



EL DORADO COUNTY  
CIVIL GRAND JURY  
2022-2023

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**FINAL REPORTS**

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June 30, 2023

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## 2022-2023 JURY ROSTER

FOREMAN: MARISA NICKLES

### 2022-2023 JURORS

MARY CHAN

GAEL FILGATE

GINGER HARMS

BILL KNOX

GRANT LEONARD

MICHAEL POWELL

PATTI SWANSON

RON EDMOND

KRISTA GRASSI

JERRY JENSON

JULIE KOCH

GINA POSEY

JIM SIMONE

CHUCK WHITE

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EL DORADO COUNTY CIVIL GRAND JURY  
360 FAIR LANE, PLACERVILLE, CA 95663

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June 30, 2023.

To the Citizens of El Dorado County:

Following this letter, you will find the reports produced by the 2022-2023 El Dorado County Civil Grand Jury.

The Grand Jury reviewed citizen complaints and performed investigations intended to improve the way that local government operates. The jury successfully fulfilled its obligation to the people of El Dorado County.

I would like to extend my sincere gratitude to the many folks who contributed to the jury's investigations. Their participation and cooperation with the jury helped our committees to perform thorough investigations and produce thoughtful results. I would also like to recognize El Dorado County personnel who supported the jury in its work this year.

The Grand Jury's reports identify opportunities and provide recommendations which are meant to improve government operations. It is believed that the effectiveness of the Grand Jury largely depends on public awareness and responsiveness to the annual Grand Jury reports. Our hope is that our reports coupled with public response will help to effect positive change for the citizens of El Dorado County.

In addition to the reports that were produced, the sitting jury should be recognized for creating a new committee to spread awareness about the Civil Grand Jury and to recruit new jurors. The current jurors worked long hours to create banners and signs which were placed throughout the county. The Grand Jury's own outreach campaign was a huge success which resulted in a record number of applicants and an increased awareness of the jury's functions. It was a rewarding and worthwhile endeavor for both the jurors and the county, and I hope that future juries will continue with this new tradition.

The Civil Grand Jury is appointed for a term of one year which requires a great deal of dedication and perseverance. I am grateful for the jurors who fulfilled their duties with honor, grace, and distinction and I thank their families who supported them in their commitment.

On behalf of all the jurors, it has been our privilege to serve the people of El Dorado County for the 2022-2023 term.

With Sincere Gratitude,

A handwritten signature in blue ink that reads "Marisa Nickles".

Marisa Nickles  
Foreman  
El Dorado County Civil Grand Jury  
2022-2023



## **SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO**

2850 Fairlane Court, Ste 110  
Placerville, California 95667

June 22, 2023

To the Members of the 2022/2023 El Dorado County Grand Jury,

On behalf of the El Dorado County Superior Court, I would like to express my appreciation for all of your hard work and dedication. I wish to recognize the extraordinary service rendered by the 2022/2023 civil grand jury. The time and effort involved in grand jury service is significant, and you have worked tirelessly to conduct thorough investigations and provide comprehensive reports.

During the past year, as members of our civil grand jury, you have provided independent oversight of the operation of various local governmental agencies. You have reviewed processes and procedures, looking for ways in which government can operate more efficiently, effectively, and with more transparency.

You are each to be commended for your willingness to serve on our civil grand jury. Your efforts, and those of your predecessor grand jurors, have made El Dorado County a better place.

Thank you for your service.

Very truly yours,

Jamie Pesce  
Judge of the Superior Court



## **INTRODUCTION**

*The Grand Jury is made up of 19 citizen volunteers who serve a one-year term. The primary function of the Jury is to provide independent oversight into the efficiency, effectiveness, honesty, and impartiality of government. It is believed that the effectiveness of the Grand Jury largely depends on public awareness and responsiveness to the annual Grand Jury Reports.*

*The Grand Jury is a critical component of the California justice system. The Civil Grand Jury system in California consists of 58 separate grand juries (one in each county) convened on an annual basis by the Superior Court. The Civil Grand Jury performs a vital "watchdog" function over local public agencies such as county, city, school districts, and special districts. The Jury is appointed for a term of one year during which time it reviews public complaints and conducts investigations. Citizen complaints are submitted either through the Grand Jury website or by mail.*

*The Grand Jury is well suited to the effective investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records, and information.*

*The Grand Jury's fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the Grand Jury acts as a representative of county residents in promoting government accountability.*

# RESPONDING TO A GRAND JURY REPORT

The written response of each named respondent will appear in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. Before preparing an official response, carefully review the Penal Code and note the pertinent provisions outlined below. Each respondent must use the formats below for responses to each separate finding and recommendation identified above.

Please pay close attention to required explanations and timeframes. Incomplete or inadequate responses will likely prompt further investigative inquiries by the Grand Jury and/or the court.

## RESPONSE TO FINDINGS

Finding F#. *[Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.]*

Response: *Review California Penal Code section 933.05 (a) (1) and (2).*

*Respondents must specify one of three options:*

- 1. Respondent agrees with finding,*
- 2. Respondent disagrees wholly with finding or*
- 3. Respondent disagrees partially with finding.*

*If respondent uses option 2 or 3, the response must specify the disputed finding and include a clear explanation.*

## **IMPORTANT NOTE ABOUT GRAND JURY FINDINGS**

*The Grand Jury derives Findings from testimony and evidence. All testimony and evidence given to the Grand Jury remains confidential by law, and it is the Grand Jury's responsibility to maintain it. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the Grand Jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.*

## RESPONSE TO RECOMMENDATIONS

Response R#. [Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.]

Response: *Review California Penal Code section 933.05 (b) (1) - (4).*

*Respondents must specify one of four options:*

- 1. Recommendation has been implemented.*
- 2. Recommendation has not been implemented but will be implemented noting a timeframe.*
- 3. Recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued.*
- 4. Recommendation will not be implemented because it is not warranted or reasonable, with an explanation.*

## TIME TO RESPOND

The California Penal Code specifies response times.

### *PUBLIC AGENCIES*

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.

*ELECTIVE OFFICERS OR AGENCY HEADS* All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

## FAILURE TO RESPOND

Failure to respond as required to a Grand Jury report violates California Penal Code Section 933.05 and is subject to further action that may include additional investigation on the subject matter of the report by the Grand Jury.

## WHERE TO RESPOND

All responses must be addressed to the Presiding Judge of the El Dorado County Superior Court.

**Honorable Vicki Ashworth  
Presiding Judge of the El Dorado County Superior Court  
459 Main St  
Placerville, CA 95667**

Response via Email to [courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org) is preferred.

CALIFORNIA PENAL CODE SECTION 933

933.(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.



CALIFORNIA PENAL CODE SECTION 933.05

933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



EL DORADO COUNTY  
GRAND JURY 2022-2023

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**\$28K Sick Leave Oversight**  
Case #22-23 GJ01

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June 30, 2023

## **GLOSSARY**

EDC El Dorado County

Grand Jury Civil Grand Jury

SBR Salary & Benefits Resolution

CFO Chief Fiscal Officer

CFWD Computation of Final Wages Due

HR Department of Human Resource

PA Personnel Action Form

CAO Chief Administration Office

KRONOS Kinketsu Rapid Operated New Original System

BOS Board of Supervisors

# EL DORADO COUNTY 2022-2023 CIVIL GRAND JURY

## \$28,149 Erroneous Overpayment

Case # 2223CA1

### SUMMARY

The Grand Jury conducted an investigation and found that a former El Dorado County (EDC) employee was paid sick leave compensation in the amount of \$28,149 in violation of the *Salaries and Benefits Resolution for Unrepresented Employees (SBR)*. The *SBR* is a legal document which determines the wages and benefits of certain county employees. "Upon this Department Head's resignation, a Computation of Final Wages Due form was prepared by an Administrative Technician and reviewed by a Fiscal Manager and an Agency Chief Fiscal Officer (CFO). The payment of used (sic) sick leave hours was then approved by the former Department of Human Resources." (Source: El Dorado County Auditor's Office, press release dated March 23, 2022). The *Computation of Final Wages Due Management Employees (CFWD)* form contained an error totaling \$28,149 resulting in an unmerited sick leave payment. The employee was paid which later resulted in the County having to seek collection of the overpayment from the former employee.

### BACKGROUND

The Grand Jury became formally aware of the subject via a complaint sent to the EDC Grand Jury. The Complainant read about the questionable overpayment in a local newspaper. The complaint alleged that the \$28,149 overpayment was due to an error by an EDC public official.

The Grand Jury researched the information in the complaint and confirmed that the former Director of the Department of Human Resources (HR) resigned to pursue employment with another jurisdiction in April of 2021. The jury also confirmed that the HR Director received a final paycheck which included the sick leave payout of \$28,149 as a separate line item.

The Complainant indicated the former department head had not been employed for five (5) years, which was the tenure required to receive accrued sick leave payout. The Grand Jury obtained and reviewed documents from HR which confirmed the allegation that the unused sick leave payment was not merited.

## METHODOLOGY

- Interviews were conducted with the Complainant, six county officials and staff involved in the processing and approving of final payouts for exiting employees.
- Reviewed documents include:
  - Emails between county officials and former employee;
  - *El Dorado County Salary and Benefits Resolution for Unrepresented Employees*;
  - Completed Personnel Action (PA) Form;
  - *Memorandum of Agreement with EDC Managers' Association*;
  - Computation of Final Wages Due Management Employees (Chief Administrative Office version);
  - Final paystub issued to HR Director;
  - Time Card Audit Trail Kintetsu Rapid Operated New Original System (KRONOS);
  - Promissory Note and Repayment document;
  - Jaramishian, E. 2022, March 29. "County seeks \$28k in overpay to former HR director."  
(<https://www.mtdemocrat.com/news/countys-former-hr-director-overpaid-28k/>)

## DISCUSSION

The Grand Jury reviewed available documentation and information from the Chief Administrative Office (CAO) which were used to prepare the final benefit payouts to department heads and non-executive positions. The former HR Director was considered to be an appointed department head whose position was approved by the Board of Supervisors (BOS). The final paycheck issued to the HR director included a miscalculation of sick leave compensation which totaled \$28,149.

The Grand Jury held several interviews and discovered the departing employee approved their timecard in KRONOS which included the sick leave hours on March 14, 2021. The *CFWD* and KRONOS documents, which contained the sick leave compensation error, were processed through three separate departments, HR, the CAO and Auditor Controller. Each department approved distinct and unrelated documents that led to the erroneous payout of the sick leave.

The CAO is responsible for completing the *CFWD* form. This form includes fields to designate the appropriate bargaining unit code and the number of years that the former

Director worked for El Dorado County. The SBR states that unrepresented management employees must complete five years of service to be eligible for sick leave payout. Based on the bargaining unit, coupled with the years of service (3.69), the former Director was not entitled to any sick leave payout.

The *CFWD* document was prepared by the CAO's office and approved by two managers. One of the managers modified the employee's sick leave hours in the KRONOS system on March 10, 2021. As a result of the modification, the sick leave dollar amount was added to the *CFWD* total calculation.

This *CFWD* form which included the incorrect sick leave calculation was then sent to the Auditor Controller's Payroll Division for final review and check issuance. Since Payroll also uses KRONOS to verify and compute the payout, the final check was issued based on the employee data which had been altered by the CAO staff. Essentially, once the sick leave hours were added in KRONOS, there were no other safeguards in place to block the overpayment. Three separate employees from two different departments approved the final payout document. No employees identified the error.

