

EL DORADO COUNTY 2021-2022 GRAND JURY

GRAND JURY CONTINUITY AND COMPLIANCE

Case 21-01 – June 13, 2022

The El Dorado County (County) Civil Grand Jury may appear to be an institution that exists continuously. However, it is actually a series of individual grand juries, each of which 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 Civil Grand Jury investigates County government 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 can require responses to reported findings and recommendations from those officials responsible for the subject of the report.

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

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

METHODOLOGY

- Reviewed California Penal Code §933.05 and other sections relevant to report responses, findings and recommendations;
- Reviewed the 2017-18, 2018-19, 2019-20, and 2020-21 El Dorado County Civil Grand Jury reports and responses;

- Communicated with multiple agencies after reviewing their responses; and
- Reviewed responding agencies' meeting agendas and minutes.

DISCUSSION

The current Grand Jury reviewed responses to the 2017-18, 2018-19, 2019-20, and 2020-21 Grand Jury reports. This review is intended to ensure that the work of prior Grand Juries is not disregarded. In most cases, responses were timely and complied with provisions of the California Penal Code. Further, follow-up actions specified in the responses had either been implemented, were in the process of being implemented, were not being implemented, or require further analysis.

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

As a method to capture the results of the evaluation of the responses, this Grand Jury created Grand Jury Recommendations and Responses Summary Spreadsheets of prior reports. 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 part of the County's Grand Jury [website](#). The intention is that the spreadsheets will be updated annually by subsequent Grand Juries. Attached is an example of one of the spreadsheets that summarizes the results of prior Grand Juries' reports.

FINDINGS

- F1. The relevant local agencies and districts responded to the 2017-18, 2018-19, 2019-20, and 2020-21 Grand Juries' reports properly.
- F2. The follow-up actions specified in the responses have been completed or are in the process of being implemented.

RECOMMENDATIONS

None

ATTACHMENT

- EL Dorado County Grand Jury Reports Summary

REQUESTS FOR RESPONSE

Responses to this report are not required or requested.

EL DORADO COUNTY GRAND JURY REPORTS SUMMARY

CASE NUMBER	FINDINGS	RECOMMENDATIONS	RECOMMENDATION ALREADY IMPLEMENTED	RECOMMENDATION WILL BE IMPLEMENTED	RECOMMENDATION NOT IMPLEMENTED	RECOMMENDATION NEEDS FURTHER ANALYSIS	RECOMMENDATION COMPLETED
SUMMARY OF EL DORADO GRAND JURY REPORTS							
2020/2021							
County Cemetery Management	6	4		2	1	1	2
Inspection of County Jails and Juvenile Treatment Center	3	3	1		1		
Grand Jury Continuity and Compliance	2	0	N/A	N/A	N/A	N/A	N/A
Following up on Mental Health Services Act Fund Spending	2	3	1	1	2	1	
West Slope Emergency Services - Joint Powers Authority and Ambulance Service	5	0	N/A	N/A	N/A	N/A	N/A
Investigation of El Dorado County Probation Department	25	13	2	3	5	3	2
2019/2020							
Pleasville City Police Facility, Citizens Deserve Better	1	3		3			2
South Lake Tahoe City Police Facility, Citizens Deserve Better	1	3		3			2
County Credit Cards	7	3		1	1	1	2
Policing Those with Behavioral Health Issues a Challenge for County Law Enforcement	11	6	3	3	2	1	3
County Vital Records Certificate Fees-Why so Expensive?	5	0	N/A	N/A	N/A	N/A	N/A
West Slope Fire Protection Update	6	1		5	1		5
County Airports	8	6		1	1		1
Jails and Juvenile Treatment Center Inspections	5	0	N/A	N/A	N/A	N/A	N/A
County Drone Use	2	1		1			1
TOTAL	46	25	3	16	4	2	15
2016/2019							
Moving Forward in County Fire Services Sustainability	6	2	1	1			1
Mental Health Services Act Fund Spending	3	3		3			3
West Slope Fire Protection Update	3	0		1			1
Electricity Challenges (Informative Report)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Grand Jury Continuity	0	0	N/A	N/A	N/A	N/A	N/A
A Fair Review	7	3		3			3
TOTAL	20	11	3	8	0	0	8
2017/2018							
Carrying the Work of the Grand Jury Forward	4	2					
Cameron Park Community Services District	10	5					
El Dorado Irrigation District California Public Records Act Compliance	2	2					
El Dorado County Fire Protection Consolidation	7	5					
How El Dorado County Can Navigate the CALPERS Crisis	5	5					
Oversight of Special District Mitigation Fees	3	1					
El Dorado County Jails Inspectors	7	6					
TOTAL	38	26					
2016/2017							
El Dorado County South Lake Tahoe Jail	6	6					
South Lake Tahoe Juvenile Treatment Center	3	3					
El Dorado County Sheriff's Office	7	4					
El Dorado County Workers Compensation Administration Program	6	2					
Georgetown Divide Public Utility District - Positive Changes and Continuing Challenges	8	5					
El Dorado County Legacy Application Migration and Maintenance Decommissioning Success	6	4					
Cameron Park Airport District - Calling and Viability Limited	8	6					
El Dorado County Pleasville Jail - Jail Inspection	13	4					
Looking Back and Looking Ahead	3	1					
TOTAL	59	37					

EL DORADO COUNTY 2021–2022 GRAND JURY

ANALYSIS OF COUNTY EMPLOYEE TIMEKEEPING

Case 21-02 – June 23, 2022

INTRODUCTION

This investigation reviews the El Dorado County (County) policies and procedures for the County’s employee timekeeping system.

BACKGROUND

Salaries and benefits comprise almost 40% of the County’s annual budget expenditures. In 2018, the County implemented the Kronos Data Systems Workforce and Telestaff Software (Kronos) to keep track of employee time worked and its allocation to various projects undertaken by the County. The change in the timekeeping system was required in order to interface with the County’s new accounting software, Munis (Tyler Technology) (sometimes referred to as “FENIX”).

County employees are divided into exempt and non-exempt categories. Non-exempt employees are paid on an hourly basis and are eligible for overtime pay; exempt employees are paid a salary and are ineligible for overtime. All employees (both exempt and non-exempt) must record their hours worked (as well as vacation, sick leave, etc.), both to determine pay and to allocate their time to various projects. All employees are paid biweekly.

Most County employees are covered by Memoranda of Understanding (MOUs). MOUs are agreements established between the unions and the County Board of Supervisors to determine pay rates and working conditions.

The intent of this investigation was to review the policies and procedures associated with the timekeeping system and to determine if there are any improvements to be made.

METHODOLOGY

The Grand Jury, in conducting this investigation:

- Reviewed County Board of Supervisors Policy E-1 – *Time Entry and Alternative Work Schedule Policy*, the document that governs time entry procedures for County employees;
- Watched a demonstration of the time entry process into Kronos;
- Reviewed County training and administrative documents governing payroll; and
- Conducted interviews with key County personnel from the Auditor-Controller Payroll Department, the Information Technologies Department, and payroll support staff from various County departments, as well as several Department Heads.

DISCUSSION

The purpose of timekeeping is to track time worked and resulting compensation. The County tracks time for the various rates of pay, vacation, and sick leave, as well as for various projects for which there may be outside recompense, such as grant, State, or Federal funding.

Without proper timekeeping, the County risks:

- Employees not working the hours they have recorded, resulting in the County paying for services they are not receiving;
- Employees working more hours than are recorded, resulting in a loss to the employees for time they have worked and potential issues with labor laws and MOUs;
- Time not being coded to the proper projects, resulting in a potential loss or delay of State/Federal funding/reimbursement or legal issues for the County; and
- Friction between departments due to a lack of documentation governing payroll, resulting in varying standards across the departments.

The County implemented Kronos in 2018 as the employee timekeeping system. The Board of Supervisors approved Policy E-1 *“Time Entry and Alternative Work Schedule*

Policy,” effective December 22, 2018. Paragraph III of Policy E-1 states that each employee is to “make entries into the Kronos system daily.”

Kronos is a software program that tracks time input by employees. Each employee is tasked with recording their own time into Kronos daily. Kronos then interfaces with the County’s financial software to administer employees’ pay. Time entry into Kronos also allocates employees’ time to different projects and programs, which supports the County in various ways, including budgeting, analysis, and support for accessing outside funds.

The Grand Jury found that in practice, employees tend to enter their time just before or after the deadline for payroll period approval, but not necessarily daily. There is a risk that the time entry is inaccurate because it has not been completed in a timely manner. Employees’ and managers’ recall of time worked and projects addressed may be inaccurate due to time passing, resulting in incorrect entry and project coding.

Written departmental policies and procedures have not been developed and implemented to establish a disciplined routine in response to the Board of Supervisors’ requirement for the daily entry of time worked. Kronos, as implemented by the County, does not have the capability to require daily time entry with a control system, as available with similar timekeeping systems. Other timekeeping systems are able to “lock out” users when they have not entered their time within a certain period.

In practice, each employee’s supervisor, manager, and director review and approve/disapprove the employee’s time entered in Kronos. As a result, each department establishes its own procedures and practices for the timeliness of time-entries in Kronos. An organization-wide written procedure that defines the process and timeline for approval has not been promulgated, resulting in this process being applied differently for each department.

After approval by the directors, under Policy E-1, “[the] department head is responsible for providing final approval for their respective department’s payroll either through direct review or approved delegated authority.”

A written policy/procedure has not been developed that defines who can approve the employee payroll/time worked for each department should the department head be unavailable. A letter must be signed by the department head, then submitted to IT and Payroll to change the proxy’s access. That person would then be capable of signing off for the head from their own account. Although a letter must be submitted by the department head to assign a proxy, there is no definitive written policy to guide who can be designated. There is a risk that the proxy could have a conflict of duties. In the

absence of the department head, a County-wide written procedure does not exist determining who has the authority to approve the departmental payroll.

The overall lack of written policies and procedures for the payroll process has led to some disagreement between the departments because there is no guiding authority on the way the process should be done. This leaves the process open to interpretation that can lead to differences of opinion and friction between coworkers.

From interviews conducted, there is low confidence that time recording is accurate. Department heads have demonstrated that they are very conscious that the money being spent is from taxpayers, and they want to be good stewards of those funds. This appears to be at odds with the lack of effort and attention placed on verifying the accuracy of timekeeping. To date, no internal audits on employee timekeeping accuracy have been conducted.

FINDINGS

- F1. Daily time entry, as required by County Policy E-1, is routinely ignored by employees and management.
- F2. There are no written procedures provided by Payroll to the individual departments on what needs to be done regarding time entry.
- F3. Kronos has not been enhanced with a “lock-out” function to meet the County requirement of daily entry of time worked.
- F4. Internal audits of the accuracy of employee time entries have not been conducted.
- F5. There is no written policy listing the people who can be substitute signatories on behalf of the department head.
- F6. Our interviews revealed that there is a weak working relationship or lack of understanding between Payroll and other departments.

