The Permit Center processes permits such as water heaters, HVAC changeouts, pool gates, patio covers and re-roof.

The Walk-up Counter processes permits such as minor residential remodels, pools, minor commercial tenant improvements, solar, residential EV chargers, decks and demo permits.

The remaining permits that are processed through the standard Building Plan Check Review include new construction, major residential remodels, major commercial tenant improvements and permits requiring engineering review or review by other departments or outside agencies. This system allows simple permits that don't require a long or multi-department/agency review time to be processed through a different track and not get stuck in the queue behind larger, more complex projects.

Staff will next work on how to best track permits that are processed through the standard Building Plan Check Review process as well at Planning entitlements/permits. This is a much more complex analysis for several reasons.

- Multiple Resubmittals – more complex building permit and planning entitlement projects typically include review by staff, corrections to the applicant, resubmittal by the applicant, subsequent review of corrections.
- Multiple Division/Department/Agency review – larger projects may require review and approval by DOT, Environmental Management, Ag, EID, fire districts and others.
- Applicant/Consultant/Project Delays – projects may be delayed for a wide variety of reasons including project financing issues, change of consultants, contractors or subcontractors, weather and many other factors.

Planning entitlement projects are even more complex and require longer review times due to requirements from other divisions, departments and agencies, environmental review, requirements for state or federal review or permits (Fish and Wildlife, Army Corps of Engineers, Caltrans), tribal consultation, community outreach, applicant pauses or delays and many other factors.

Because of the wide variety of factors, tracking the length of time from submittal date to date of issuance may take a significant amount of time to analyze and have limited value. More value may be gained by identifying the timeframes plans and permits are "in-house" and common "sticking points" within the process (those areas more likely to cause delays). Tracking this information will better help staff to develop and implement tools or modify processes to address the problem areas. Staff will work with IT to determine if needed data can be extracted from TRAKiT in a meaningful way. Once data is extracted,

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metrics can be developed to track progress as processes are modified and new tools are added.

Staff will continue updating the Board and the public on these metrics through the Quarterly Reports.