A year later, a different EDC Director made an unrelated inquiry to the HR Department to determine the amount of sick leave another employee would be entitled to at retirement. As a result of this request, HR pulled data for recent director payouts. HR research included a review of employee contracts for unrepresented management. HR noticed the large line-item amount of \$28,149 for sick leave paid to the recently departed Director. This observation prompted review of the *SBR* to verify that the former Director was entitled to the benefit. It was during this review process that discovery of an overpayment of sick leave compensation had been paid to the former HR Director. This information was reported to the current HR Director, the Chief Administrative Officer and the Auditor-Controller. Repayment attempts were initiated, and a *Promissory Note and Repayment Agreement* was executed. At the time of this report's publication, recovery payments are being received and are expected to be completed in January, 2024.

During the interviews, it was determined that different departments prepare unique computations for final payouts, which are sent directly to the Payroll Department. Payroll created the template for the *CFWD* form and advised the Grand Jury that some departments choose to download and customize the form to meet their individual needs. This deviation caused a deterioration in the review process. Without a standardized review process in place, the possibility of future payout errors is concerning. The payout error in this report was discovered, by chance, a year after it occurred. The lack of consistency and quality control raises the possibility this may be a systemic problem throughout the County.

At the time of the interviews, no departments had established any written procedures to prevent this error. Numerous witnesses indicated that the overpayment error resulted from a lack of checks and balances, as well as an overreliance on the accuracy of other employees. Witnesses also stated that departures of department heads are rare. They considered this oversight to be an anomaly. Witnesses reported that no employee has been formally reprimanded for this error.

## **FINDINGS**

- F1. The *SBR* required that a Director be employed for 5 years or more in order to receive payment for unused sick leave.
- F2. A lack of detailed policies and procedures between HR and CAO ultimately led to a significant overpayment to the former Director of HR.
- F3. The payout error in this report was discovered by an unrelated inquiry, a year after it occurred.
- F4. The *CFWD* was completed in error. It was reviewed and approved by three separate managers in two departments before it was forwarded to the Payroll Division for final review and payment.
- F5. The departing HR Director approved their timecard in KRONOS which included the sick leave hours. The current review and approval process failed to find and correct the data entry error in KRONOS.
- F6. The Auditor Controller's Office does not have standardized written procedures to complete the *CFWD* form for departing unrepresented employees. Lack of standardized written procedures in the use of the *CFWD* form resulted in calculation errors among different departments.
- F7. There is no established chain of overall accountability when submitting and approving final payouts.
- F8. CAO Managers and the Auditor Controller's Office relied solely on the accuracy of employees who independently generated the *CFWD* form based on erroneous information in the KRONOS database.

## **RECOMMENDATIONS**

- R1. Policies and procedures should be established that are specific to payouts for unrepresented management staff by the HR Department by December, 31, 2023.
- R2. Prior to computation of final wages due, HR should take the initial step to confirm the terms of each employee's specific agreement as it relates to unused sick leave and vacation pay due. Once eligibility is determined by HR, the information should then be forwarded to the affected departments as well as the Payroll Division. This should be implemented by December 31, 2023.
- R3. The HR Department should perform annual audits of past payout exit documents for benefits entitled to unrepresented employees beginning in 2023.
- R4. The Auditor Controller should establish policies and procedures which outline the chain of custody for the accuracy of the KRONOS database prior to *CFWD* form sign-off. These standardized procedures should be used by all County Departments. This should be implemented by December 31, 2023.
- R5. CAO should establish policies and procedures to prohibit any employee from approving their own final payout. In the case of a resigning department head, the approval should be made by the CAO or BOS. This should be implemented by December 31, 2023.
- R6. The Auditor Controller should modify the *CFWD* form to include safeguards and/or a field designating the eligibility of an employee for specific benefits. There should be a roadblock prohibiting the continuation with the payout computation, unless the employee is, in fact, eligible for a specific payout. For example, if the bargaining unit field indicates "UD" and the years of service field is less than 5 years, the ability to continue the payout for sick leave will be blocked. This should be implemented by December 31, 2023.
- R7. The Auditor Controller should establish Policies and Procedures to ensure that when a County employee is erroneously overpaid, a standardized repayment process is initiated immediately. This should be implemented by December 31, 2023.



## **REQUESTS FOR RESPONSE**

The following responses are required in accordance with California Penal Code Section 933 and Section 933.05.

From the following elected County officials within 60 days

Auditor Controller, Joe Harn,  
Findings: F1, F4, F5, F6, F7, F8.  
Recommendations: R4, R6, R7

From the following government official within 90 days

Board of Supervisors  
Findings: F1, F2, F3, F4, F5, F7, F8  
Recommendations: R1, R2, R3, R5,



EL DORADO COUNTY  
GRAND JURY 2022-2023

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PROCUREMENT AND CONTRACTS  
Case #22-23 GJ02

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June 30, 2023

## **GLOSSARY**

BOS	Board of Supervisors
CAO	Chief Administrative Office
EBIX	Ebix, Inc. Software Company - Database for Insurance
EDC	El Dorado County
Grand Jury	2022-2023 Civil Grand Jury
HHSA	Health and Human Services Agency
JOC	Job Order Contracting
NPI	National Procurement Institute
P&C Division	Procurement and Contracts Division of the CAO
RM	Risk Management

# EL DORADO COUNTY 2022–2023 GRAND JURY

## PROCUREMENT AND CONTRACTS

Case # 22-23 GJ02

### **SUMMARY**

The 2022-2023 Civil Grand Jury (Grand Jury) conducted an internal investigation of the Procurement and Contracts (P&C) Division. A review of the P&C website revealed inconsistencies, and/or a lack of transparency for purchases of goods and services for El Dorado County (EDC). Upon further investigation, it was found that the EDC Procurement Policy C-17 had not been updated since October 2013. Additionally, the P&C Division had not been investigated for 20 years based on an examination of Grand Jury reports.

This investigation focused on the following areas: P&C website; P&C Procurement Policy; Achievement of Excellence Award; customer survey program; P&C training, cross-training of P&C employees, Job Order Contracting; and risk management.

### **BACKGROUND**

The P&C Division is unique in that it interacts with most EDC Departments when formulating contracts or making purchases of goods and services on their behalf.

The background and mission of the P&C Division is on the County website (<https://www.edcgov.us>) under the P&C web page (<https://www.edcgov.us/Contracts/>):

1. “Procurement and Contracts is a Division of the Chief Administrative Office and is responsible for the procurement of services, supplies, materials, goods, furnishings, equipment, and other personal property for the County.”
2. “The Procurement & Contracts Division is headed by the Purchasing Agent who is responsible for developing procurement policy in compliance with law, resolutions, and directives of the Board of Supervisors.”
3. “The mission of Procurement & Contracts is to facilitate excellence in public service by providing County Departments and Allied Public Agencies with cost effective procurement in an ethical, timely, and positive manner for the benefit of the citizens of El Dorado County.”

The Grand Jury report focused on investigating the processes and procedures of the P&C Division.

## **METHODOLOGY**

1. The Grand Jury reviewed the following documents:
  - Procurement Policy C-17, adopted October 11, 2006, and updated October 22, 2013;
  - Procurement Policy C-17, adopted September 20, 2022, and effective October 20, 2022;
  - EDC website (<https://www.edcgov.us>);
  - P&C web page (<https://www.edcgov.us/Contracts>);
  - National Procurement Institute Award of Excellence, August 1, 2022;
  - P&C Customer Service Survey, dated April 18, 2022;
  - Chief Administrative Office and P&C Division's Organizational Chart FY 2020-21;
  - Review of P&C presentation: "Doing Business with El Dorado County" April 6, 2022;
  - P&C Forms Training Session, November 4, 2022;
  - Internal P&C Google Tracker (Spreadsheet);
  - Contract Request Form #7169;
  - P&C Division New Contract Development Process, dated October 30, 2019;
  - Job Order Contracting (JOC) concept presentation, January 2013;
  - Fully Loaded Template Revised per Caltrans, dated March 18, 2021;
  - Agreement for Construction Services Contract; June 2022;
  - Monterey County Website (<https://www.co.monterey.ca.us>);
  - Contract Template for Professional Services, December 30, 2022;
  - Health and Human Services Agency (HHS) Contractor Agreement Template with Ordinance Recitals, dated January 3, 2023;
  - Mental Health Services Act Agreement for Services, dated January 19, 2023;
  - California Levine Act Statement pertaining to HHS Contracts; January 3, 2023;
  - EBIX Contract PO# 4527, dated December 31, 2019;
  - EBIX Deficiency Report, dated January 19, 2023; and
  - Emails from various EDC Departments.
  
2. The Grand Jury interviewed P&C Division staff members, other EDC Department staff members, and vendors who interface regularly with the P&C Division.

## **DISCUSSION**

### **P&C Web Page**

A review of the EDC P&C Division's web page revealed that the detail regarding closed bids is inconsistent and not always up to date, and does not reflect which bids were received, or the final "award" amount. Bids listed as "pending BOS approval" did not have an award amount listed. P&C staff suggested the Grand Jury could access the BOS minutes to determine the award amount or call them directly. Examples of this are: bid # 20-120-058, bid # 20-985-037, bid # 21-918-040, bid # 21-952-038, bid # 21-968-052, and bid # 21-968-050 (as listed on the P&C Division's web page).

The Grand Jury reviewed more than one hundred (100) awarded bids on the P&C web page. A number of closed bids contained the following error code: (<http://Error 404.0-the resource you are looking for has been removed, had its name changed or is temporarily unavailable.>), therefore, no bid information was available. While the P&C Division's web page does provide a listing of closed bids back to 2003, the website does not include, in some cases, complete closed bid and award information. Examples of this are: bid # 22-918-018, bid # 22-925-019, and bid # 22-120-031.

The P&C Division maintains an internal tracker (spreadsheet) for all bids in process. The public information on this tracker is not updated into the P&C web page in a timely manner. As a result, some EDC departments create their own system to track contract status, resulting in a duplication of work.

The Grand Jury conducted a random survey on the P&C website in October 2022, and found inconsistencies that were posted in the awarded bid information (see Appendix "A"). The Grand Jury also found 8 out of 14 surveyed (57%) did not have a final award amount listed.

### **Procurement Policy**

Initially, the Grand Jury noted that the EDC Procurement Policy C-17 had not been updated since 2013. During the investigation, the Procurement Policy was updated and adopted by the EDC Board of Supervisors (BOS) on September 20, 2022, with an effective date of October 20, 2022. This Grand Jury report is based on the current Procurement Policy.

The constantly changing dynamics of the business world impacted by inflation, rising interest rates, increasing cost of goods, ever-changing business needs, new vendor policies, etc., require a timely and consistent review of P&C Division policies to remain current. The seven (7) year gap in revising the 2006 policy and the nine (9) year gap in adopting the 2022 policy demonstrated an inconsistent review process. A standardized schedule to review and update the Procurement Policy has not been established. The current Procurement Policy has designated a "Sunset Review Date" of September 20, 2026, a period of four years.

In between the major policy reviews, minor procedural changes may be needed. Currently, changes, however minor, require approval from the BOS.

With the new policy adopted, the corresponding procurement procedural manual became out of date. The P&C Division staff are in the process of updating the procurement procedural manual to reflect the current EDC policy.

Additionally, the New Contract Development Process Document (see Appendix “B”) has not been updated since October 30, 2019.

Discussions with three (3) of the 23 EDC departments of varying sizes stated they had specific needs for contracts that were not considered when adopting the new policy document in 2022. These EDC departments included two of the top ten departments that utilize P&C. By not including these customer needs, their contract approvals took longer to obtain approval.