RECOMMENDATIONS

- R1. The Grand Jury recommends that the Board of Supervisors reaffirm their commitment to the policy regarding daily time entry. The Board of Supervisors should also communicate this requirement to the Chief Administrative Officer (CAO) and the elected heads of the departments within 90 days of the date of this report.
- R2. In collaboration with the department heads, the County Auditor-Controller should provide written procedures for the daily time entry requirements within 120 days of the date of this report.
- R3. 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 the date of this report.
- R4. 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 the date of this report.
- R5. The County Auditor-Controller should provide a written list of appropriate proxy classifications who are eligible to approve departmental payroll in the absence of the department head within 120 days of the date of this report.
- R6. The Grand Jury recommends that the CAO and Auditor-Controller co-sponsor a committee to improve communication between the Auditor-Controller Payroll Department and their counterparts in the other County departments within 90 days of the date of this report.

REQUESTS FOR RESPONSE

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent’s control.

Please review *“How to Respond to an El Dorado County Grand Jury Report,”* a separate document included with this report.

The following responses are required in accordance with California Penal Code §933 and §933.05:

- Members of the Board of Supervisors – F1/R1
- County Auditor-Controller – F2/R2, F3/R3, F4/R4, F5/R5, F6/R6
- Chief Administrative Officer – F6/R6

EL DORADO COUNTY 2021–2022 GRAND JURY

INSPECTION OF COUNTY JAILS AND JUVENILE TREATMENT CENTER

Case # 21-03 – June 16, 2022

The 2021-2022 El Dorado County (County) Grand Jury (Grand Jury) conducted its annual inspections of the County jails and juvenile facilities located in South Lake Tahoe and Placerville. The inspections included a physical inspection of the facilities as well as interviews with staff. It has been two years since a physical inspection was done as COVID-19 forced the inspections to be virtual in 2020-2021.

BACKGROUND

Each year, the Grand Jury in each county is mandated by California Penal Code (PC) Section 919(b) to “inquire into the condition and management of the public prisons within the county.” The term “public prisons” was recently clarified in a California Attorney General (AG) Opinion (No. 18-103) dated March 10, 2022. The AG opined that the term “public prisons” in PC Section 919(b) includes “local detention facilities,” that confine prisoners for more than 24 hours. A county or city jail is a typical example of such a local detention facility. The AG concluded that each Grand Jury must inquire into the local detention facilities located within its county.

METHODOLOGY

Site Visits:

- Inspection of the South Lake Tahoe Jail in South Lake Tahoe was conducted on November 10, 2021;
- Inspection of the El Dorado County Juvenile Treatment Center (JTC) in South Lake Tahoe was conducted on November 10, 2021; and
- Inspection of the El Dorado County Jail in Placerville was conducted on January 5, 2022.

Documents Reviewed:

- Prior El Dorado County Grand Jury Reports;
- Board of State and Community Corrections (BSCC) 2018-2020 Biennial Inspection Report (Dated June 15, 2020);
- BSCC *Jails Inspection Handbook for Grand Jurors*; and
- California Grand Jury Association Detention Facility Inspection Form.

Interviews:

- El Dorado County Sheriff's Department staff; and
- El Dorado County Probation Department staff.

DISCUSSION

JAIL OPERATIONS

Inspections conducted of both jails included housing, holding cells, medical units, culinary facilities, indoor gym recreation facilities, library, classrooms, and control rooms. The main control room monitors the entire facility including adjacent grounds. Separate control rooms monitor the housing units. Also inspected were the booking/intake area, public access areas, isolation cells, and the sally port, which is a secure entrance where inmates are brought into the jail and processed.

County jails were built originally to serve as pretrial detention centers and to house criminals sentenced to no more than one year. Those subject to longer sentences were sent to State prison. County jails were not designed to house prisoners serving long-term sentences.

In 2011, the Public Safety Realignment Act [Assembly Bill (AB) 109], reduced California's overcrowded prison system by moving lower-level offenders to county jails. Consequently, counties became responsible for incarceration and all ancillary services related to long-term incarceration. Prior to AB 109, criminals were sent to state prison or county jail based mostly on length of sentence.

Inmates are classified to determine the housing unit where they will be assigned. The housing units, referred to as pods, house inmates depending on their ability to associate with others. Some inmates are housed in isolation, based on their criminal charges, combativeness, gang affiliation, mental state, and other issues that could make them a danger to others. Inmates with mental health issues are not segregated unless a safety and/or behavioral issue arises.

Officers monitor all pods from control rooms 24 hours a day. Each control room contains monitors showing all activity in each pod. From the control room, officers can remotely lock/unlock individual cells and give inmates directions by intercom.

The El Dorado County Office of Education (EDCOE) offers a wide range of educational classes at both facilities, including court-ordered narcotics and alcohol abuse treatment and anger management. Inmates can complete General Educational Development (GED) requirements, giving them an alternative to a high school diploma. EDCOE is working with both jails to upgrade the classroom technology. Inmates will soon be able to select from an expanded coursework menu of certification programs.

Inmates have numerous activities in which they may participate. They all have access to computer tablets for education and entertainment purposes. Permission to use the tablets depends on an inmate's good behavior. The Network Computer Integrating Company provides controlled internet access that is preloaded on tablets. Inmates may join religious services within the jail, or they can request a visit from a clergy member. Both facilities allow inmates to exercise in the yard for one hour, two to three times per week.

Both jails have culinary programs that have received many awards. To participate in the program, inmates must meet specific guidelines and complete a food safety course. Qualified candidates prepare daily meals under the supervision of a registered dietician and staff cook. Inmates also prepare meals for a variety of County functions. Food storage and refrigerated areas at both jails were clean and well organized. Cleaning fluids and other chemicals were labeled properly and stored safely. Knives and other sharp instruments are counted and secured when not in use.

Wellpath, an independent medical care provider, contracts with the County to provide services to inmates. During the day at both jails, a Registered Nurse (RN) is on duty. At night, a Licensed Vocational Nurse is on duty as well as an RN on call. Psychiatric/psychological services are also available.

SOUTH LAKE TAHOE JAIL

The jail was originally built in 1973 and was modified in the 1980's. The jail was inspected on November 10, 2021. Inmates are classified into the following categories: general population, maximum security, administrative separation, and discipline separation. The maximum capacity of the facility is 158 inmates. When inspected, it housed 102 inmates, 81 males and 21 females. There were 64 inmates awaiting trial and 38 convicted and serving a sentence; 23 of the convicted inmates have been housed longer than one year.

Since the previous virtual Grand Jury inspection in 2020-21, one inmate committed suicide, and there were nine attempted suicides. There were no deaths by other causes. An inmate awaiting trial escaped in November 2021 and was captured in March 2022.

It was noted during the inspection that many of the inmate programs had not been operating due to COVID and lack of staffing and volunteers. All the programs have resumed since the inspection except for the Parenting Class due to no instructor.

The facility was clean, graffiti-free, and well maintained. Everything appeared to be in working order and organized. Staffing meets the minimum standards established by BSCC.

Maximizing space is always a challenge and an ongoing effort. Plans were explored to reconfigure the "old side" of the jail, adding an eight-person housing unit and converting the "old yard" into a more accessible recreation area, in accordance with the Americans with Disabilities Act (ADA). The plans were not implemented as they were considered cost-prohibitive, and the facility's needs had changed.

PLACERVILLE JAIL

The jail was built in 1988. The jail was inspected on January 5, 2022. Inmates are classified into the following categories: general population, maximum security, administrative separation, discipline separation, and special needs. The maximum capacity of the facility is 303 inmates. When inspected, it housed 208 inmates. There were 159 inmates awaiting trial and 49 convicted and serving a sentence; 38 of those convicted have been housed longer than one year.

Since the previous virtual Grand Jury inspection, there were no escapes or deaths; however, there were four attempted suicides.

It was noted during the inspection that many of the inmate programs had not been operating due to COVID and lack of staffing and volunteers. All the programs have

resumed since the inspection except for Moral Recognition Therapy classes due to no instructors.

The facility was clean, graffiti-free, and well maintained. Everything appeared to be in working order and organized. Staffing meets the minimum standards established by BSCC.

A \$25 million grant, provided under California Senate Bill 844, has allocated funds for the jail's expansion. The expansion includes a separate housing unit for female inmates, a new medical wing increasing beds to 14, construction of several ADA-compliant cells, technical and programming spaces, and a computer lab. On January 13, 2022, the project moved forward with BSCC approving the project site. The next step involves the County identifying placement of utilities before proceeding to the State's Request for Qualifications/Request for Proposals process.

FACILITIES INSPECTIONS JUVENILE TREATMENT CENTER (JTC)

The JTC in South Lake Tahoe was built in 2003 and is a 40-bed facility. JTC was inspected on November 10, 2021, and at that time housed five male youths. The age range for youth placement in the facility is 14 to 25 years old.

Since the previous virtual Grand Jury inspection, there were no escapes or deaths; however, there were eight attempted suicides. JTC staff work to meet the youths' physical and health needs. The facility contracts with Wellpath for medical care. An RN is onsite in the morning, seven days a week, and a physician is at the facility one day a week. On-call medical services are also available. In addition, a mental health care program coordinator, therapist, psychiatrist, and other medical staff provide mental health care.

JTC is developing vocational educational programs, including a culinary one. EDCOE provides high school and community college instruction. Youths have a structured daily schedule that includes designated times for meals, exercise, hygiene, educational instruction, counseling, and a minimum of one hour participation in a program determined through an assessment by a probation officer (see attached Juvenile Treatment Center Daily Schedule).

Daily educational classes continued without interruption during COVID, with online instruction via the Internet. In-person classes have resumed at the facility. Visitations are conducted in person and by Zoom.

JTC has a Behavior Incentive Program (see attached) that encourages and rewards positive behavior. The Program awards youths with "dollars" and is unrelated to

consequences, which are utilized as learning tools to correct misbehavior. Youths cannot lose earned dollars, nor can the dollars be taken away based on misbehavior.

The facility was clean, graffiti-free, and well maintained. Everything appeared to be in working order and organized. Staffing meets the minimum standards established by the El Dorado County Probation Department.

FINDINGS

- F1. South Lake Tahoe Jail has not resumed the Parenting Class that was suspended due to COVID because of a lack of instructor.
- F2. Placerville Jail has not resumed the Moral Recognition Therapy classes that were suspended due to COVID-19 because of a lack of instructor.
- F3. The three facilities inspected were well-maintained and appeared to be in working order and organized.

RECOMMENDATIONS

- R1. South Lake Tahoe Jail should enlist or hire an instructor or implement a temporary alternative to resume the Parenting Class by December 31, 2022.
- R2. Placerville Jail should enlist or hire an instructor or implement a temporary alternative to resume the Moral Recognition Therapy classes by December 31, 2022.

ATTACHMENTS

- Juvenile Treatment Center Daily Schedule
- Behavior Incentive Program

REQUESTS FOR RESPONSE

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review "*How to Respond to an El Dorado County Grand Jury Report*," a separate document included with this report.

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

- Response to Findings F1, F2 and Recommendations R1, R2 are requested from the El Dorado County Sheriff's Department.