Each of the EDC departments interviewed stated that contracts requiring P&C involvement routinely resulted in delays which contributed to additional costs. A lack of estimated timeframes made it difficult and challenging for the departments to plan for needed contract services. One example demonstrated that P&C procedures did not permit the P&C staff to complete an online contract; resulting in a required resource being delayed eight and a half (8.5) months.

There are no procedures in place for “rush” (expedited) requests, other than for natural disasters and emergencies. An example cited was a non-emergency “rush request” to replace a fire panel. The P&C Division took four (4) months to process the request due to the lack of an exception process for a “rush request.” The non-functioning fire panel is responsible for triggering appropriate alarms and the extended process placed the EDC staff at this facility at potential risk.

### **2022 Achievement of Excellence Award**

The P&C Division recently applied for and was presented the 2022 Achievement of Excellence in Procurement Award from the National Procurement Institute (NPI). This was the first year the EDC P&C Division applied for this award and submitted information on 18 separate categories of the NPI application (see Appendix “C”).

The P&C Division states that it is fully committed to continuous quality improvement. The process of putting together this extensive application package was a learning experience for P&C staff resulting in a review of best practices and identifying areas of improvement. The award process required the P&C Division to develop and conduct internal and external training, as well as develop a customer survey. The Grand Jury did not find evidence that this training was conducted prior to 2022.

The P&C Division plans to submit an application annually with the goal of increasing total points as part of continuous quality improvement.

### **Customer Service Survey**

Per the P&C Memo titled 2022 Achievement of Excellence in Procurement Application “To continually improve customer service and streamline processes, the Procurement and Contracts Division conducted a Customer Service Survey on April 18, 2022, via email using Google Forms. The survey went out to approximately 172 internal customers (County Departments) including department leadership. The survey was available for 5 days and 38 responses were received for a 22% response rate”.

Question No. 4 on the survey was “How satisfied are you with the level of communication between your department and the Procurement and Contracts Division?” Twenty-four percent (24%) responded either “Dissatisfied” or “Very Dissatisfied”. When including the Neutral responses, this number increased to 40%.

The P&C Division conducted customer service surveys that only included internal customers. By contrast, the Grand Jury found that Monterey County posts an online customer satisfaction survey providing internal and external customers a continuous opportunity to make suggestions and receive timely follow-up.

A common recurring theme of difficulty expressed by internal county staff interviewed focused on communication from the P&C Division. Each interviewee was dissatisfied with not receiving timely updates from the P&C Division concerning their contract status throughout the process.

### **P&C Training**

Training was required as part of the 2022 Achievement of Excellence in Procurement Application. The P&C Division initiated formalized training in 2022 with three (3) training sessions held in April, October, and November. The web-based training sessions were:

- Doing Business with El Dorado County on April 6, 2022;
- Procurement Policy and Ordinance Update on October 13, 2022; and
- P&C Training – Forms Training on November 4, 2022.

This first training session was made available to external vendors (non-county/private industry). Subsequent training sessions were made available to internal customers only. There did not appear to be any available training offered prior to April 6, 2022, nor is there any training scheduled for 2023.



## **Cross-Training**

The P&C Division is divided into either procurement or contracts staffing, with personnel primarily performing only one function. P&C staff suggested cross-training could offer significant benefits to the division. It would provide better workflow management during times of high demand and personnel coverage during shortages.

Each contract processed by the P&C Division is reviewed by Risk Management (RM), a unit within the Department of Human Resources, which assesses the potential risk of each contract. Additionally, RM verifies that the vendor's Certificate of Insurance is current and covers any potential liability issues that may impact EDC. The RM review is towards the end of the contract process and if there are any issues with insurance, the entire process is halted until the issues are resolved. RM is developing a training presentation for P&C staff to better understand risk factors so issues can be identified earlier in the process.

## **Job Order Contracting**

The Grand Jury reviewed the Job Order Contracting (JOC) process. JOC is a project delivery method utilized by organizations to get numerous, commonly encountered construction projects done quickly and easily through multi-year contracts for a wide variety of renovation, repair, and minor construction projects. JOC is most commonly used to clear deferred maintenance backlog, perform rapid response recurring project needs, and construction renovation projects. The P&C Division does not utilize this process.

## **Risk Management**

RM also uses an independent system called EBIX to establish and maintain an accurate and up-to-date database concerning insurance information for EDC accounts. The EBIX contract was signed December 31, 2019, for January 1, 2020, through December 31, 2023, a term of four years. The contract was written with a not to exceed \$36,400 contract value and was amended June 4, 2022, increasing the cap for EBIX by \$39,419, with a not to exceed contract value of \$75,819

During the Grand Jury interviews, it was discovered that EDC staff regularly perform functions that are contracted to EBIX. EDC staff spends time "maintaining the accurate and up-to-date database regarding insurance information for EDC accounts" when this is contractually the responsibility of EBIX.

## **FINDINGS**

- F1 The current P&C web page is not up to date with accurate and complete information regarding bids received and final amounts awarded.
- F2 The Procurement Policy C-17 was last revised October 22, 2013 – seven (7) years after the policy dated October 2006 was adopted. A new updated policy was adopted on September 20, 2022 with an effective date of October 20, 2022, nine (9) years after the 2013 revision. Policy review timelines have been inconsistent.
- F3 The P&C Division's procedural manual does not reflect changes made to the policy statement, dated effective October 20, 2022.
- F4 The P&C Division interfaces with most EDC departments. Many departments have unique or complex contract needs but for those departments interviewed, their input was not included in the policy update.
- F5 The P&C Division has not updated the New Contract Development Process document, dated October 30, 2019.
- F6 There is a lack of an ongoing customer survey program to determine if the P&C Division is meeting the needs of both internal customers and external vendors.
- F7 Updates throughout the contract approval process require contacting P&C directly. The P&C staff maintains an extensive spreadsheet for tracking all contract requests. Some EDC departments maintain their own internal trackers resulting in duplication of work.
- F8 Three training sessions (April, October, and November) were offered in 2022 covering P&C procedures and P&C forms. These sessions were offered to EDC departments and outside vendors. There is no evidence that training was offered prior to these sessions and there are no training sessions scheduled for 2023.
- F9 P&C Staff are not cross trained to perform both procurement and contract functions.
- F10 There is no evidence that the P&C Division is exploring, or has explored, other purchasing methods. Certain EDC departments may benefit from more tailored approaches such as Job Order Contracting.
- F11 The Risk Management analysis is toward the end of the P&C contract review process. Positioning this critical RM review at the end of the contract review process has resulted in extended delays.

F12 EBIX is contracted to and paid by EDC to maintain up-to-date and accurate information regarding insurance for EDC vendors, yet RM staff spend their time tracking down up-to-date insurance certificates instead of EBIX.

## **RECOMMENDATIONS**

- R1 The P&C Division should develop and implement a procedure to ensure the P&C web page is up to date with accurate and complete information regarding all bids and the final award amounts for full transparency by December 31, 2023.
- R2 The P&C Division should integrate the appropriate public information on their internal tracker (spreadsheet) with their web page to better provide complete and up to date information to the public by December 31, 2023.
- R3 Although there is a stated September 20, 2026, sunset review date of the current policy, the P&C Division should develop a process to formally review and update Procurement Policy C-17 and division procedures. The review process should be developed and implemented by December 31, 2023.
- R4 Develop a process to review and address minor changes to procedures in compliance with the Procurement Policy without BOS approval by December 31, 2023.
- R5 As a part of future policy and procedure updates, the P&C Division should seek input from internal customers and incorporate, as applicable, division-specific contract requirements.
- R6 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.
- R7 For future policy updates, the P&C Division should incorporate changes to their procedural manual within 90 days of BOS policy approval.
- R8 Review and update the New Contract Development Process Document (dated October 30, 2019) by December 31, 2023.
- R9 The P&C Division should develop a customer survey program for internal EDC customers and external vendors, to determine if they are meeting the needs of their customers. There should be survey questions focused on the communication of P&C staff with all customers and vendors. Surveys should be

reviewed by CAO and P&C management and results posted on the P&C Division web page as well as incorporated into policy and procedures updates. A customer survey program should be developed and implemented by December 31, 2023.

- R10 The P&C Division should identify a solution to provide timely updates throughout the contract approval process for its customers by December 31, 2023.
- R11 The P&C Division should continue to develop and make available P&C training modules for EDC customers and outside vendors, focusing on how to best navigate the P&C process. An annual schedule for training should be developed by December 31, 2023.
- R12 Develop and implement an internal training program to cross train P&C staff to perform both the procurement and contract functions of the division by December 31, 2023.
- R13 The P&C Division should review the JOC concept and determine its application to appropriate EDC departments, by December 31, 2023.
- R14 Risk Management should develop and implement a “Risk Assessments” class for EDC contract staff to better understand risk requirements for EDC. Changes should be adopted to help avoid lengthy delays in contract approval by December 31, 2023.
- R15 Review the EBIX contract and ensure that EBIX is providing services based on their contractual obligations by December 31, 2023.

### **REQUEST FOR RESPONSE**

The following response is required in accordance with California Penal Code §933 and §933.05.

County Board of Supervisors – All Findings and All Recommendations

**Appendix A - Recap of Bids Posted on P&C Web Page**

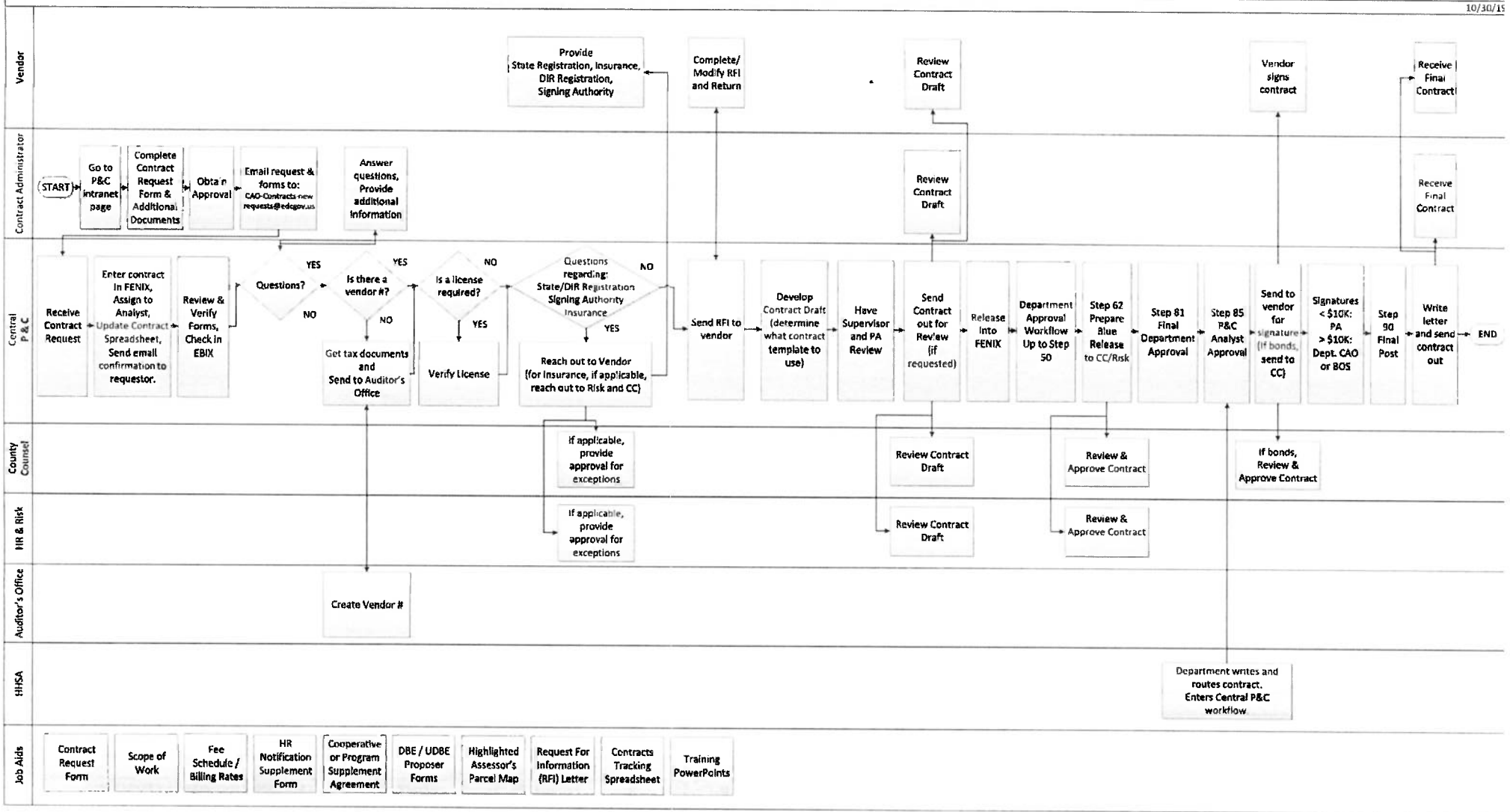
PROJECT TITLE	DATE POSTED	DATE DUE	PROSPECTIVE BIDDERS	BIDS RECEIVED	AWARDED	BID RESULTS POSTED	COMMENTS	AMOUNT OF CONTRACT
Ammunition - Hornady	7/25/2022	8/12/2022	1	1	Yes	No	bid results have not been made public	unknown
Landfill Maintenance Services	6/15/2022	7/8/2022	6	N/A	Yes	No	Awarded to 2 bidders - bid results have not been made public - to be negotiated	unknown
RFQ Emergency Medical Services Systems Evaluation & Strategic Plan	5/11/2022	6/30/2022	7	N/A	Yes	No	Awarded to 4 bidders - bid results have not been made public - to be negotiated	unknown
RFP General Engineering and Construction Quality Assurance Union Mine Wastewater Treatment Plant	5/9/2022	6/10/2022	2	1	Yes	No	Awarded to 1 bidders - bid amounts not published - to be negotiated	unknown
Ammunition	5/10/2022	6/6/2022	5	2	Yes	Yes	Awarded to 2 bidders - split 3 categories - BOS approval	\$418,784
Motorola XPR7550e Radios	5/20/2022	6/3/2022	6	4	Yes	Yes	all info listed	\$973
Bulk Lubricants	4/27/2022	5/13/2022	3	3	Yes	Yes	"no hard copy bid received" two different amounts listed for each bidder - confusing - BOS approval 6/28/22	\$117,939
Model 332L Signal Controller	4/27/2022	5/12/2022	1	1	Yes	No	"no hard copy bid received"? No \$\$ amount for bids. BOS approval 6/28/22	unknown
Hot Applied Asphalt Cracksealer	4/27/2022	5/11/2022	1	1	Yes	Yes	Awarded to sole bidder - bid amount listed as \$.59? Note says "pending protest period"? Posted on PlanetBids web site - same as EDC page	unknown
Cisco or Extreme Networks Layer 2 Network Switch Equipment	4/18/2022	5/6/2022	11	10	Yes	Yes	Very thorough all info listed	\$76,284
RFP Family Urgent Response System(FURS) Mobile Response System and Stabilization Team (MRSST) Services	3/31/2022	5/2/2022	2	N/A	Yes	No	Awarded to 1 vendor - no bid amounts are listed - bid results have not been made public - to be negotiated	unknown
Fujitsu Document Scanner	4/11/2022	4/29/2022	23	N/A	Yes	Yes	Awarded to 1 vendor - 50 scanners ordered	\$44,730



# Appendix "B" - EDC P&C New Contract Development Process "Flow Chart"

El Dorado County's Central Procurement and Contracts: New Contract Development Process

10/30/15



## **Appendix "C" - 2022 NPI Award**

**The 18 categories that the County submitted information on for the 2022 Achievement of Excellence in Procurement from the National Procurement Institute, included the following:**

1. Establishment of a "Procurement Ethics" policy - Awarded full points
3. Established a procurement staff "professional development" program - Awarded full points
- 4a. Completed a formal internal survey of procurement performance- Awarded full points
- 4b. Completed a formal external survey of procurement performance - Awarded full points
- 4d. Formal vendor training within the past year with scheduled and agenized workshop - Awarded full points
- 4e. Performance measures specific to the procurement function - Awarded full points
5. Centralized procurement authority based in law - Awarded full points
6. Procurement Organizational Structure - Awarded full points
- 7a. Utilization of eProcurement and automated technology to improve efficiencies (electronic sourcing) - Awarded full points
- 7b. Utilization of eProcurement and automated technology to improve efficiencies (internal Procurement Automation) - Awarded full points
9. Use of requirements contracts (annual or term also known as blanket orders) for at least 30% of total dollar commodity and services purchases - Awarded full points
- 11a. A bachelor's degree or higher from an accredited university or college earned by the Chief Procurement Official - Awarded full points
- 11b. A bachelor's degree or higher from an accredited university or college earned by at least 75% of the professional staff - Awarded full points
12. Professional staff member with a leadership position in a professional procurement association - Awarded full points



14. Adoption of statute, ordinance or policy that allows for Best Value procurements for your agency - No points awarded\*
- 15a. Formal sustainable procurement policy or program - Awarded full points County of El Dorado Page 2 Printed on October 22, 2022, Master Report Continued (22-1616)
16. Cooperative procurement strategy - Awarded full points
18. Continued pursuit of excellence - Awarded full points

\* The 10 points that were not awarded related to Category 14, was related to an oversight by staff to include a final evaluation scoring summary. The County does have this documentation, and this will be included with next year's application which should result in a full point award in this category.



EL DORADO COUNTY  
GRAND JURY 2022-2023

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**Building Projects - Can You Help Me, .... PLEASE?**

Case #22-23 GJ03

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June 30, 2023

## **GLOSSARY**

BOS	Board of Supervisors
CC&Rs	Codes, Covenants, and Restrictions
EDC	El Dorado County
Grand Jury	2022-2023 Civil Grand Jury
Ombudsman	Planning and Building (P&B) Ombudsman
P&B Department	Planning and Building Department includes Building Services, Planning Services, Tahoe Planning and Storm water, Economic Development, Commercial Cannabis, Airports & Cemeteries, and Code Enforcement.
TRAKiT	TRAKiT Workflow Software from Central Square which enables agencies to automate the management of project development, permitting, code compliance, citizen issues, and business/occupational licenses through its applications.
Simple permits	Permits limited to projects that do not require submittal of detailed plans and specifications and subsequent review by Building Services.
Complex permits	Permits that require approvals from more than one (1) EDC department, including external departments, such as a local fire district or school district.

# **EL DORADO COUNTY 2022–2023 GRAND JURY**

## **Building Projects – Can You Help Me? ... PLEASE?**

Case #22-23 GJ03

### **SUMMARY**

The 2022-2023 Civil Grand Jury (Grand Jury) learned of delays for building projects encountered by El Dorado County (EDC) residents which prompted an investigation into Building Services and its processes and procedures.

For simple permits, such as replacing a water heater or a reroof, the Grand Jury found that licensed contractors can apply and pay for a permit online, while homeowners could not. Homeowners need to apply in person at Building Services.

For complex permits, which the Grand Jury defined as permits that require approvals from multiple agencies, i.e., Environmental Management, or a local fire district, Building Services does not assign an advocate to monitor the progress of a residential and/or a small business permit through the process. Currently, there is a Planning & Building (P&B) Ombudsman whose role is not clearly defined. S/he is simply available to answer questions, but does not resolve permit, planning, or building issues.

Following the permit application through the process is difficult because current county systems do not automatically document progress. There is little or no assistance or communication from the County, leaving homeowners to navigate the complex and unfamiliar maze of the building permit process on their own.

TRAKiT is the Workflow Software utilized by EDC departments to automate the management of project development, permitting, and code compliance. The TRAKiT contract was signed in January 2017 with implementation estimated to take 17 months. EDC encountered implementation issues delaying the final buy-off of the TRAKiT System until 2023, after more than six (6) years.

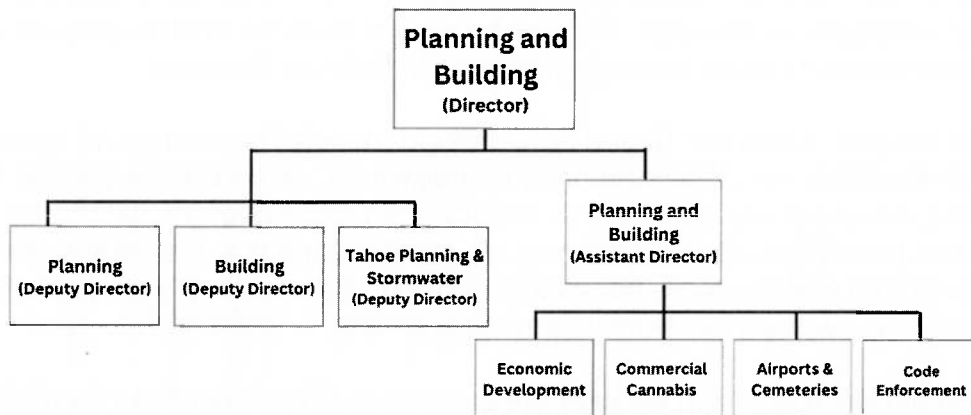
The TRAKiT software continues to contribute to the delays in the permitting process due to the fact that TRAKiT was not successfully implemented. Building Services had to create and is still using manual workarounds to keep the system operational. Additional dedicated resources from the EDC Information Technologies Department continue to be deployed to address ongoing deficiencies in the software. Due to time constraints, the Grand Jury was unable to complete the extensive research required to write a comprehensive report on TRAKiT.

The Grand Jury investigation focused on the following areas: mission statements, the permit process, permit process challenges, the role and duties of the Ombudsman, building inspections, home fire sprinkler inspections, performance measurements, and customer satisfaction.

## **BACKGROUND**

The Director of the P&B Department stated in a presentation to the Board of Supervisors (BOS) on September 27, 2022, that the P&B Department is responsible for processing a wide variety of permits through its various Divisions.

Below is the current organization chart for the P&B Department.



Both Planning Services and Building Services list the identical mission statement on their respective web pages which states: “Guide land use and development consistent with the General Plan, Building Codes, and related regulations, by providing accurate, timely, and courteous professional and technical services to our customers, to maintain the County's unique quality of life, protect public safety and the environment and to promote economic vitality for current and future generations.”