Procedure Number: F10
 Issued: 07/04
 Revised: 04/20

JUVENILE TREATMENT CENTER DAILY SCHEDULE

Time	Daily Schedule						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0715	Lights On	Lights On	Lights On	Lights On	Lights On	Lights On	Lights On
0730-0735	Morning Cleanup	Morning Cleanup	Morning Cleanup	Morning Cleanup	Morning Cleanup	Morning Cleanup	Morning Cleanup
0735-0740	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
0740-0745	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass
0745-0750	School / Graduate Activity / Sick Call	School / Graduate Activity / Sick Call	School / Graduate Activity / Sick Call	School / Graduate Activity / Sick Call	School / Graduate Activity / Sick Call	School / Graduate Activity / Sick Call	School / Graduate Activity / Sick Call
0750-0755	Recreation	Recreation	Recreation	Recreation	Recreation	Recreation	Recreation
0755-0800	Exercise	Exercise	Exercise	Exercise	Exercise	Exercise	Exercise
0800-0805	Shower	Shower	Shower	Shower	Shower	Shower	Shower
0805-0810	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
0810-0815	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass	Hygiene / Med Pass
0815-0820	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec	4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec
0820-0825	Open Recreation	Open Recreation	Open Recreation	Open Recreation	Open Recreation	Open Recreation	Open Recreation
0825-0830	Lunch	Lunch	Lunch	Lunch	Lunch	Lunch	Lunch
0830-0835	Hygiene	Hygiene	Hygiene	Hygiene	Hygiene	Hygiene	Hygiene
0835-0840	Interactive Journaling	Interactive Journaling	Interactive Journaling	Interactive Journaling	Interactive Journaling	Interactive Journaling	Interactive Journaling
0840-0845	Visiting / Alternative Activity	Visiting / Alternative Activity	Visiting / Alternative Activity	Visiting / Alternative Activity	Visiting / Alternative Activity	Visiting / Alternative Activity	Visiting / Alternative Activity
0845-0850	Large Muscle Exercise	Large Muscle Exercise	Large Muscle Exercise	Large Muscle Exercise	Large Muscle Exercise	Large Muscle Exercise	Large Muscle Exercise
0850-0855	Dinner	Dinner	Dinner	Dinner	Dinner	Dinner	Dinner
0855-0900	Hygiene	Hygiene	Hygiene	Hygiene	Hygiene	Hygiene	Hygiene
0900-0905	Shift Change	Shift Change	Shift Change	Shift Change	Shift Change	Shift Change	Shift Change
0905-0910	Open Recreation	Open Recreation	Open Recreation	Open Recreation	Open Recreation	Open Recreation	Open Recreation
0910-0915	Medication Pass	Medication Pass	Medication Pass	Medication Pass	Medication Pass	Medication Pass	Medication Pass
0915-0920	Shower	Shower	Shower	Shower	Shower	Shower	Shower
0920-0925	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out
0925-0930	Latent	Latent	Latent	Latent	Latent	Latent	Latent
0930-0935	Collect Hygiene Products	Collect Hygiene Products	Collect Hygiene Products	Collect Hygiene Products	Collect Hygiene Products	Collect Hygiene Products	Collect Hygiene Products

Legend:

- Hygiene
- Recreation
- Exercise
- Shower
- Breakfast
- Medication Pass
- Latent
- Collect Hygiene Products
- Lights Out
- Shift Change
- Large Muscle
- Dinner
- Open Recreation
- Visiting / Alternative Activity
- Interactive Journaling
- 4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec
- Recreation
- Exercise
- Shower
- Breakfast
- Medication Pass
- Latent
- Collect Hygiene Products
- Lights Out
- Shift Change
- Large Muscle
- Dinner
- Open Recreation
- Visiting / Alternative Activity
- Interactive Journaling
- 4-Pad Clean Up / 4-Pad Bedding / Washing / Clean Covered Rec

BEHAVIOR INCENTIVE PROGRAM

AUTHORITY:

Related JDF Procedures:

- G2 Juvenile Detention Facility Guidelines
- G5 Grievances
- G23 South Tahoe Challenge Guidelines
- M1 Schools
- M3 Commitment Programs – Chances, Choices, Changes
- M3.1 Chances Program
- M3.2 Choices Program
- M3.3 Changes Program
- M6 Challenge Program

PURPOSE

To establish a system that rewards positive behavior for youth in the Juvenile Detention Facility (JDF). The Behavior Incentive Program will be awarded as “dollars” and is unrelated to consequences, which are utilized as learning tools to correct misbehavior. The dollar system is utilized solely to reward and encourage positive behavior. Youth cannot “lose” earned dollars, nor can the dollars be “taken”.

GUIDELINES

Youth have the opportunity to earn ten (10) dollars per day for exhibiting appropriate behavior and attitude, following established guidelines and rules in the facility, and following directives in the youth’s program.

Youth also have the opportunity to earn eight (8) dollars per school day for exhibiting appropriate behavior and following the school directives and program expectations.

Youth are eligible to earn dollars through different time blocks throughout the day. Youth will begin each established time block with zero dollars and will earn dollars through the time block for demonstrating the above listed behaviors. The time blocks and available dollars which may be earned during the time blocks are listed below.

Dollar Amount Available and Time Blocks Defined

1 st Block 0600-1000 hours	2 nd Block 1000-1400 hours	3 rd Block 1400-1800 hours
\$2 Dollars for Behavior / Attitude / Following Facility Rules and Guidelines	\$2 Dollars for Behavior / Attitude / Following Facility Rules and Guidelines	\$2 Dollars for Behavior / Attitude / Following Facility Rules and Guidelines
4 th Block 1800-2200	5 th Block 2200-0600	School Days Monday - Friday
\$2 Dollars for Behavior / Attitude / Following Facility Rules and Guidelines	\$2 Dollars for Behavior / Attitude / Following Facility Rules and Guidelines	\$8 Dollars for Behavior / Attitude / Following School Rules and Program

Each shift is responsible for recording the earned dollars during the block of time, at the completion of the time block. School dollars will be recorded by officers at the end of the school day. All earned dollars will be recorded on the Dollar Chart.

Youth who do not attend school due to court, medical, or any other scheduled appointment during a school day will be able to earn the school dollars dependent on the youth's behavior and attitude during the school day hours.

Youth will earn dollars over seven (7) day increments, beginning on Saturday morning and concluding Friday night. Youth may earn a maximum of 110 dollars each earning period. Each Saturday morning, each youth will be provided with their individual JDF Purchase Order Sheet which will include the youth's name, date issued, and total number of dollars earned during the previous earning period (like a pay check). This JDF Purchase Order Sheet will be used by the youth to purchase incentive items listed on the sheet during the established purchase times.

Each youth are responsible for their JDF Purchase Order Sheet. Any lost, misplaced, or destroyed sheet will not be replaced and will result in any remaining dollars being relinquished.

Youth who are on Restricted (R) Status may earn dollars normally. However, youth on R Status may not make any purchases until the youth returns to Full Status or higher.

Youth may not "save" any unused dollars from one earning period to another and any unused incentive dollars will be discarded after the Friday evening purchase period.

Youth may not share any purchased food, drink, or hygiene items with another youth. Further, youth may not share or combine earned dollars with any other youth to make purchases.

Failure to earn dollars may be grieved through the formal grievance procedure.

Purchase Times:

Youth may purchase hygiene/shower related items at the beginning of showers each day.

Youth may purchase items other than hygiene/shower items at the beginning of Open Recreation each night.

Youth Use and Storage of Purchased Items:

Shower and hygiene items may only be used by youth during the established shower and hygiene times.

Food and drink items may be consumed during the recreation period which the item was purchased. Youth may not bring any purchased food or drink item to their sleeping room. Any items not consumed by the end of the recreation period will be discarded. You may purchase up to one (1) food and one (1) drink item per day.

Other items are for use in the sleeping room (i.e., radio, puzzle, sensory ball) and will be collected at the following day's purchasing time. Some items may have defined usage times on the JDF Purchase Order Sheet.

RESPONSIBILITIES

Deputy Probation Officers (DPO):

- Take into account the cognitive functioning emotional level and any disabilities of each individual youth when utilizing the Behavior Incentive Program and awarding dollars.
- Ensure youth is orientated to the Behavior Incentive Program and the Behavior Incentive Guidelines (form #572) are posted in the unit.
- Record the dollars earned at the end of each earning period on the Dollar Chart.
- Record any failure to earn dollars in a CSO Contact Summary in Caseload Explorer and noting the reasons why the dollars were not earned with the total number of dollars not awarded at the end of each earning period.
- Record school program dollars on the Dollar Chart at the completion of the school day.
- Inform and counsel youth in a timely manner on the reason the youth did not earn a behavior dollar and provide recommendations for how the youth can improve.
- Post the Dollar Chart updated with the previous day's earned dollars in the unit each morning where youth can access it.
- Offer eligible youth the opportunity to make purchases during the established purchase times. Fill out the youth's JDF Purchase Order Sheet marking each item purchased, when it is purchased, and total the remaining dollars left at the latest purchase period for the day.

Educational Staff:

- Take into account the cognitive functioning emotional level and any disabilities of each individual youth when utilizing the Behavior Incentive Program and awarding dollars including any applicable IEP or specialized program.
- Inform DPOs of each youth's dollars earned at the completion of each school day.
- Inform youth in a timely manner of any dollars not earned during the school day and the reason why the dollar was not earned with a recommendation for how the youth can improve.

Supervising Deputy Probation Officers:

- Monitor the Behavior Incentive Program to ensure objective and fair administration of the program to all youth.
- Ensure an updated Dollar Chart is posted in each living unit each day and is accessible by youth.
- Act as a liaison with educational staff for any issues in the application of the Behavior Incentive Program.

EL DORADO COUNTY 2021–2022 GRAND JURY

ELECTION OVERSIGHT OF GUBERNATORIAL RECALL ELECTION

Case #21-04 – June 13, 2022

SPECIAL NOTICE

This is not a traditional Grand Jury report based on an investigation. It is an informative report based on observations made by the El Dorado County Grand Jury during the Gubernatorial Recall Election of Governor Gavin Newsom on September 14, 2021. This report does not conform to the traditional investigative report paradigm. It does not have findings or recommendations. It presents conclusions reached by the El Dorado County Grand Jury.

BACKGROUND

As of November 14, 2021, there were 137,856 registered voters in El Dorado County (County).

California Senate Bill (SB) 450, the “California Voter’s Choice Act,” became law in 2016. It allows voters more options to cast a vote. All registered voters are automatically mailed a ballot 28 days before the election. Voters can either return their ballot by mail, deposit their ballot at a Drop Box at specified locations, or cast their vote in person at any County Vote Center. Vote Centers also function as problem resolution hubs for voters who have questions or issues with their ballots. In April 2019, the El Dorado County Board of Supervisors approved the implementation of SB 450 reforms to begin with the 2020 elections.

Californians who prefer access to or continue to need in-person voting – including individuals with disabilities, individuals who speak languages other than English, homeless individuals and others – will still be able to access in-person voting at Vote Centers.