## **METHODOLOGY**

The Grand Jury reviewed the following:

- Building and Planning Services web page (<https://www.edcgov.us/Government/DevServices>) (Note: There is no Planning and Building Department web page.);

- Building Services web page (<https://www.edcgov.us/Building>);
- Planning Services web page (<https://www.edcgov.us/Planning>);
- El Dorado County 2022 Board Approved Strategic Plan;
- County Strategic Plan and Budget Policies, dated 2021;
- Board Policy A-13, adopted April 6, 1993, Adopted April 6, 1993 – Revised November 15, 2022;
- The El Dorado County Adopted General Plan (<https://edhapac.org/documents/el-dorado-county-adopted-general-plan>); (Note: On July 19, 2004, the El Dorado County Board of Supervisors adopted a new General Plan for the County. The last amendment for the General Plan was December 10, 2019;
- Original TRAKiT Agreement for Services #472-S1611, for installation, integration, and training of TRAKiT, a Planning, Permitting and Parcel Management Software Solution;
- First Amendment to Agreement for Services #472-S1611;
- TRAKiT Memo to the BOS, subject: TRAKiT Implementation Schedule, dated April 24, 2018;
- The P&B Department’s “Permit Activity Status update” presentation, dated September 12, 2022, and presented to the BOS on September 27, 2022, agenda item 22-1640;
- The P&B Department’s report “Planning & Building Department – Permit Activity Status”, dated September 13, 2022, from the Director of the P&B Department;
- Permit Process flowchart (Appendix A);
- Licensed Contractors Trade Email Permit Program (Appendix B);
- Templates for a notice of expiring permit, expiring plan check application, and information letters sent to permit requesters; and
- Customer Service questionnaire.

The Grand Jury interviewed:

- P&B Department staff members;
- Staff members from other EDC Departments; and
- Permit requesters who interfaced with the P&B Department.

## **DISCUSSION**

### **Mission Statements**

A mission statement, per Merriam-Webster, is a document that states the purpose or goal of a business or organization. It is a short, written statement of why an organization exists, what its overall goal is, the goals of its operations, what kind of product(s) or service(s) it provides, its primary customers or markets, and its geographical region of operation.

The P&B Department does not list a mission statement on the EDC website. It does not have a webpage and is not listed in the EDC website list of departments.

Building Services and Planning Services report to the P&B Department. Both have separate web pages but list the same mission. However, Planning Services and Building Services each have different functions described, as follows:

- 1) Planning Services guides land use and development consistent with the General Plan.
- 2) Building Services issues building permits after ensuring all regulatory requirements are met; and provides inspection services as projects progress throughout the building process.

### **The Permit Process**

For the purposes of the Grand Jury's investigation, permits were classified into two categories, simple and complex.

Simple permits include projects, such as replacing a water heater, or a reroof, and complex permits, include projects, such as building a home or a remodel.

Today, Building Services has an online permitting program to expedite the processing of simple permit requests from licensed contractors. The permit types that can be requested are listed at Appendix B.

Homeowners cannot utilize the online program, instead, they have to go to Building Services to request and pay for a simple permit. The P&B Department does not have an online process to verify the identity of the homeowner. In contrast, a contractor's identity can be verified by virtue of their business license. As a comparison, the City of Folsom allows its homeowners to apply and pay for simple permits online.

The permit process begins when a homeowner provides an intake package in person at Building Services. The intake person receives the package and conducts a preliminary review. If something is missing or incorrect, the homeowner will need to update their package to address the deficiency.

Once the complete package is received, Building Services inputs the information into the TRAKiT system. TRAKiT is the Workflow Software utilized by EDC departments to automate the management of project development, permitting, and code compliance. The package is then sent to the appropriate departments or agencies for review and approval.

Required permit approvals are dependent on the specific project. Approvals are typically required from the following agencies:

- Building Services;
- Planning Services;
- Cameron Park Community Services District for Codes, Covenants, and Restrictions (CC&Rs) (where applicable);
- El Dorado Hills Community Services District for CC&Rs (where applicable);
- El Dorado Irrigation District or area governing water authority;
- Environmental Management;
- Department of Transportation;
- Local Fire District; and
- School District.

Once all approvals are received, Building Services will issue the building permit. See Appendix A for an overview of the permit process. After a permit is issued, inspections will be scheduled, as needed, throughout the building process.

### **Permit Process Challenges**

Building Services may require other EDC agencies (as listed above) to review and approve specific parts of the application, depending on the type of permit requested. For example, new construction and home additions have a number of additional approvals outside of Building Services that must be received. Each agency is autonomous from other agencies leading to a lack of overall management and coordination resulting in delays. Additionally, Building Services does not monitor the permit process.



It was consistently stated by interviewees that they had difficulty figuring out where their request was in the permit process. Building Services does not have a dashboard tool that provides an overview of the status for each permit. Instead, determining the permit status requires searching manually through various permit layers, opening files, calculating days and is too time intensive to be useful. Building Services does not provide a single point of contact for homeowners.

A summary report has not been developed detailing the current status of permits in the system, as well as a lack of system alerts if a permit has stalled beyond an established timeline. If a customer was sent a letter asking for additional information, it is assumed that the customer received the letter. Building Services does not follow up nor is an alert triggered if additional information has not been received by a predetermined date.

Commercial contractors are assigned a planner. Homeowners do not have an assigned planner and therefore, do not have a champion for their project.

If the homeowner's permit encounters an issue and is stalled, it is up to the individual to determine where in the process it has stalled and who to contact. This approach requires an extended amount of time by the homeowner to determine how to navigate the P&B internal processes.

### **Role and Duties of the Ombudsman**

The Ombudsman position currently exists in the P&B Department and reports to Economic Development. Some of the duties include assisting the public through the many layers of the planning and building process. The Ombudsman also is assigned additional duties within Economic Development including special projects.

From the Building and Planning Services web page <https://www.edcgov.us/Government/devservices/Pages/ombudsman.aspx> the Ombudsman position is defined as follows:

California's codes and regulations can be challenging for its citizens. El Dorado County understands that not everyone is familiar with the rules and processes that are involved. The ombudsman position was created to help our customers through these processes and to bring resolution to issues that may arise. The ombudsman acts as an advocate for the customer, answering questions and coordinating with various County organizations to make customer interactions as trouble-free as possible.

The Grand Jury investigation found the job description does not adequately reflect the Ombudsman's actual duties. While the Ombudsman answers questions and provides guidance on what agency or person to contact, the Ombudsman does not retain ongoing responsibility to ensure issues are resolved.

The Ombudsman position lacks a job description that accurately reflects their job responsibilities. Instead, the Ombudsman has the designation and job description of an Administrative Analyst II. The job description for an Administrative Analyst II, as listed on the EDC website, states, “provides an authoritative understanding of all departmental functions and professional activities and provides support to professional-level staff in the completion of their duties, in addition to completing complex clerical assignments including taking and transcribing meeting minutes and assisting in department-related projects and programs.”

The Grand Jury investigation found that the Ombudsman does not represent the customer as an advocate. The Ombudsman’s performance is not measured by whether the customer’s issue was resolved. The Ombudsman directs the customer to follow-up with the information provided versus retaining responsibility for the issue until resolution.

### **Building Inspections**

Once the building permit is issued, inspections required by various departments can be scheduled. During Grand Jury interviews, multiple interviewees provided similar examples of inspectors examining the same property and finding different inspection issues. This was frustrating for the customer who corrected the initial inspections, only to have additional issues cited on reinspection. There were additional instances when subsequent inspectors arrived with incomplete information on their iPads. This requires the homeowner to relay prior information and bring those inspectors up to date on the previous inspections.

### **Home Fire Sprinkler Inspections**

Prior to 2018, Building Services was responsible for conducting home fire sprinkler inspections. This inspection typically occurred at the same time as the framing inspection. Currently, three (3) fire districts (El Dorado Hills, Garden Valley, and Meeks Bay) have taken the responsibility from Building Services to conduct home fire sprinkler inspections. This has resulted in additional costs and a duplication of effort which previously had been carried out as part of the Building Services framing inspection.

If the fire district conducts the inspection, they have the responsibility to input the information into the TRAKiT system. There is a status field and a date field. The status field would be changed to COMPLETED and the date field should be updated with the completion date. Currently, the system does not require the completion date to be entered. A completion date would allow for metrics to monitor how long it took from the request date to when the inspection was completed.

## **Performance Measurements**

Benchmarks have not been established for an estimated time to get through planning and building projects. It is understood that there are many factors, such as reviews, approvals, and inspections, that are different for each permit. However, without an established benchmark by permit type, the P&B Department does not have a gauge with which to measure performance levels.

The Grand Jury reviewed the permit activity status presentation given to the BOS by the Director of the P&B Department on September 27, 2022. The presentation and accompanying documents reflected total activity only. It did not include data showing the status of timelines for processing permits by type. Examples include time to complete an additional dwelling unit, build a barn, or get a water heater permit. The presentation did not include any metrics.

The P&B Department's report "Planning & Building Department – Permit Activity Status" given to the BOS on September 27, 2022, by the Director of the P&B Department, states, "Staff does not track turn-around time. However, we are currently considering what data can be collected to better analyze the permit process so we can begin to identify common pain points, duplicative processes and opportunities for efficiencies and enhance communication that will assist applicants in getting through the process successfully."

## **Customer Satisfaction**

The Building Services mission includes a customer service component that reads, "by providing accurate, timely, and courteous professional and technical services to our customers." At the bottom of the Building Services web page, there is a link to a customer satisfaction questionnaire (<https://www.edcgov.us/Government/devservices/Webforms/Pages/Development-Services-Customer-Service-Questionnaire.aspx>) but the link actually takes you to a Customer Service Questionnaire, not a Customer Satisfaction Questionnaire. There are also paper copies available in the Building Services lobby.

The Customer Service Questionnaire only measures a single point in time activity of how well the request was addressed. Whereas a Customer Satisfaction Questionnaire would measure how well the customers' expectations were met throughout the entire process.

Completed Customer Service Questionnaires are forwarded to the Director of the P&B Department and the appropriate manager by the Ombudsman. Except for the surveys, the P&B Department does not have a formalized Customer Satisfaction Program. A complaint process has not been established, nor has a summary of complaints been developed for complaints received, along with the action(s) taken. Metrics have not been established to measure improvement.

In conclusion, the Grand Jury found the P&B Department, as a customer facing organization, should be doing more to help customers through the planning and building processes. Improvement begins by establishing benchmarks for measurements within Building Services to proactively track projects and designate a resource empowered to address customers' issues. The P&B Department should create an ongoing program to measure customer satisfaction throughout the process and use this information to determine ways to make it easier and faster to complete a customer's project. Finally, while the Grand Jury was not able to complete its TRAKiT investigation, it is apparent there are many serious shortcomings within the system making it harder for the P&B Department to do its job.

## **FINDINGS**

- F1 A mission statement does not exist for the P&B Department. Building Services and Planning Services each have separate web pages but list the same mission statement; however, they each have different and distinct functions.
- F2 Only commercial contractors can apply and pay for a simple permit online. Homeowners are unable to apply and pay for a simple permit online.
- F3 Commercial contractors have one point of contact throughout the process and homeowners do not. The P&B Department does not assign personnel the responsibility to manage complex permits through the permit process.
- F4 A permit status dashboard providing transparency has not been developed for projects.
- F5 There is an Ombudsman position, assigned to Economic Development, available to assist customers through the many layers of the permit process. The Ombudsman is also assigned additional duties within Economic Development including special projects. A job description, reflecting the actual responsibilities of the Ombudsman, has not been developed – instead, an Administrative Analyst II job description is being used.
- F6 As part of the inspection process, Building Services sometimes assigns a different inspector to conduct follow-up inspections to determine if the required corrective actions were completed.
- F7 Building Services conducts inspections for new fire sprinkler systems for homes as part of framing inspections. Three (3) fire districts no longer use Building Services but instead, conduct their own inspections at a higher cost to the homeowner.

- F8 The permit status presentation only provided a summary of permit activity. It did not provide slides with data detailing the quantity or timelines for processing permits by permit type.
- F9 A customer satisfaction program does not exist. Customer Service Questionnaires that are received by the P&B Department are collected by the Ombudsman who then distributes them to the Director and the department manager. A summary of complaints is not captured, and follow-up has not been established. Paper Customer Service Questionnaires are dropped in a box in the Building Services Lobby.