During the Gubernatorial Recall Election, there were three County Vote Centers that were open 11 days before Election Day (September 14, 2021) with an additional three Vote Centers open 4 days before Election Day.

Since 2020, every registered voter in El Dorado County receives a ballot in the mail and has three options to cast their ballot as follows:

- Use the provided postage-paid return envelope to mail their ballot to the County Elections Department (County Elections).
- Drop the ballot into a secure Drop Box. No postage is required.
- Vote in person with an accessible voting machine any time the Vote Centers are open. Residents can register and vote the same day. They can also get assistance and voting materials in several languages.

METHODOLOGY

Observations and Interviews:

- On August 10, 2021, members of the El Dorado County Civil Grand Jury (Grand Jury) toured County Elections.
- On September 14, 2021, Grand Jury members observed County Elections processes of the Gubernatorial Recall Election at Vote Centers, various Drop Box locations, and County Elections.
- Grand Jury members interviewed County Elections staff and Vote Center workers.

Documents and Websites Reviewed:

- California SB 450, Chapter 832, September 29, 2016, "Elections: vote by mail voting and mail ballot elections;"
- County Elections Website (<https://www.edcgov.us/Government/Elections>);
- California Secretary of State's (SOS) Office, Elections and Voter Information (<https://www.sos.ca.gov/elections>); and
- Processes, procedures, and training documents provided by County Elections.

DISCUSSION

PROCESSING VOTE-BY-MAIL AND DROP BOX BALLOTS

Grand Jury members were given an informative tour of County Elections by staff on August 10, 2021. Members observed the entire election process from receiving vote-by-mail ballots, batching ballots, verifying signatures, and adjudicating ballots, as well as preparing counted ballots for storage during the requisite retention period (22 months). It was noted that staff always work in pairs to ensure process integrity.

Vote-by-mail ballots are delivered directly to the secure County Elections warehouse. Drop Box ballots are picked up on a regular basis by County Elections staff and delivered to the secure warehouse. The County Elections warehouse has an alarm, locking doors, camera monitoring, and is located inside another building. Ballots are securely stored in this warehouse.

Initially, ballots received in Elections are separated by vote-by-mail ballots and Drop Box ballots. Additionally, Drop Box ballots are separated by Drop Box to track how many ballots were picked up from that specific Drop Box, and the ballots are separated by the day the ballots were picked up and received by County Elections.

Unopened ballots are then run through the Agilis System (not a part of the Dominion System) which captures an image of the envelope (specifically, the ballot ID from the barcode), and it captures an image of the signature on the return envelope for signature verification. A file with all voter signatures is loaded onto the Agilis System. Signature verification is conducted electronically, comparing the ballot signature with the voter registration database.

All returned vote-by-mail ballots are required by Election Code to be signature checked against the signature on file in the voters' registration record. When a signature cannot be verified or there is no signature, human review is the next step. County Elections staff, trained in signature verification, will review the ballot envelope signature against the voter's signature in the voter registration record and either accept or challenge the signature. Accepted ballots are batched into groups of 100 and assigned unique batch numbers that remain with the batch throughout processing.

Signature-challenged ballots or ballots with no signature are set aside to go through follow-up processing by staff. A colored postcard is sent informing the voter to contact County Elections to fix the signature problem so that their ballot can be counted.

Accepted ballots are then opened. Once opened, each ballot is electronically reviewed and if flagged by the system, two reviewers check for irregularities and determine

voter's intent. Marks from a damaged ballot are transferred to a new ballot, so it can be read by the tabulating machine. Every change made to a ballot is initialed by two reviewers.

Throughout Election Day, ballots in each batch are fed into tabulating machines when there are enough verified batches and staff available. The unique batch number is entered into the tabulating machine before counting starts.

Ballot batches are then retained onsite in the secure warehouse, in the event an official canvass of votes is required after the election. This information is also transferred to a secure portable drive retained by the Registrar.

While County Elections staff tabulate votes from vote-by-mail ballots as they are processed, no vote totals are accessed or released to anyone, including County Elections officials, until after the polls close at 8:00 p.m. on election night.

Additionally, the Grand Jury was able to examine and test a Drop Box which only allows enough room for one vote-by-mail ballot to be deposited at a time.

THE ELECTION MANAGEMENT SYSTEM

The prior County Election Management System (Diebold) was purchased and installed in 2005. That system used Windows 2000 which is no longer supported by Microsoft, and replacement parts were not readily available. The SOS issued a directive that voting systems purchased before 2014 needed to be upgraded for certification by August 2019, in preparation for the 2020 general election. County Elections prepared a Request for Proposal to purchase a new Elections Management System.

A County committee comprised of various members of the local community selected the Dominion Democracy Suite Election Management System (Dominion Voting System) to replace their aging Diebold system. The Dominion Voting System, ImageCast Central System, was chosen for its modern, secure design, complying with the newest Federal Election Administration Committee guidelines, as well as California's more rigorous standards. The Dominion Voting System was fully tested and certified by the SOS Office.

Access to the County Dominion Voting System is limited, both physically and electronically. The Dominion Voting System is secured in the Ballot Tabulation Room, which has 24-hour cameras monitoring the area and limited card key access, as well as no outside network connectivity. The only way to access the system is to be physically in the same room as the server. Only the Registrar, Assistant Registrar and two permanent Elections staff have access to the Ballot Tabulation Room and system

passwords. The system features high speed scanners located in a secure room, where vote-by-mail, Drop Box and in-person ballots are counted. Ballots are adjudicated (voter intent determined) using a system that allows on-screen review of every ballot, allowing increased transparency in the voting process.

Additionally, according to the State Elections website, California Counties are required to abide by a stringent set of rules and regulations regarding implementation and use of a voting system. A few notable rules and regulations include:

- performance of logic and accuracy testing on voting systems prior to each election.
- ensuring specific procedures for programming, deployment, and use of voting equipment during elections are met.
- a full 1% post-election manual audit to ensure all voting system tallies match the hand counted tallies.

In El Dorado County, all votes are cast on a paper ballot, ensuring 100% auditability.

County Elections also conducts a risk limiting audit (RLA) of contests contained within the County, and a manual 1% hand tally on the remaining contests. The RLA is a procedure that provides strong statistical evidence that the election outcome is correct or has a high probability of correcting an outcome that would match a full hand count of the ballots. The audit itself requires people to examine and verify more ballots in close contests and fewer ballots in contests with wider margins. No RLA was required for the 2021 Gubernatorial Recall Election since this was not a local contest.

Ballots at Vote Centers are produced with a Ballot-on-Demand system, eliminating wasted, unused ballots at the end of every election. Voters at Vote Centers have the option of using Dominion's ImageCast X Ballot Marking Device, which prints a marked vote (paper) record that can be counted just like any other ballot.

Voters desiring to vote from home with the same options as the ImageCast X can use the County's Remote Accessible Vote by Mail System (RAVBM), which presents the voting process in a screen-ready friendly format and allows the voter to make their voting choices independently and privately using a device with which they are already comfortable. Registered voters are required to pre-register with County Elections by completing a RAVBM Application and having an email address and access to a printer to use the RAVBM process.

Voters using the RAVBM mark their choices on their computer screen by clicking on the candidates' names and/or local measures they wish to select, and then printing the ballot. They complete the Voter's Declaration/Oath of Voter, seal the ballot in an

envelope and place both in another envelope that can be mailed to County Elections or dropped at a Vote Center or a Drop Box.

The vote counts are electronically sent to the California SOS Office independent of the Dominion System.

OBSERVATIONS

Vote Centers

Vote Centers had three Check-In Stations and one Ballot Station to print provisional ballots for voters who have lost their ballots, who want to change their vote, or who register to vote that day. Stations were staffed by high school students who earn school credits for assisting and volunteers who receive a stipend. Vote Centers have a County Elections Inspector who oversees the operations and answers questions that volunteers are unable to provide.

Three automated voting machines were set up at each of the Vote Centers to give voters the option of using Dominion's ImageCast X Ballot Marking Device, which prints a marked vote record that can be counted just like any other ballot. Long tables were set up for paper voting with cardboard shields to offer privacy, and the ballots were dropped in a box on-site. There was an additional box at the Vote Center for voters to deposit their vote-by-mail ballots.

County Elections on Elections Day

Grand Jury observers had to sign the entry log to enter the County Elections area. They saw several batches of ballots scanned in the Tabulations Room and watched two staff members adjudicate ballots for irregular marks and attempt to determine voter intent. They were able to see and discuss the process used by staff in determining the intent of the voter.

Grand Jury observers also saw staff drop off over 800 ballots from the Drop Box located outside County Elections which was collected every two hours by two clerks.

CONCLUSIONS

The Grand Jury developed a much greater appreciation for County Elections staff and the procedures they must perform to make our election processes function efficiently and accurately.

Members of the Grand Jury were confident with the integrity of the signature verification process (machine checked and human eye review) and the Dominion Voting System and all the options it provides to the voters and County Elections staff. The system provides an important level of security with checks and balances to uphold the integrity of the voting process.

County Elections staff are knowledgeable of the software and hardware of the Dominion Voting System. Overall, the Grand Jury is extremely impressed with the integrity of protocols and procedures developed and implemented by County Elections for mail-in ballots, as well as in-person voting.

EL DORADO COUNTY 2021–2022 GRAND JURY

COUNTY STAFFING CHALLENGES

Case 21-05 – June 23, 2022

SUMMARY

The El Dorado County (County) Grand Jury investigated the County-wide issue of low staff levels and low compensation. Further, the Grand Jury reviewed the recruiting process and staff retention. A review of the budget vs actual for salaries and benefits for the last few years has demonstrated a consistent payroll and benefits budget surplus in the millions of dollars, indicating that not all budgeted positions have been filled.

METHODOLOGY

The Grand Jury, in conducting this investigation:

Reviewed:

- Class and compensation study completed by Koff & Associates, a compensation consulting firm, in 2017;
- Updated compensation reports completed by County Human Resources Department, using position classifications from the Koff & Associates 2017 report;
- “The Real Cost of Employee Turnover in 2021” by the TERRA Staffing Group (<https://www.terrastaffinggroup.com/resources/blog/cost-of-employee-turnover/>);
- “The True Costs of Employee Turnover” by Kate Heinz (<https://builtin.com/recruiting/cost-of-turnover>);
- Current County compensation levels;
- County budget vs actual spending on payroll and benefits; and
- Vacancy postings on the County website.

Interviewed:

- County personnel from the Human Resources Department; and
- Various County Department Heads and staff.

DISCUSSION

The County has had challenges in filling vacant positions for many years; the COVID-19 pandemic has exacerbated this issue. County management and supervisory employees have repeatedly used the phrase “training ground” in reference to employment with the County. Many staff gain their experience and knowledge and then leave to work for better compensation in other counties or private industry. This exodus of staff from the County, including the costs of recruiting and training, as well as the loss of institutional knowledge, is of concern to the taxpayers as a waste of resources.

In interviews with staff members, the Grand Jury discovered that one of the main reasons for leaving is remuneration. The County Board of Supervisors commissioned a class and compensation study from Koff & Associates (Koff) in 2017 to attempt to bring compensation up to the median pay of comparative counties. The study used Placer, Butte, Merced, Napa, Sacramento, Shasta, Sutter, Tuolumne, Solano, Nevada, and Yolo counties, and the State of California to calculate compensation amounts.

While several of the counties included in the Koff study are comparable in population and composition to the County, they are not significant competitors for the workforce living in or near the County. It would be valuable to place more emphasis on Placer and Sacramento counties, and even including Amador County, as these would be competitive locations for potential staff. This analysis also did not include the substantially higher pay of private industry, leaving the County struggling to keep employees who can be paid significantly more for similar work.

The County used the results of the Koff study as a guide for increasing employees’ salaries during the 2017 through 2021 timeframe, although the Human Resources Department has updated the amounts and finetuned some of the classifications. The County’s goal was for the employees’ salaries to ultimately reach the adjusted median salary. Each year, 2017 through 2021, the employees’ salaries were increased below the adjusted median level, with the result the County salaries consistently undershot that median. On April 19, 2022, the Board of Supervisors (BOS) approved an employee salary increase to meet the recalculated median.

An additional challenge faced in determining compensation for County employees is the calculation of total compensation. The County provides many benefits, including pension and health insurance, in the compensation packages, so while a weekly paycheck may be less for a position in the private sector, total compensation may be similar. However, for many reasons, people may opt for a higher wage or salary rather than a better benefits package, resulting in a smaller selection of potential candidates.

Although there has been no study completed to determine the specific costs of hiring new staff, there is an unquantified cost to County services. The elements of these employee turnover costs include attracting and hiring new employees, training expenses, loss of institutional knowledge, personal burnout of overworked staff who are covering for understaffed positions, and the ultimate decrease in services to the citizens of the County.

From the articles, “The Real Cost of Employee Turnover in 2021” by the TERRA Staffing Group (<https://www.terrastaffinggroup.com/resources/blog/cost-of-employee-turnover/>) and “The True Costs of Employee Turnover” by Kate Heinz (<https://builtin.com/recruiting/cost-of-turnover>), employee turnover costs are typically described as a percentage of annual salary. While a generic turnover cost can be applied to an organization, the generic turnover costs are based on averages. A calculation using the following factors can be used to compute the cost of employee turnover:

- Pre-departure costs – departing employee’s lost productivity is 60 percent of weekly hours;
- Vacancy cost -- cost of overtime and added shifts to replace departing employee hours;
- Orientation and training cost -- number of hours in lost productivity resulting from orientation and training of a new employee;
- Administration and hiring tasks -- hours spent on administration and hiring tasks, such as job description development, advertising, resume screening, interviewing, and onboarding (the process of orienting and training new employees); and
- Additional hiring costs – background checks, drug tests, assessments, and search firms.

The calculation can be made for either an individual position, a department or the entire organization. In general, according to the article “The Real Cost of Employee Turnover in 2021,” employers spend an average of 33% of a worker’s annual salary to replace one employee. For an employee earning \$60,000 per year, the cost to replace the employee is approximately \$20,000.

There are unmeasurable real costs, that are not included in the calculation, such as the negative impact on morale and staff burnout that employee turnover causes.

The recruitment process can take from seven weeks to eight months. Most routine postings are posted for two weeks, with an additional week for review by the Human Resources Department before the manager receives potential applicants. The interview process may take an additional two weeks, followed by another week or two to perform background checks. More specialized positions tend to take longer. This lengthy process has resulted in the loss of applicants during the recruitment phase, leading to understaffing of positions. The County maintains a potential employment list for some positions, mainly hourly employees, but, due to lack of applicants, these lists are not at a desirable level.

The recruitment challenges have been compounded by a general lack of qualified applicants. Some job descriptions in postings have been rewritten if there have been no qualified applicants, but that rewriting suggests the specifications may be higher than required from the start.

With the pandemic, the County has increased telework opportunities for the majority of its staff. The Grand Jury commends this shift to a more hybrid-based schedule and encourages the growth of this system to the extent possible.

Team-building exercises and employee recognition are common practices to improve morale among staff. The Grand Jury learned that one department used to have annual luncheons to strengthen camaraderie. These programs can be implemented quite easily and economically with the aim of increasing employee fulfillment at work, and thus, retention of staff.

Staff turnover and the inability to fill staff positions may ultimately harm the end user of the County services: the taxpayer. Through several interviews, the Grand Jury has met with many dedicated employees who are very cognizant of their role as stewards of the tax revenues but are unable to complete all the tasks given to them. Positions have stayed vacant because of the inability of the County to pay a salary comparable to what they would receive in another position, and staff are reportedly burning out due to having to cover vacant positions.

The County has no clear understanding of the trade-offs between the cost of increasing salaries vs the costs of recruiting, training, and turnover.

FINDINGS

- F1. The County has historically set pay levels below the median of other counties, based on compensation studies; as of April 19, 2022, they have adjusted this upward to meet the median.
- F2. The comparative compensation levels determined by the County include other California counties and the State of California, but do not include local private industry.
- F3. Many employees see the County as a place to develop their skills and then leave for higher-paying positions in other counties or private industry, resulting in the County paying for training for which it does not receive the ongoing benefit.
- F4. The County does not have knowledge of the cost of hiring a new individual, including the recruitment process, County training, and learning the role, duties, and responsibilities.
- F5. Due to the length of time required to complete the recruitment process, departments have lost potential candidates.
- F6. If there are not enough acceptable applicants for a position, the hiring department and the Human Resources Department can rewrite the specifications and advertise a revised position listing to attract more potential recruits.
- F7. With the pandemic, the County is attempting to become more telework-friendly by allowing certain staff to work from home. This tends to be on a hybrid schedule, as determined by an employee's manager.
- F8. Many managers expressed that there is a lack of morale among staff due to low staffing levels contributing to burnout and more staff attrition.

RECOMMENDATIONS

- R1. The Board of Supervisors should direct the Chief Administrative Officer to provide an annual recommendation to maintain, at a minimum, pay levels in the County at the calculated median total compensation, based on comparative analysis.
- R2. The Board of Supervisors should ensure that future compensation studies include pay levels only from Sacramento and Placer Counties and, where appropriate, similar classifications in local private industries.
- R3. The Board of Supervisors should direct staff to develop and implement policies that focus on employee retention as a priority within one year of the date of issue of this report.
- R4. The Board of Supervisors should commission a study into the true cost of recruiting and training new hires within one year of the date of issue of this report.
- R5. The Human Resources Department should maintain ongoing lists of potential candidates for all positions to decrease time to bring in new employees and keep the application process for lower-level positions open on a continuous basis, within 90 days of the date of issue of this report.
- R6. The Human Resources Department, in conjunction with County departments, should review that job descriptions are written to the lowest possible level for the position (especially recurring) to ensure the largest selection for that role, completed within 180 days of the date of issue of this report.
- R7. The Chief Administrative Officer, in conjunction with the Human Resources Department, should expand the option of the hybrid telework model to as many positions as are practical within 180 days of the date of issue of this report.
- R8. The Board of Supervisors should direct the Human Resources Department and elected department heads to implement a program to foster teamwork and morale-building throughout the organization within 180 days of the date of issue of this report.

REQUESTS FOR RESPONSE

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review "*How to Respond to an El Dorado County Grand Jury Report*," a separate document included with this report.

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

- County Board of Supervisors – F1/R1, F2/R2, F3/R3, F4/R4, F8/R8
- County Chief Administrative Officer – F1/R1, F2/R2, F3/R3, F4/R4, F7/R7, F8/R8
- County Human Resources Director – F5/R5, F6/R6

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EL DORADO COUNTY 2021–2022 GRAND JURY

HOTEL EMERGENCY HOUSING FOR HOMELESS WESTERN SLOPE

Case #21-06 -- June 23, 2022

SUMMARY

El Dorado County (County) houses homeless individuals and families in hotels located within the County. Programs receive funding from State and Federal governments to cover the costs of housing individuals experiencing homelessness. The County departments that use these funds to provide emergency housing services to the homeless include the Health and Human Services Agency (HHS) and the Probation Department (Probation). Currently, the County primarily pays hotels by check instead of by the more expedient credit card payment. This has resulted in few local hotels willing to participate in supplying emergency housing due to the long wait times to receive payment from the County. The lack of hotels has led to homeless people primarily being housed at a single hotel in Cameron Park.

BACKGROUND

Probation emergency housing is used by any Probation Officer who has a Justice Involved Individual (JII) experiencing housing instability. Emergency housing is commonly used for offenders who are under a formal grant of probation, who were released from custody, or who are under Post Release Community Supervision (offenders returning to the community from prison and trying to re-establish themselves back into County society). Emergency housing may be for a single night or for more than a month, depending on the client's needs.

Under HHS, emergency housing can be used by:

1. The California Work Opportunities and Responsibility to Kids (CalWORKs) - Housing Support Program (HSP) to provide a hotel stay to families at the discretion of HHS. HSP is a state-funded program which assists homeless CalWORKs families to quickly obtain permanent housing.
2. The Family Stabilization Program, a part of CalWORKs, provides temporary services to families who are homeless, or at risk of becoming homeless, or

experiencing transportation or other emergencies impairing participation in Welfare-to-Work activities and employment.

3. Child Welfare or Child Protection Services can also provide emergency housing. Child Protection Services helps to identify, treat, and reduce child abuse and neglect. Emergency housing may be for a day, but not to exceed 16 days. However, stays can be extended in certain circumstances.
4. Full-Service Partnership and Homeless Mentally Ill Outreach Treatment Behavior Health programs can use emergency housing. These programs work with mental health patients.

METHODOLOGY

The Grand Jury, in conducting this investigation:

- Interviewed County Departmental personnel;
- Interviewed County elected officials;
- Reviewed El Dorado Opportunity Knocks Continuum of Care Documents;
- Reviewed County Board of Supervisor meeting minutes;
- Reviewed complaints on social media from County residents;
- Attended Homeless Outreach meetings; and
- Reviewed County Departmental policies and procedures.

DISCUSSION

The Grand Jury reviewed reports from Probation and HHSA for documenting hotel stays by their clients. From June 2019 through September 2021, HHSA utilized the Cameron Park Quality Inn (Quality Inn) for emergency/temporary housing of 28 families. In Fiscal Year 2020-21, Probation's hotel stays for JII clients at the Quality Inn Hotel had 14 clients totaling 292 nights, and the Courtyard by Marriott in Folsom had 1 client for 10 nights. Probation reported that 67% (10) had a high-risk supervision level, 27% (4) medium risk level, and 6% (1) low risk level. A low-risk offender is one with a relatively low probability of reoffending (few risk factors), while a high-risk offender has a high

probability (many risk factors). In contrast, lower-risk offenders receive lower levels of supervision, while the higher risk clients need more face-to-face contact with Probation. Key components that contribute to the risk of probation violation include a history of chronic crime, low socioeconomic status and/or unemployment, varied stressors associated with legal supervision, and insufficient ability to deal with social pressures. One JII client reoffended during this time period while staying at the Quality Inn.