## **RECOMMENDATIONS**

- R1 The P&B Department should develop a mission statement and refine the mission statements for both Building Services and Planning Services to more accurately reflect their respective missions. This recommendation should be completed by December 31, 2023.
- R2 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.
- R3 The P&B Department should assign a single point of contact to act as the advocate for each complex permit request to champion the project through the permit and building process. This recommendation should be implemented by December 31, 2023.
- R4 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.
- R5 The P&B department should work with Human Resources to create a job description for the Ombudsman position commensurate with the actual duties. This would include empowering the Ombudsman to be responsible for addressing and spearheading the resolution of issues and complaints. This recommendation should be implemented by December 31, 2023.
- R6 When possible, Building Services should strive to send the same inspector to conduct the follow-up inspection. If a different inspector is assigned to follow-up on corrections, the initial inspector should review the file with them. This recommendation should be implemented by December 31, 2023.

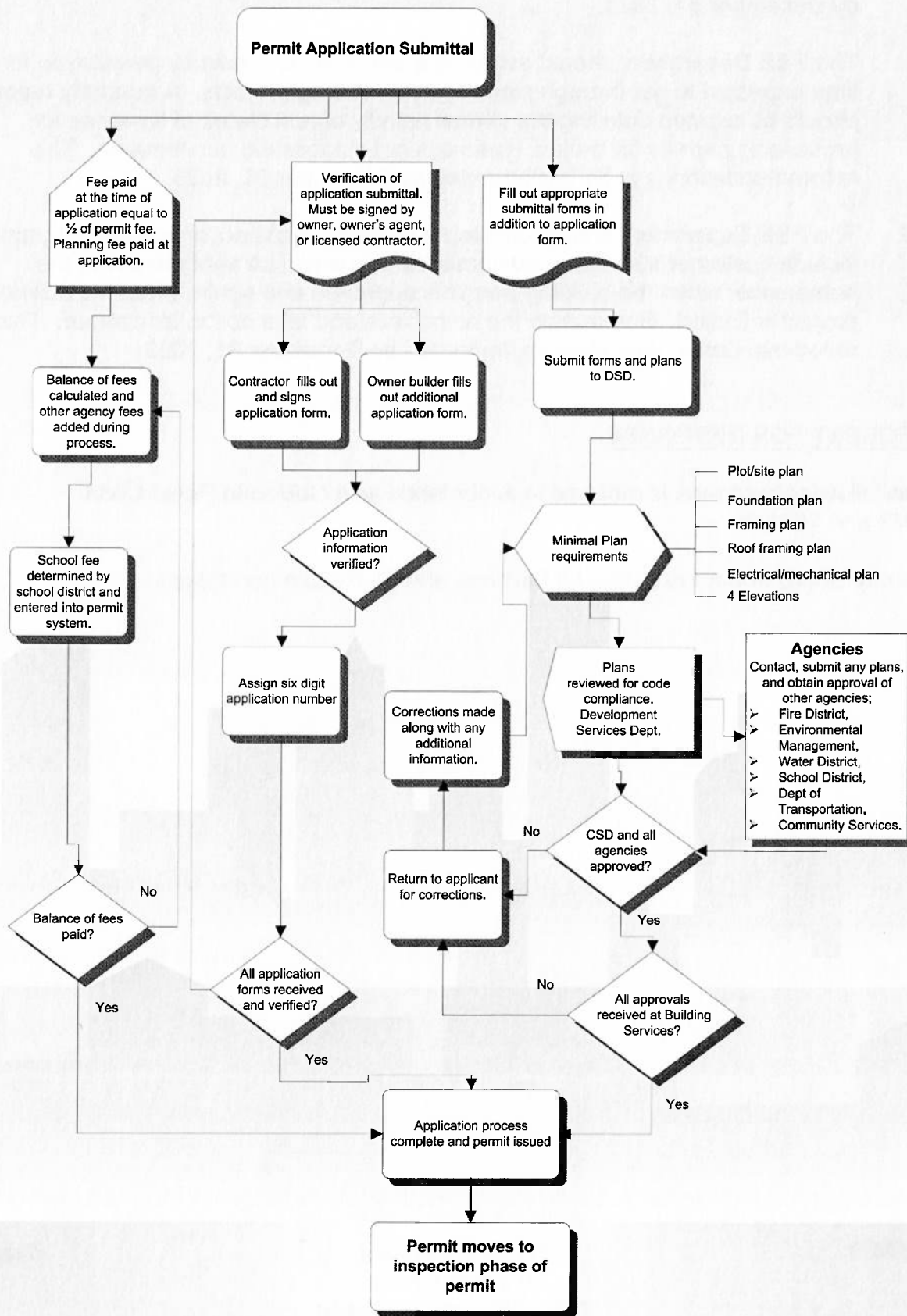
- R7 Building Services should review the home fire sprinkler inspection process for efficiency purposes and revisit returning the responsibility for all home fire sprinkler inspections to Building Services. Recommendation to be implemented by December 31, 2023.
- R8 The P&B Department should establish 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.
- R9 The P&B Department should develop a customer satisfaction survey program to include customer surveys. A customer survey would be sent directly to the homeowner when the building permit is approved and again, when the building project is finalized. Summarize the responses and take action as needed. This recommendation should be implemented by December 31, 2023.

### **REQUEST FOR RESPONSE**

The following response is required in accordance with California Penal Code §933 and §933.05.

County Board of Supervisors – All Findings and All Recommendations

# Development Services



## Appendix B - Single Permit Examples

# Licensed Contractors Trade Email Permit Program

El Dorado County has implemented an Email Permit Program for appropriately licensed contractors. This program is for processing residential and commercial permit applications in an expedited manner and to comply with the El Dorado County Public Health Officer directive restricting activities in response to COVID-19 Outbreak and the State of California Executive Department Executive Order N-33-20 as a result of the threat of COVID-19. The program is limited to projects that do not require submittal of detailed plans and specifications and subsequent review by Building and Planning.

**The Email Permit Program is limited to the following types of permits:**

- **Residential Electrical**
  - Service Panel
  - Subpanel
  - Alteration/Repair
  - Replace Service Panel
  - Replace Subpanel
  - Electric Vehicle Charging Station
- **Re-roofs:**
  - Remove/Replace
  - Partial
  - Overlay
- **Residential replacement of existing mechanical equipment such as:**
  - Electric HVAC
  - Gas HVAC
  - Duct
  - Furnace
  - Replace A/C Coil & Condenser
  - Whole House Fan
  - Alteration/Repair
  - Wall Heaters
- **Residential replacement of plumbing systems:**
  - Alteration/Repair
  - Water Heater Electric
  - Water Heater Gas
  - Re-Pipe
- **Residential Installation of additional gas appliances\*** (where gas is already supplied to dwelling):
  - Furnaces, stoves, fireplaces, wall heaters, water heaters, etc.

\*Note: Installation of new gas appliances requires the following documentation:

- A spec sheet on new gas appliance
- Gas piping schematic of existing gas piping system, new piping, meter size (if natural gas) pipe sizes, lengths and new/existing gas appliances with Btu/hr.

### **\*Requirements to participate in this program:**

- Appropriate California licensed contractor
- Current El Dorado County Business license  
Registered eTrakit user <https://edc-trk.aspgov.com/etrakit>
- Official El Dorado County Building permit application filled out in its entirety  
<https://www.edcgov.us/Government/building/Pages/forms.aspx>
- Permit supporting documents
- Email application and supporting documents, email to: [epermit@edcgov.us](mailto:epermit@edcgov.us) add Project address to the subject line.

If you have any questions, please call the main Building Services line at 530-621-5315.

\*By using this program you agree to abide to the guidelines as outlined throughout. Failure to abide by these guidelines will result in the rejection of your application and/or permit. We want to thank you again for using this system and hope you find the program beneficial. Please note, a vender service charge will apply for online payment of fees.





EL DORADO COUNTY  
GRAND JURY 2022-2023

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How Will Grizzly Flats Water District Survive?

Case #22-23 GJ04

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June 30, 2023

## **GLOSSARY**

BOS	El Dorado County Board of Supervisors
CalOES	California Office of Emergency Services
FEMA	Federal Emergency Management Agency
GFCSD	Grizzly Flats Community Services District
Grand Jury	2022-2023 El Dorado County Civil Grand Jury
LAFCO	Local Agency Formation Commission
MSR/SOI	"Municipal Service Review and Sphere of Influence Update," September 28, 2022 (LAFCO)

## **DEFINITIONS**

Proposition 218	Proposition 218 gave taxpayers the right to vote on all local taxes and requires taxpayer approval of property related assessments and fees.
Ordinance 88-1	Grizzly Flats Community Services District "CONDITIONS FOR WATER SERVICE ORDINANCE No. 88-1"
Standby Assessment	"Standby Assessment" is a monthly charge per parcel that is placed in the same ledger as the Capital Connection Fee and dedicated to capital improvements, since those improvements also improve system reliability for all users.
Volumetric Rate	\$1.20 per hundred cubic feet (748 gallons). [ <a href="http://grizzlyflatscsd.com/wp-content/uploads/2011/12/New_Customer_Information_GFCSD_July_20201.pdf">http://grizzlyflatscsd.com/wp-content/uploads/2011/12/New Customer Information GFCSD July 20201.pdf</a> ]
Water Service Rate	Following Proposition 218 requirements (California Constitution Articles XIII C and XIII D); the Board of Directors shall establish residential and commercial water rates. Those rates will be determined by a Cost of Services Study. The water service rate will include both a base rate and a volumetric rate. The base rate is charged to all customers who have a service connection and is determined by the GFCSD's fixed costs (currently \$68.97 monthly). The volumetric rate is the charge for the actual amount of water used and is determined by the GFCSD's variable costs.



Photo by Andrew Nixon / CapRa

## **How Will Grizzly Flats Water District Survive?**

**El Dorado County 2022-2023 Grand Jury**

**Case #22-23 GJ04**



## **SUMMARY**

A catastrophic fire in August 2021 devastated Grizzly Flats in El Dorado County (EDC). Homes, businesses, and vital services were destroyed. Infrastructure was seriously damaged and the limited financial resources available to help rebuild are difficult to secure. The cost to remove dead and dying trees along with rebuilding will run into millions of dollars. Outside funding will be necessary to rebuild Grizzly Flats.

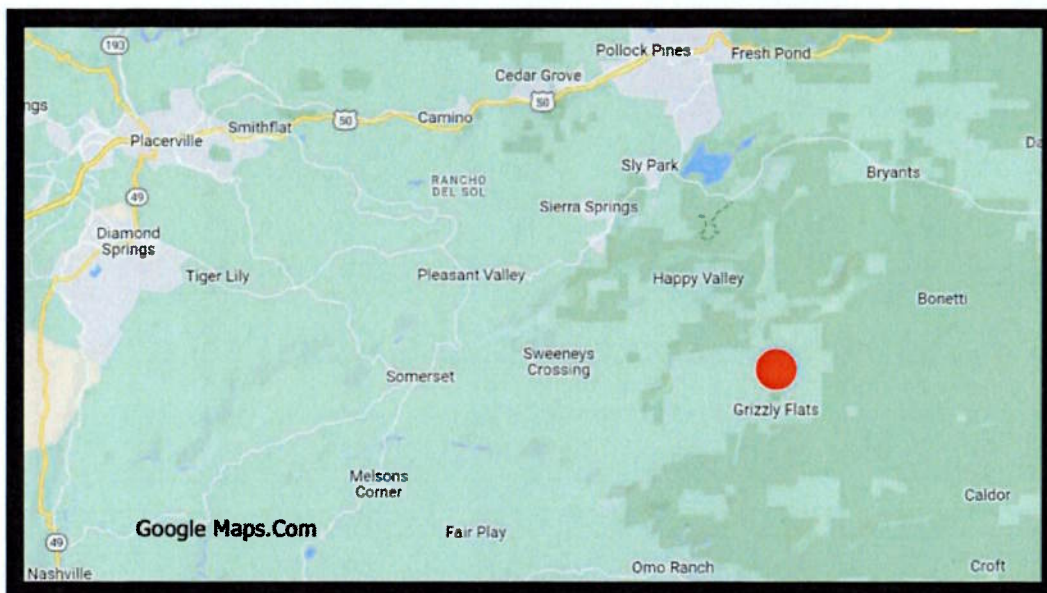
The lack of a contingency plan after the Caldor Fire emergency impacted the communications between GFCSD and EDC, State, and Federal agencies.

The EDC Civil Grand Jury (Grand Jury) investigated the Grizzly Flats Community Services District (GFCSD) due to complaints made to the Grand Jury and articles published in the local newspaper. Residents, whose homes were destroyed by fire and no longer residing on their respective parcels, were still receiving monthly water service bills per their terms of service.

The Grand Jury found that Grizzly Flats water, volumetric, and service rates are guided by Ordinance No. 88-1, known as "Conditions for Water Service" adopted by the GFCSD in September of 1988. Additionally, rates are governed under California law by Proposition 218, which makes it illegal for GFCSD to alter the terms of service without approval of the parcel owners.

The GFCSD is currently losing \$11,000 monthly due to a loss of overall revenue from customers and will need to increase water rates to support continued operations and to remain solvent.

## **BACKGROUND**

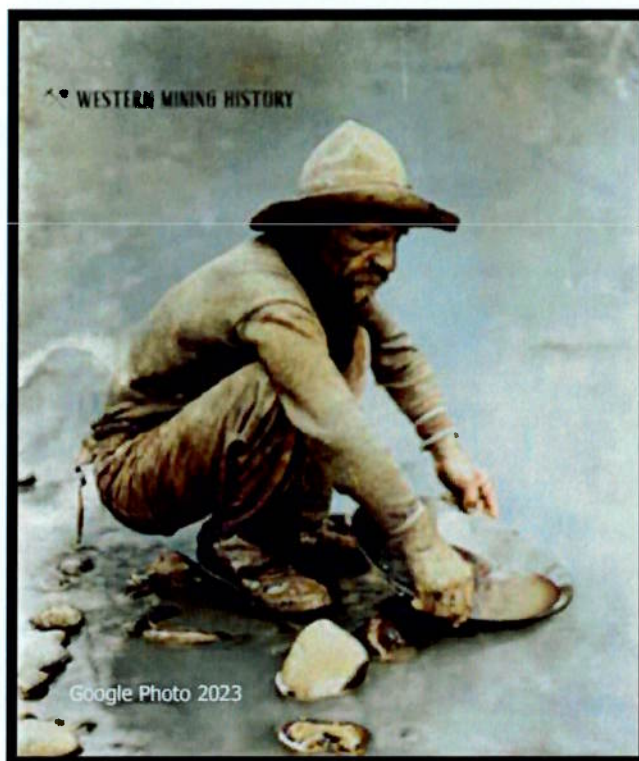


## **History**

Grizzly Flats is located 27 miles southeast of Placerville, between the North and Middle Forks of the Cosumnes River. Positioned in rough and wooded terrain at an elevation of nearly 4,000 feet, Grizzly Flats grew due to the quartz and hydraulic gold mining along the Cosumnes River.

Grizzly Flats has a long history. The name Grizzly Flats came about when L. L. "Buck" Ramsey arrived in 1850 to prospect for gold. While eating the evening meal, Buck and his fellow prospectors were surprised by the arrival of a grizzly bear. After this encounter, the men named their camp Grizzly Flats.

The Grizzly Flats streams were mined during the California Gold Rush. There was substantial activity using both lode and placer mining techniques for well over 100 years. Lode mining is accomplished by tunneling and placer mining uses the panning system. Mining activities increased during the 1930s.



Due to the discovery of gold, the area grew quickly, and the first post office opened on August 31, 1855. While many men came for gold, they stayed for the logging. Grizzly Flats was central to a prosperous logging industry also known as "green gold". By 1857, there were two sawmills in operation. Mountain School was built in 1858 and by 1880, there was a population of 837. The water system in Grizzly Flats is one of the earliest established water services in the State of California.

## **Grizzly Flats Water Services**

The water system was at one time a privately-owned company, Grizzly Park Water Company. The district obtains its water supply by the diversion of stream flows from North Canyon and Big Canyon Creeks, tributaries to the North Fork Cosumnes River. Surface water flows are diverted through the Eagle Ditch pipeline and are pursuant to water rights dating back to the 1850s. In 1987, ownership of the Grizzly Park Water Company was transferred to the newly formed GFCSD, which became responsible for operations.

### **Present**

Prior to the Caldor Fire, the 2010 United States Census reported that Grizzly Flats had a population of 1,066. The population density was 160.8 inhabitants per square mile, defining this as a sparsely populated area.



On Saturday, August 14, 2021, the Caldor Fire started east of Omo Ranch and south of Grizzly Flats. The fire was not fully contained until Thursday, October 21, 2021. Ultimately, the Caldor Fire burned 221,835 acres in the El Dorado National Forest and other areas of the Sierra Nevada in El Dorado County. In total, the fire destroyed 1,003 structures and damaged 81 more along the US Highway 50 corridor. Two-thirds of the GFCSD structures on developed parcels were destroyed by the fire including the local post office, elementary school, library, fire department, and community church.



The Caldor Fire inflicted extensive damage to the GFCSD water collection, processing, and delivery infrastructure. The GFCSD officials and employees reacted quickly to this disaster, despite the extremely dangerous conditions, and were able to persevere and continue to deliver water services to Grizzly Flats. The treatment plant was saved, potable water was being produced, and water to fight the fire remained available.

While several GFCSD employees were dealing with the loss of their own homes and property, the dedicated people of GFCSD continued to manage water operations to the best of their abilities. Repairs began immediately and continue as of the date of this report.

## **METHODOLOGY**

### **Interviews**

- Interviewed elected EDC officials;
- Interviewed an official of the El Dorado County Water Agency;
- Interviewed employees and officials of GFCSD; and
- Attended GFCSD Board meetings remotely.



## Documents Reviewed

- Historical data on Grizzly Park Water Company;
- Background on formation of GFCSD water services;
- GFCSD financial data for the past five years;
- The September 2022 “Municipal Service Review and Sphere of Influence Update” (MSR/SOI);
- District Emergency Procedures (GFCSD), updated 1/9/20;
- GFCSD “Conditions for Water Service Ordinance No. 88-1” ([Ordinance 88-1 Updated May 12 20221.pdf \(grizzlyflatscsd.com\)](#)); and
- GFCSD Board Minutes and Agendas (10/2021-3/2023).

## Location Inspections

- Conducted site visit of Grizzly Flats water facilities and surroundings (April 2023).

## **DISCUSSION**

GFCSD contains 1,220 total parcels, 598 of which are undeveloped. Prior to the Caldor Fire, 622 developed parcels were paying for water service.

During the period of the Grand Jury’s investigation, 465 of the 622 developed parcels continued paying for water service. Of the remaining 157 parcels lost during the fire, 98 parcels are being billed for water service, but the parcel owners are not paying. Fifty-nine (59) parcels are not being billed due to lost water connections (i.e., burned, broken, or buried water meters). These damaged connections are scheduled to be repaired by October 2023, at which time, billing will be reinstated.

During our investigation, the grand jury learned that many of the 98 parcel owners with an active water connection complained about receiving bills for a water service that is not being used at a burned-out property. In many cases, with no plans to rebuild, the parcel owners may never use water services again.

## **Water Rates**

Terms for water service are fixed by local ordinance "Conditions for Water Service Ordinance No. 88-1" adopted by the GFCSD parcel owners in September of 1988. Upon purchase of a parcel, the title holder on a property within the district "...is directly liable for satisfying all obligations to the district as established by Ordinance 88-1." Once a water connection is established for a parcel, the GFCSD policy does not allow the parcel owner to disconnect from water services. Changing Ordinance 88-1 will require a new Proposition 218. It is important to note that water bills are attached to the individual parcels, not the owners. Ultimately, past-due bills continue to accrue on a tax lien filed against the property for future collection.

There is a GFCSD policy to transfer service liens to the County tax roll every July 1. According to GFCSD, penalties are charged prior to a tax lien being filed. Water billing statements are dated on the last day of each month and shall be due on the 15th of the following month. A five-day grace period is allowed. Bills are considered past due on the 21st. If an account balance exceeds \$5.00 on the 21st of the following month, a 10% late charge is assessed for that account. If there are more than two months of unpaid charges on the customer's account, they receive a second-tier late charge for the 10% of the current balance and 1% of the past due balance. Upon parcel transfer of ownership, the tax lien can be satisfied, and any outstanding fees owed to GFCSD will be collected at that time if included in the purchase and sale escrow. GFCSD should make arrangements with the Assessor's office to be notified when a parcel changes ownership so the new address can be updated. Currently the GFCSD is notified of an ownership change every six (6) months.

## **Water Fees**

GFCSD has the singular responsibility to provide water services to Grizzly Flats parcel owners. Parcel water fees are governed by the State under the "Community Services District Law (Government Code Section 61000 – 61850)." Rates may be neither lowered nor raised without a new ordinance as required by Proposition 218. Presently, there are 598 undeveloped parcels.

There are three ways the GFCSD produces revenues: water standby/availability fees, monthly connection fees and a volumetric rate based on water usage.

Under the California Government Code, GFCSD has set the water standby or availability fee not to exceed \$48 per year or four dollars (\$4) per month. This fee is levied on all 1,220 parcels whether developed or undeveloped. These fees are not unusual and provide the base revenue for capital improvement water projects and cannot be changed because of the above government code section.

Prior to the Caldor Fire, 622 developed parcels of the total 1,220 parcels in the community were paying the minimum connection rate of \$68.97 monthly and an additional volumetric rate based on water usage.

From the September 2022 MSR/SOI, the total rate and fee income for FY 2019 water services generated approximately \$550,000 annually, which supported water district operations. The GFCSD staff consisted of six employees: an office facilitator; an Assistant General Manager; a General Manager and three field technicians. The GFCSD was structured to break even (MSR/SOI, page 43-44). Now, after the fire, the finances of the district are in peril due to fewer billable parcels. The GFCSD is currently losing about \$11,000 per month, which represents approximately 24% of their annual revenue. Information from the Board indicates that the GFCSD will face insolvency by August 2027.

To avoid insolvency, the rates must be increased by following the process outlined in Proposition 218. The GFCSD initiated the process by hiring a consultant in March 2023. The requirements to successfully complete the proposition process are expensive, time-consuming, and will take well into 2024 to be completed, and approved by rate payers.

## **Water Infrastructure**

The fire destroyed approximately 646 residences in Grizzly Flats (ABC 10 News, November 4, 2021). The GFCSD infrastructure was damaged by

heat and falling trees. The local utility company created a Community Wildfire Safety Program in September 2021, which includes burying power lines underground. GFCSD had a dated map of the underground water delivery infrastructure. As a result of burying the power lines, the local utility company inadvertently cut or damaged some existing water lines and pipes to properties. This has become an additional burden on GFCSD to repair the damage.