The Grand Jury learned from both HHSA and Probation that they utilized the Quality Inn for its homeless clients because the Quality Inn would agree to invoice and wait to be paid by check.

As a supervising agency, Probation supports housing in a location proximate to the Probation Office in Shingle Springs. Officers visit the location weekly or more often to monitor and provide support to clients while they are in residence. Further, services within walking distance of the hotel include stores, restaurants, public transportation, and possible employment opportunities.

County officials/employees at HHSA and Probation, based on prior institutional knowledge, were under the impression the Auditor-Controller's Office required them to only use hotel vendors who would accept the terms of payment by check through an invoice, rather than the more expedient and convenient use of a credit card. The Auditor-Controller's Office stated this was never the policy. This perception prevented and/or dissuaded HHSA and Probation from using County credit cards when purchasing hotel stay services for their clients. Interviews revealed that a hotel in El Dorado Hills was initially willing to take part in the emergency housing program for County clients, but due to the extended timeline for payment by check, ultimately declined to do so. This extended timeline for payment by check limited the number of hotels that the County was able to use for emergency housing and resulted in an unequal distribution of clients being housed at the Quality Inn. With greater purchasing flexibility, it would be likely the County could use hotel vendors outside of the Cameron Park area when it was most appropriate for the client's needs.

The Grand Jury was concerned by the lack of written procedures and communication between the Auditor-Controller's Office and both HHSA and Probation management to clear up this misconception, as well as the lack of cooperation to ensure a smooth and efficient payment process for local hotel vendors. Although there is some communication now between them about this issue, it is accusatory and reactionary instead of cooperative to fine tune the process. The County's Chief Administrative Officer (CAO) should request more productive communications between the departments to increase the number of local hotel vendors and to ensure swift payment for services. After all, the hotel vendors are supplying a service to the County.

HHSA has procedural guidelines for processing hotel vendor invoices within 30 days of receipt that include internally approving invoices and sending them to the Auditor-Controller's Office for payment. There were several instances in 2021 in which HHSA did not follow its guidelines, resulting in vendors not getting paid for several months from the receipt of invoice by HHSA.

There are no contracts between the County and the hotel vendors it utilizes. Both HHSA and Probation use an "established relationship" with the hotels. Probation does have an Authorization for Services document it provides to the hotel that indicates a maximum nightly rate and requires clients to sign an agreement that says it is the client's responsibility to pay for damages. HHSA has similar documentation. While there have been a few instances of damage, it has been minimal and has been paid for by the related department. The Auditor-Controller's Office has suggested that a contract be executed between the County and hotel vendors to include provisions for damages and unauthorized expenditures.

FINDINGS

- F1. Probation and HHSA have a limited number of hotels available to them, resulting in both departments using the Quality Inn at a disproportionately higher rate than other hotels.
- F2. HHSA, Probation, and the Auditor-Controller's Office do not have written procedures detailing the credit card payment process for emergency homeless hotel stays, including the process and procedures to be followed if there is hotel damage or unauthorized charges from the stay.
- F3. The Grand Jury found examples that HHSA did not follow its written procedures for invoice approval.
- F4. HHSA and Probation were under the impression they were unable to use credit cards for hotel stays. While no written procedures on this matter were found, the perception was strong enough for these departments not to use credit cards for hotel stays and instead, send approved invoices to the Auditor-Controller's Office for payment by check to the hotel vendor.
- F5. There are no formal contracts in place between the County and hotel vendors.

RECOMMENDATIONS

- R1. The CAO should direct County departments to coordinate housing stays and work to use an expanded list of hotels, as appropriate, for emergency housing of their clients on the Western Slope. This directive should be given by September 30, 2022.
- R2. 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.
- R3. Probation and HHSA management should send a monthly report to the CAO demonstrating they are consistently following their internal written procedures for processing hotel vendor invoices, from receipt through fiscal oversight, until it is sent to the Auditor-Controller's Office. This monthly reporting process should begin by September 30, 2022.
- R4. The Auditor-Controller's Office should provide the CAO, HHSA, and Probation with a quarterly report of approved hotel vendors or whenever the list is changed. This quarterly reporting should begin by September 30, 2022.
- R5. The CAO should direct County Counsel to determine whether contracts should be in place with hotels that are used by the County departments for emergency housing hotel stays. The County Counsel should respond to the CAO by November 30, 2022.

REQUESTS FOR RESPONSE

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review *"How to Respond to an El Dorado County Grand Jury Report,"* a separate document included with this report.

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

- Auditor-Controller – F2/R2, F4/R4
- CAO – F1/R1, F3/R3, F5/R5
- Probation – F1/R1, F3/R3
- HHSA – F1/R1, F3/R3
- County Counsel – F5/R5

EL DORADO COUNTY 2021–2022 GRAND JURY

GROWLERSBURG CONSERVATION CAMP INSPECTION REPORT

Case 21-07 – June 13, 2022

SUMMARY

Each year, the Grand Jury in each county is mandated by California Penal Code (PC) Section 919(b) to “inquire into the condition and management of the public prisons within the county.” The term “public prisons” was recently clarified in a California Attorney General (AG) opinion (No. 18-103) dated March 10, 2022. The AG opined that the term “public prisons” in PC Section 919(b) includes “local detention facilities,” that confine prisoners for more than 24 hours. A county or city jail is a typical example of such a local detention facility. The AG concluded that each Grand Jury must inquire into the “local detention facilities” located within its county.

BACKGROUND

The primary mission of the Conservation Camp Program is to support State, local, and Federal government agencies that respond to emergencies such as fires, floods, and other natural or man-made disasters.

The Conservation Camp Program was initiated by the California Department of Corrections and Rehabilitation (CDCR) to provide able-bodied inmates the opportunity to work on meaningful projects throughout the State. These camps were established in 1915. During World War II, much of the work force that was used by the Division of Forestry, now known as the California Department of Forestry and Fire Protection (CAL FIRE), was depleted because their service was required for the war effort.

CDCR provided the needed work force by having inmates occupy “temporary camps” to augment the regular firefighting forces. There were 41 “interim camps” during WWII, which were the foundation for the network of camps in operation today. In 1946, the Rainbow Conservation Camp in Fallbrook, CA was opened as the first permanent male conservation camp. Rainbow Conservation Camp made history again when it was converted to a female camp in 1983.

As of May 2021, there were approximately 1,600 inmates working at fire camps in California. Approximately 900 of those inmates are fire-line qualified. All incarcerated

firefighters receive a week of classroom instruction and a week of field exercise training. In addition, CAL FIRE staff provides 29 hours of classroom instruction, known as Forestry Firefighter Training. The California Corrections Center in Susanville serves as the primary hub for training and placing inmates in Northern California conservation camps. Female inmates are trained at the California Institution for Women in Corona, and youth offenders are trained at the Pine Grove Conservation Camp.

In September 2020, Governor Newsom signed Assembly Bill (AB) 2147, which provides an expedited expungement pathway (process of sealing arrest and conviction records) for formerly incarcerated individuals who have successfully participated as firefighters in the State's Conservation Camp Program. Under AB 2147, a person who served as an incarcerated fire-fighting crew member is eligible to apply for an expungement upon release from custody. If the expungement is approved, the individual can seek various careers, including those that require a state license. Successful participation in a fire-fighting crew is determined by CDCR for those who were incarcerated in State prisons.

METHODOLOGY

Site Visit:

- Inspection of Growlersburg Conservation Camp #33 (Growlersburg) conducted on March 9, 2022.

Documents Reviewed:

- Prior El Dorado County Grand Jury Reports;
- California Grand Jury Association Guidelines on Reporting on Jails and Prisons;
- California Grand Jury Association Detention Facility Inspection Form;
- Board of State and Community Corrections *Jails Inspection Handbook for Grand Jurors; and*
- CDCR Conservation (Fire) Camps Website.

Interviewed:

- CDCR staff; and

- CAL FIRE staff

DISCUSSION

Growlersburg began operations in 1967 and is one of 35 such camps still in operation in California. The camp is located on 80 acres, approximately 1.5 miles north of Georgetown in El Dorado County, between the cities of Placerville and Auburn.

Growlersburg initially housed 80 inmates. The dormitory building was increased in capacity by nearly 40 percent in 1980, to house 132 inmates. The inmate population at the time of this inspection was 74 male adults. Current personnel consist of 11 CDCR staff and 14 CAL FIRE staff.

The facility is well maintained. The camp has plans for a complete remodel, pending State funding approval. The facility has a family-friendly area for inmates' families to visit on the weekends. Inmates have access to an arts and craft area, library, and physical fitness area.

CDCR is responsible for the selection, supervision, and discipline of the inmates at Growlersburg. Inmates are directly supervised 24 hours a day while on work projects and assigned to emergencies. CAL FIRE maintains the camp, supervises the work of the inmate fire crews and is responsible for inmate custody while on daily projects and fire assignments. CDCR staff often accompany inmate fire crews on out-of-county assignments and on local assignments located near residential areas. Growlersburg has an 18-wheel mobile kitchen for use at fire sites which is operated by the inmates and can provide up to 5,000 meals per day.

An inmate must volunteer for the fire camp program; no one is involuntarily assigned to work in a fire camp. Inmates who volunteer must have "minimum custody" status under the CDCR system, which is the lowest classification for inmates. This classification is based on the inmate's sustained good behavior in prison, conforming with the rules, and participating in rehabilitative programming. Some convictions automatically make an inmate ineligible for conservation camp assignment, even if the inmate has a minimum custody status. Those convictions include sexual offenses, arson, and any history of escape using force or violence.

No fences or guard towers surround the facility. Growlersburg's discipline system is based on the type of infraction committed by the inmate. For less serious infractions, time may be added to the inmate's sentences or privileges removed. Serious infractions may result in the inmate being removed from the camp and returned to an institution. Mandatory inmate counts are done numerous times during the day. However, some inmates have escaped, with the most recent occurring in July 2021.

In addition to fighting fires, inmates can also work as support staff for the camp. They also manage kitchen and laundry services, as well as perform most repairs and maintenance required for the wastewater treatment, buildings, vehicles, and tools. The facility has an on-site garden, which provides food for the inmates. Inmates receive instruction, learning skills in carpentry, mechanics, lumber milling, and wastewater treatment.

Inmates can also be assigned to assist the community by responding to rescue efforts in local parks, and they are available to perform flood suppression activities. The camp has two mobile sawmills that produce stock to build picnic tables that are sold to a variety of public agencies.

Also, Growlersburg provides labor for various community service projects such as:

- Construction of shaded fuel breaks for wildland fire safety;
- Construction of hiking and biking trails;
- General maintenance and grounds care for community parks, community service districts, schools, CAL FIRE, and local fire district facilities;
- Landscaping, cleaning, and grooming of Marshall Gold Discovery State Historic Park Museum in Coloma; and
- Assisting the University of California, Berkeley's Blodgett Research Forest in implementing various vegetation management-based research projects.

Inmates receive an enhanced reduction in their sentences based on time served in the camp, and those assigned to any incident receive fire pay.