Any rebuilding in Grizzly Flats must meet State requirements for new construction. Residential sprinkler systems are one of the newer requirements. This will require larger diameter pipes from the GFCSD main water line to the residences (typically ½” increasing to 1”), without decreasing water pressure, and adding expense to the parcel. Additionally, there is a requirement for solar panels on every new or rebuilt structure. These new requirements further impact the cost of rebuilding burned out structures. The County has asked the State to waive these requirements, but no decision was reached before this report was published.

## **Communications**

Prior to the Caldor Fire, the GFCSD employees followed the District Emergency Procedure Policy. The Grand Jury discovered gaps in this plan. It does not address a disaster such as the Caldor Fire. The Grand Jury found that there was no contingency plan implemented which resulted in a disconnect in communication. This negatively impacted effective communication and coordination between GFCSD and the EDC Board of Supervisors, the El Dorado Water Agency, FEMA, and CalOES. This gap further resulted in the delay of receiving critical disaster funding until the El Dorado Water Agency stepped in to assist in the process.

## **Outside Funding Resources**

The Grand Jury discovered that the GFCSD lacked the resources to pursue available funding sources, such as State and federal grants, community charities, disaster relief funds, and any future opportunities. At the time of this report's publication, the Grand Jury is aware that GFCSD is likely to be receiving funding from outside sources within the coming fiscal year. Although future funding may be obtained by the GFCSD, this does not alter any of the Grand Jury's recommendations.

## **Conclusion**

The Caldor Fire has fundamentally changed the Grizzly Flats community. GFCSD is likely to have fewer customers going forward for years and may never return to the level of operations that existed before the fire. The GFCSD based its revenue on the assumption that 622 parcels would be paying the monthly base rate plus volumetric usage. The loss of volumetric revenue results in approximately \$11,000 less revenue each month and the GFCSD is headed toward insolvency. The GFCSD must take into consideration the loss of two thirds of developed parcels that are no longer using water and must reconfigure rates in accordance with the requirements of Proposition 218 to survive. How GFCSD will upgrade the water service infrastructure to meet current residential and commercial building requirements for new structures' sprinkler system remains an open issue.

## **FINDINGS**

- F1 The absence of a contingency plan resulted in delays in communication between the GFCSD and EDC, State, and Federal agencies which delayed emergency funding.
- F2 GFCSD is notified of a change in ownership of a parcel by the Assessor's Office every six (6) months.
- F3 A tax lien is placed on the parcel if the water service bill goes unpaid.
- F4 Every parcel with a water connection, as defined within the GFCSD Ordinance 88-1, will be billed for water service.
- F5 With the loss of two thirds of GFCSD structures, the existing water service rate is inadequate to meet the current revenue needs for the GFCSD.
- F6 Without an increase in revenue, the GFCSD will face insolvency by August 2027.
- F7 Damage to water lines by the local utility company while undergrounding electrical lines could have been minimized if an up-to-date subdivision parcel map of the water infrastructure existed.
- F8 The GFCSD lacked the resources to pursue available funding sources.
- F9 There is no published contingency plan in the event that the GFCSD becomes insolvent.

## **RECOMMENDATIONS**

- R1 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.

- R2 GFCSD Board should request the Assessor's office provide an update on sales of Grizzly Flats parcels to GFCSD quarterly. This should be accomplished by December 31, 2023.
- R3 In order to avoid insolvency, the GFCSD should pursue a new rate structure and approve it pursuant to the Proposition 218 process. This should be accomplished by June 30, 2024.
- R4 Once the Proposition 218 process is complete and a new rate structure is in place, the GFCSD should hire a licensed civil engineering firm to create an accurate water service infrastructure map. This should be accomplished by June 30, 2024.
- R5 The EDC Board of Supervisors should assign a dedicated resource for a six-month period to seek out and apply for grants from local, State and Federal sources, in assistance to the GFCSD. This should be accomplished by June 30, 2024.
- R6 The EDC BOS should develop, in conjunction with the GFCSD, a contingency plan should the GFCSD become insolvent. This should be accomplished by December 31, 2023.

**REQUEST FOR RESPONSES**

The following responses are required pursuant to Penal Code §933 and §933.05:

From the following individuals:

- GFCSD Board Chairperson
  - Findings: F1, F2, F3, F4, F5, F6, F7, F8, F9
  - Recommendations: R1, R2, R3, R4

From the following governing body:

- El Dorado County Board of Supervisors
  - Findings: F9
  - Recommendations: R5, R6



EL DORADO COUNTY  
GRAND JURY 2022-2023

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Continuity and Compliance Report  
Case #22-23 GJ05

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June 30, 2023



# EL DORADO COUNTY 2022–2023 GRAND JURY

## COMPLIANCE AND CONTINUITY REPORT

Case # 22-23 GJ05

### **SUMMARY**

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

### **BACKGROUND**

Each County's Grand Jury investigates County government operations during its one-year term. It can also investigate city governments, agencies, 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 requires responses to reported findings and recommendations from officials responsible for 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 the reports, results in reports most frequently published near the end of the term.

Responses must be made within 60 or 90 days from the date the grand jury report is published. All reports are published close to the end of the grand jury's term. Responses to grand jury reports are usually received after the issuing grand jury's term has ended. The subsequent sitting EDC Grand Jury receives the responses instead of the issuing grand jury. That grand jury must then evaluate those responses for statutory compliance and completion, providing a semblance of grand jury continuity.

## **METHODOLOGY**

The 2022-23 Grand Jury:

Reviewed California Penal Code §933 and §933.05 and other sections relevant to report responses, findings, and recommendations;

Reviewed the 2021-22 EDC Grand Jury reports and responses; and

Communicated with the Auditor-Controller after reviewing his responses. The Continuity Committee sent a letter, dated February 14, 2023, asking for an update. This was followed by three separate emails, dated March 10, 2023, March 23, 2023, and April 18, 2023, respectively.

## **DISCUSSION**

The current EDC Grand Jury reviewed responses to the 2021-22 Grand Jury reports. This review is intended to ensure that prior grand juries' work 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 EDC Grand Jury commends local agencies and districts which provided timely and compliant responses to prior grand juries' reports and their commitment to implementing recommendations for improving programs and services. However, in Grand Jury Case #21-02, Analysis of County Employee Timekeeping, and Case #21-06, Hotel Emergency Housing for Homeless Western Slope, the Auditor-Controller's responses to the 2021-22 Grand Jury's recommendations were incomplete.

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:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or

reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

### **Case #21-02 – Analysis of County Employee Timekeeping**

#### **Recommendation 3 – Employee Timekeeping**

The County Auditor-Controller should pursue modifications to Kronos that would enable time entry to be “locked” to employees after a 24-hour window following their workday to ensure timeliness of entry within 180 days of this report.

The Auditor-Controller responds that this recommendation requires further analysis but has not, as of the date of this report, provided an explanation, the scope and parameters nor a timeframe concerning his analysis.

#### **Recommendation 4 – Employee Timekeeping**

The County Auditor-Controller should implement internal semi-annual audits of time entry, confirming that time entered matches time worked and determining the accuracy of project coding within 120 days of this report.

The Auditor-Controller responds that this recommendation requires further analysis but has not, as of the date of this report, provided an explanation, the scope and parameters nor a timeframe concerning his analysis.

#### **Recommendation 5 – Employee Timekeeping**

The County Auditor-Controller should provide a written list of approximate proxy classifications eligible to approve departmental payroll in the department head's absence within 120 days of this report.

The Auditor-Controller responds that this recommendation requires further analysis but has not, as of the date of this report, provided an explanation, the scope and parameters nor a timeframe concerning his analysis.

#### **Recommendation 6 – Employee Timekeeping**

The Grand Jury recommends that the Chief Administrative Office and Auditor-Controller co-sponsor a committee to improve the communication between the Auditor-Controller Payroll Department and their counterparts in the other County departments within 90 days of this report.

The Auditor-Controller responds that this recommendation requires further analysis but has not, as of the date of this report, provided an explanation, the scope and parameters nor a timeframe concerning his analysis.

### **Case #21-06, Hotel Emergency Housing for Homeless Western Slope**

#### **Recommendation 2 – Hotel Emergency Housing**

The Auditor-Controller's Office should establish written procedures for processing credit card payments for emergency homeless hotel stays, including the process and procedures to be followed if there is hotel damage or unauthorized charges from the stay, and distribute throughout County departments. These written procedures should be distributed by September 30, 2022.

The Auditor-Controller responds that this recommendation requires further analysis and feels that this recommendation is not necessary if Health and Human Services Agency and Probation enter into contracts with the hotels that are utilized for emergency housing. The Auditor-Controller's Office, however, has not, as of this report's date, provided a timeframe concerning his analysis.

As a method to capture the results of the evaluation of the responses, this Grand Jury used Grand Jury Recommendations and Responses Summary Spreadsheets of prior reports created by the prior Grand Jury. The spreadsheets include reports completed by the Grand Juries by year (from 2000-01), categorizes them by topic, summarizes the recommendations and responses for follow-up actions, and tallies the results. Also, to better inform the public of the Grand Jury's work and of their recommendations, the spreadsheets will be included in the County's Grand Jury website. The intention is that the spreadsheets will be updated annually by subsequent Grand Juries.

## **FINDINGS**

- F1 Follow-up actions specified in the responses have been completed or are in the process of being implemented, except in the case of the Auditor-Controller for Case #21-02 and Case #21-06.

## **RECOMMENDATIONS**

- R1 The incoming Grand Jury should review the 2021-22 reports and responses for information.
- R2 Review the Auditor-Controller's responses to Findings and Recommendations of Case #21-02 and Case #21-06 and follow-up with the Auditor-Controller.



EL DORADO COUNTY  
GRAND JURY 2022-2023

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Correctional Facilities Summary

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June 30, 2023

**EL DORADO COUNTY**  
**2022–2023 GRAND JURY**  
**Penal Code §919(b) Requirement of the Grand Jury**  
**Correctional Facilities Summary**

**GLOSSARY**

BSCC	California Board of State and Community Corrections
Grand Jury	El Dorado County 2022-23 Civil Grand Jury

**SUMMARY**

A grand jury is required to “inquire” into the management and condition of “public prisons” in the county (Penal Code §919(b)), including local detention facilities that hold persons over 24 hours, such as a county or city jail. The duty to inquire may be satisfied by a site visit, an interview with the person in charge of the facility, or a review of the most recent report on the facility by the Board of State and Community Corrections (BSCC). However, the penal code does not require the grand jury to write a report about that inquiry. In fact, a report must be based on a full investigation, and not just an inquiry, since all the report's facts must be verified.

Established in 2012, the BSCC website states that it is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems. It provides expertise on issues related to the Public Safety Realignment Act (AB109), it serves as a data and information clearinghouse, and it provides technical assistance on a wide range of community corrections issues (Penal Code §6024-6025). In addition, the BSCC promulgates regulations for adult and juvenile detention facilities, conducts regular inspections of those facilities, develops standards for the selection and training of local corrections and probation officers, and administers significant public safety-related grant funding.

## **METHODOLOGY**

The Grand Jury reviewed the most recent BSCC inspection reports for the El Dorado County detention center facilities. The Grand Jury reviewed the May 4, 2022, inspection reports for El Dorado County South Lake Tahoe Jail, El Dorado County Main Jail, and El Dorado County Court Holding Facility. These BSCC inspection reports found no corrective action was needed. The Grand Jury also reviewed the BSCC letter dated January 10, 2023, regarding the unannounced inspection conducted on November 16, 2022, which found no corrective action was needed.

## **CONCLUSION**

Based on the review by the Grand Jury of the above reports, it was determined neither an onsite inspection nor an investigation was warranted. Therefore, no report was written.