The Conservation Camp Program is an important part of the rehabilitation of inmates, as they are performing a vital service and giving back to the community. Just as in every CDCR facility, every fire camp offers rehabilitative and education services. CDCR and CAL FIRE staff shared examples of inmates' successful transition to productive employment upon release.

EVALUATION

We found the inmate programs and opportunities available at Growlersburg to be excellent and well managed. Therefore, this Grand Jury has no recommendations. We also feel that these camps are to be commended for what they offer for life outside the prisons for inmates.

REQUESTS FOR RESPONSE

Responses to this report are not required nor requested.

EL DORADO COUNTY 2021–2022 GRAND JURY

EL DORADO HILLS COMMUNITY SERVICES DISTRICT MANAGEMENT OF LANDSCAPE AND LIGHTING ASSESSMENT DISTRICTS

Case #21-08 – June 30, 2022

SUMMARY

The 2021-2022 El Dorado County (County) Grand Jury investigated the El Dorado Hills (EDH) Community Services District's (CSD) management of Landscape and Lighting Assessment Districts (LLAD).

The investigation focused on the following questions:

- Are the David Taussig and Associates (DTA) Annual Engineer's Reports (ER) for Fiscal Years (FY) 2019-2020, FY 2020-2021, FY 2021-2022 understandable and complete, and do they correctly calculate the LLADs' assessments?
- Is there a defined, functioning, and understandable LLAD complaint and assessment appeals process for parcel owners to follow?
- For LLAD improvements that generate rental income, is this income credited to the underlying LLAD to offset costs?
- Is there a conflict between the interests of EDH CSD Board (Board) and the individual LLADs?

BACKGROUND

The EDH CSD is authorized as a local agency by the Landscaping and Lighting Act of 1972 (§22500 et seq. of the Streets and Highways Code), to create smaller districts in its boundaries for assessment purposes. An LLAD is a local community service district created and governed by those provisions.

LLAD parcel owners supply EDH CSD funding for maintenance and improvement of landscaping and lighting facilities, including parks within each LLAD's boundaries. The

amount paid by each parcel is not based on the value of the parcel; it is a benefit assessment based on the benefit the parcel receives from the improvements.

The EDH CSD was formed by the County Board of Supervisors (BOS) in 1962 for the provision of parks, fire services, median improvements, and other local services. Prior to the creation of LLADs in 1972, maintenance costs for parks and other improvements, such as landscaping, medians, and entrance signs, within the boundaries of the district were the responsibility of the CSD and paid from the General Fund. With the creation of LLADs, the maintenance costs are now paid by the specific LLAD assessments.

When a new housing development is built in EDH, the builder pays the County a park impact fee for each lot to be developed. These funds are set aside, held by the County, and distributed to the EDH CSD to pay for the building of a public park and/or other improvements within the new development. LLAD parcel owners' benefit assessments are used to pay for only the maintenance of these improvements, not for the initial construction.

The determination of the improvements that will be built usually occurs between the County (that determines land use, approves the housing development, and imposes the conditions and fees), the developer (that provides the land and funding to build the park) and EDH CSD (that may decide where new parks are needed in its boundaries, decides what facility and/or improvements are needed at the parks and frequently contracts for the design and construction of the parks). The County's standard conditions make the developer responsible for the maintenance, repair, and replacement of all landscaping improvements until maintenance is assumed by EDH CSD not less than 90 days after notice of completion. For smaller housing developments, the builder is NOT responsible for building the park and are only required to pay fees.

Before EDH CSD agrees to accept the improvements or the new park and assumes the maintenance responsibility, EDH CSD may require the developer to create a maintenance funding mechanism. The funding mechanism, known as an LLAD, is created by the parcel owners signing a Waiver and Consent document. Initially, the developer is the sole parcel owner if no parcels have been sold.

The LLAD formation document sets the boundaries, establishes an initial maximum assessment amount, approves the payment of annual assessments, lists if an annual inflationary factor will be applied to the maximum amount, and waives some of the rights originally conveyed to California parcel owners within Proposition 218, adopted in 1996. Proposition 218 required a vote by parcel owners (usually a developer at formation time), to approve annual assessment increases, however, when forming the LLAD, parcel owners can agree to waive the requirement to vote for subsequent increases. With this change, a vote by LLAD parcel owners would only be required to modify the provisions of the governing documents, such as boundary changes or the addition of new improvements.

A purchaser of a parcel within the LLAD must be informed during escrow of the existence of the LLAD, the maximum and annual assessments, and the provisions of the governing documents, and the parcel owner must sign off on these provisions prior to closing.

The maximum assessment is the highest assessment amount that can be charged annually. Many of the LLADs have a built-in cost-of-living accelerator that increases the maximum assessment ceiling using the San Francisco cost-of-living index. When four of the LLADs were created, their specific formation documents did not include a built-in accelerator. For these four LLADs, the maximum assessment can only be changed by a vote of that specific LLAD's parcel owners. Once built and accepted by the EDH CSD, LLAD assessments are expected to cover the costs of maintaining these improvements.

Each parcel owner can locate the LLAD assessment charge on their annual property tax statement. To calculate the LLAD assessment, California Constitution Article XIII D Section 4 states in part:

“Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel... All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.”

As specified within the Streets and Highways Code, Proposition 218 and the California Constitution Article XIII D, the ER shall list the improvements to be maintained, the maximum assessment, the special and general benefit calculation, and any major changes that affect the assessment.

The assessment process requires determining the special benefit percentage assignable to the parcel owners included in the LLAD and the general benefit percentage assignable to EDH CSD. These percentages are then used to apportion the overall annual budgeted maintenance and improvements/replacement costs between the special and general benefits. The special benefit assessment amounts are then increased to contribute funds to the deferred maintenance/replacement and operating reserves.

In the ER, once the special benefit is calculated, it is apportioned to the parcel depending on its type. A single-family home is considered 1 benefit unit and is assessed at 100% while a vacant lot is usually considered ¼ of a benefit unit and assessed at 25% of the special benefit assessment.

Here is an example for clarification purposes:

- Overall LLAD budgeted annual maintenance costs: \$10,000
- General benefit percentage: 20%
- Special benefit percentage: 80%
- Number of parcels: 103 (single-family homes: 99, vacant lots: 4)
- Total benefit units: 100 (99 + (4 x .25))

Based on this information, the general benefit calculation would be:

Costs x general benefit percentage or \$10,000 x 20% = \$2,000 in general benefits

The special benefit calculation would be:

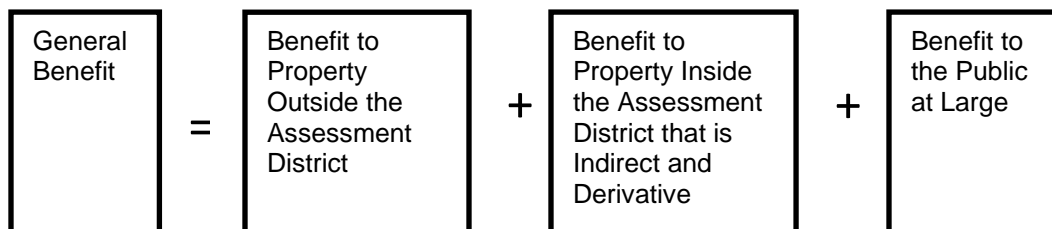
Costs x special benefit percentage or \$10,000 x 80% = \$8,000 in special benefits.

The special benefit assessment by parcel would be:

Special benefit divided by the number of benefit units: \$80 for each home and \$20 for each vacant lot.

Since only special benefits can be assessed, the general benefit is paid by EDH CSD transferring funds from its General Fund to the LLAD. In the example above, EDH CSD would transfer \$2,000 to the LLAD to pay for the general benefits. The general benefit is not a subsidy from the EDH CSD, but the required payment to the LLAD to cover the general benefit amount.

According to the ER, the formula to calculate the general benefit percentage is as follows:



The Benefit to Property Outside the Assessment District is based on calculating the number of homes outside the LLAD, but within the service radius of the park. Service radius is defined in the DTA reports as:

- Neighborhood Park – 0.5 miles
- Village Park – 1.0 miles
- Community Park – 2.0 miles

The DTA's ER reports referenced measure the service area starting with the outside boundaries of the park and extending to the appropriate service radius based on the type of park.

The Benefit to Property Inside the Assessment District that is Indirect and Derivative is measured using an approximate percentage of the land area within the district that is publicly owned such as major roads and similar facilities. From the ER, it states:

“While this “indirect and derivative” general benefit is difficult to calculate, one measure used to approximate it is the percentage of land area within the district that is publicly owned and used for regional purposes such as major roads, rail lines, and other similar facilities.”

The Benefit to the Public at Large is estimated by the proportionate amount of time that the LLAD's improvements are accessed by individuals that are not EDH residents, employees, customers, or property parcel owners.

The special benefit percentage is then determined by subtracting the general benefit percentage from 100%.

After preliminary approval of the ER by the Board, a public notice of the public hearing must be published in a local paper at least ten days before the Board hearing to approve the final assessments. This provides an opportunity for interested parties to bring forward concerns about assessments.

Once approved, the annual assessments are sent to the Auditor-Controller's Office no later than the second Monday in August for placement on the parcel owner's property tax statement. The assessment on the property tax statement is listed as: LLAD Asmt: El Dorado Hills CSD #XX. The XX designates the specific LLAD identification number.

To guide its planning for parks and recreation, EDH CSD has had park and recreation facility standards in place for more than ten years. The 2014 EDH CSD Capital Projects Fund Description document states:

“The California Subdivision Code required that new development provide parkland to meet the recreational needs of new residents. Under this

authority, the District requires five acres of land for every 1,000 new residents expected because of a new residential subdivision.”

The EDH CSD used this to create the goal of having five acres of parks for every 1,000 residents. Currently, in measuring this goal, EDH CSD counts only public parks, not parks funded by the local Homeowners’ Associations (HOA) within El Dorado Hills. If the HOA-funded parks were included, EDH CSD would almost double the amount of park acreage. This potential expansion to include HOA parks is currently being revisited within the EDH CSD Park and Recreation Facilities Master Plan.

In conjunction with the County, the EDH CSD Park and Recreation Facilities Master Plan is the guiding document used in determining the specifics of any new park, including its location, size, and type of improvements that will be built. New parks are public parks with the maintenance paid by funds from parcel owners’ assessments and the EDH CSD General Fund as calculated by the ER. EDH CSD may ask parcel owners for input for a new or existing park, but the eventual decision about the specific improvements is decided by the Board.

There are currently four annual ERs that cover EDH CSD LLADs. There is a consolidated report that covers 25 LLADs and three standalone reports that cover Lake Forest Park #36, Windsor Park #38, and Carson Creek LLAD #39. The ERs can be found on the EDH CSD

Website https://www.eldoradohillscsd.org/about/administration_finance/index.php#outer-14.

More information about the LLAD’s can be found in Attachment #1.

METHODOLOGY

During this investigation, members of the Grand Jury:

- Attended Board meetings and LLAD community outreach meetings; and
- Visited LLAD parks within the EDH CSD.

Interviewed the following:

- EDH CSD staff;
- Board members;
- DTA staff;

- Cameron Park CSD staff; and
- County Parks and Planning employees and other County officials.

Reviewed the following:

- EDH CSD Comprehensive Annual Budget Reports;
- EDH CSD Park Impact Fee Reports;
- EDH CSD Master Plan;
- Browning Reserve Group Report;
- Zuri Alliance Consolidated Services Agreement;
- DTA ERs for FY 2019-2020, FY 2020-2021, FY 2021-2022;
- Board meeting agendas and minutes:
- El Dorado County Treasurer-Tax Collector website <https://edcgov.us/taxcollector/>;
- EDH CSD website <https://www.eldoradohillscsd.org/>; and
- California State Constitution XIII C&D, Proposition 218 and numerous Landscape and Lighting Assessment legal decisions on assessments.

DISCUSSION

The Grand Jury focused on reviewing the EDH CSD Board approved ERs for Fiscal Years (FY) 2019-2020, FY 2020-2021, FY 2021-2022, and examining the issues related to individual LLADs. Issues in this discussion related to specific LLADs do not necessarily represent nor exclude similar or other issues in all LLADs.

Engineer’s Reports (ER)

Regarding the ERs, the Grand Jury discovered issues related to the consolidation of LLADs, specific improvements, boundary maps, upcoming deferred maintenance, usage surveys, the calculation of the Benefit to Property Outside the Assessment, assessment refunds and maximum assessments.

Consolidated ER

The Consolidated ER lacks specifics about the improvements for each LLAD and only summarizes the special and general benefit calculation components without showing the actual calculations for the individual LLADs.

Under the Landscaping and Lighting Act of 1972, each LLAD sets up a benefit formula, and each parcel in the service area is assessed according to the benefit it receives from its improvements. The Grand Jury found that in the Consolidated ER, which covers 25 individual LLADs, assessments were calculated as if all LLADs were just one overall LLAD. Each LLAD has its own formation document and was created independently and should be treated as such because the special benefits are tied to its unique improvements. In a report submitted in April 2020 to the Board, the EDH CSD General Manager stated:

“LLADs are formed through a process conducted by a 3rd party consultant known as an Assessment Engineer. The formation process includes an analysis of the direct/specific benefit assignable to the parcel owners included in the LLAD, and an analysis of the indirect/general benefit that is assignable to all other members of the community.”

The challenge with consolidating LLADs is that each LLAD offers different benefits. While one LLAD may confer benefits such as lighting and medians, which provide more benefit to the people living in the immediate vicinity, another LLAD may include a village park with unique improvements, which is used by the greater community. Therefore, consolidation of the LLADs may have resulted in inaccurate benefit assessments.

Specific Improvements

Within the consolidated ER, the specific improvements are incomplete for each LLAD.

Within the standalone ERs for Lake Forest LLAD #36, Windsor Park LLAD #38, and Carson Creek LLAD #39, the list of improvements lacks specifics as to quantities.

For Lake Forest LLAD #36, the turf square footage has been listed as “to be determined” for years and states that Park Frontage Improvements cannot be quantified.

For Windsor Park LLAD #38, quantities are not listed for the improvements.

For Carson Creek LLAD #39, major improvements such as tennis courts and court lights are missing; it does not list quantities for items; and it continues to use the old Carson Creek Park name, instead of its established name, Heritage Park.

The ER report for Carson Creek LLAD #39, specifically states:

“Proceeds from the assessments shall be used only for the eligible service and/or improvement items within the Assessment District, as listed above in Section 3.A.”

Since both the tennis courts and court lighting are not listed in Section 3.A., the assessments cannot be used to pay for the maintenance of either.

Boundary Maps

In the consolidated report, the map is too small to read and identify the boundaries for each of the LLADs.

Deferred Maintenance Projects

Across the ERs, major maintenance projects scheduled for the upcoming year are not listed. Streets and Highways Code Section 22622 requires the ERs to describe any proposed new improvements and/or substantial changes to the existing improvements. Without a section listing whether there are any expected changes for the upcoming year, the ER is incomplete.

The EDH CSD commissions a periodic report called the Browning Reserve Study to aid in determining when improvements or replacements are needed and estimating the cost. These cost estimates, along with the expected replacement date, are used to determine the budgeted annual deferred maintenance contribution to the reserves. The deferred maintenance reserve is used to fund major renovations such as improvements and replacements.

Each January, EDH CSD staff visit each LLAD to inspect improvements and look for issues, as well as to confirm the Browning asset replacement dates. Depending on this evaluation, the replacement date may be updated. This inspection, completed each year, identifies any major improvement projects expected for the upcoming year. These major improvement projects should be included in the ER.

Usage Surveys

As described in the ERs, the Benefit to the Public at Large component is:

“... estimated by the proportionate amount of time that the district’s facilities are accessed by individuals who are not residents, employees, customers, or property parcel owners.”

The ERs do not reference any EDH LLAD-specific surveys used to calculate the Benefit to the Public at Large component for any LLAD. A community park versus a village park would be vastly different in its public usage due to its size and amenities it offers. Parks that have rental facilities, picnic or sports field rentals, or league play would have higher public use than parks that do not. Studies are needed to determine an accurate figure to use within the ERs to calculate the Benefit to the Public at Large component of the general benefit.

Calculation of Benefit to Property Outside the Assessment

Heritage Park, a village park, is currently being built, and homes within both Four Seasons and Carson Creek subdivisions are within the one-mile service radius used to calculate the general benefit. When Four Seasons was built, no funding mechanism was put in place to provide maintenance funding for Heritage Park. As explained by the EDH CSD General Manager to the Board, in a submitted appeals document dated April 30, 2020:

“The Plan began with the Euer Ranch portion, more commonly known as Four Seasons. That gated age-restricted subdivision included the required trail system. However, for reasons unknown to CSD staff, the maintenance funding mechanism for a public park – and the public parkland dedication – were not completed.

“The formation of a LLAD when Four Seasons was constructed could have lessened the maintenance assessment impact on Heritage residents. However, staff have no clear understanding as to why that formation was delayed.”

In review, the Grand Jury found the approach used in the general benefit calculation, specifically the Benefit to Property Outside the Assessment District component for Carson Creek LLAD #39, to be misleading. In calculating the general benefit for the LLAD, the ER appropriately considered the number of parcels within the Four Seasons development, but then the ER reduced this component of the general benefit calculation by 50%, stating:

“...a 50% reduction factor is applied to these properties because they experience only half as much benefit as the properties in the district (since the properties outside the District are located on only one side of the park improvements, not both sides).”

The ER further reduced the Benefit to Property Outside the Assessment District component by another 50% with the justification that the Four Seasons parcels outside the LLAD but within the one-mile radius are in an age-restricted community. The ER also states, “the park amenities have been specifically constructed to serve people in this age group.”

The first 50% reduction regarding the location of the Four Seasons development ignores the one-mile service radius for a village park as stated in the ER. The Four Seasons development falls within that one-mile service radius. Further, the additional 50% reduction based on age is not justified since Carson Creek LLAD #39 is also an age-restricted development, and, upon inspection, the Grand Jury found no specific age-restricted amenities.

Lake Forest LLAD #36 and Windsor LLAD #38 had their Benefit to Property Outside the Assessment District reduced by the first 50% reduction factor for the same reasons listed above.

Assessment Refunds

Carson Creek LLAD #39 has been assessed annually since FY 2019-2020 for a park that has not been completed. In FY 2021-2022, EDH CSD refunded the FY 2020-2021 assessment. On May 12, 2022, the Board agreed to refund the FY 2021-2022 assessment. The refund document proposal states:

“However, this will deplete the reserve funds to an inoperable level requiring the District to give LLAD #39 a loan of approximately \$41,000 for FY 2023 with a recoupment plan through FY 2024 assessments.”

Per EDH CSD General Manager, from the refund FY 2020 Assessment for Carson Creek LLAD #39 document:

“...deferred maintenance reserves will not be put in place until FY 2023 because the assets are new.”

The LLAD FY 2021-2022 Quarter 2 financials show a \$54,675 deferred maintenance reserve balance. This deferred maintenance reserve was funded by these refunded assessments. These funds should be used to pay for the refund instead of receiving a loan from EDH CSD.

Maximum Assessments

The initial calculation of the maximum assessment found within the LLAD's formation document uses an estimate for eventual maintenance costs for improvements. Once the LLAD formation document is signed, the maximum assessment is set. The maximum assessment is the highest annual assessment that could be charged. In the case of the Carson Creek LLAD #39, its maximum assessment was calculated in 2015 based on 430 benefit units. Even though the park has not been completed, and EDH CSD has agreed to refund most of the annual assessments, it has not agreed to review the maximum assessment that has been increased for seven years. If the maximum

assessment was recalculated, it would be based on a higher number of benefit units, eliminate the last seven years of CPI increases, and have a different starting date, resulting in a lower maximum assessment.

EDH CSD-LLADS MANAGEMENT

The Grand Jury focused on the review of LLAD management and examined issues related to some individual LLADs. The review of examples given regarding the issues related to specific LLADs does not necessarily represent nor exclude similar or other issues in all LLADs. Areas that were covered were assessment files, general benefit transfers, rental income, new consolidated services agreement, complaints and appeals process, EDH CSD website <https://www.eldoradohillscsd.org/>, and conflict of interest.

Assessment File

The Auditor-Controller's Office provided the Grand Jury with only the Carson Creek LLAD #39 assessment files they said were received from EDH CSD. The Grand Jury used these files to audit the assessment information. The Grand Jury limited its review to data for the Carson Creek LLAD #39 for the years FY 2019-2020 and FY 2020-2021.

The Grand Jury found the following issues (not inclusive) within the Carson Creek LLAD #39 assessment files:

1. FY 2019-2020 -- Ten parcels listed within the EDH CSD assessment file had an assessment of \$90.54 while the corresponding property tax statement listed \$0.
2. FY 2019-2020 -- 12 homes within the EDH CSD assessment file had an assessment of \$362.16 while the corresponding property tax statement listed \$0. These homes were not within Carson Creek LLAD #39 and should not have been listed in the file.
3. Two homes were listed within the EDH CSD assessment file in FY 2019-2020 and were correctly assessed but then were not in the FY 2020-2021 EDH CSD assessment file. Both homes are within the Carson Creek LLAD #39. Further verification was done with their property tax statements through the El Dorado County Treasurer-Tax Collector website <https://edcgov.us/taxcollector/> confirming an assessment was listed for FY 2019-2020 and no assessment for FY 2020-2021 or for FY 2021-2022.
4. FY 2019-2020 – Eight parcels were not in the assessment file provided by EDH CSD. All eight appeared in the assessment file in FY 2020-2021. Six of these parcels had homes built prior to FY 2018-2019.

There is a risk that in finding this number of errors in one LLAD, there may be similar errors in the calculations of the other LLADs, resulting in incorrect charges to LLAD parcel holders.

The Grand Jury interviewed DTA, EDH CSD employees, and Board Members and found that the EDH CSD lacked a quality control policy/procedure to confirm the accuracy of the LLAD assessment file before it is transmitted to the Auditor-Controller's Office. The ER states:

“The undersigned hereby attests that the direct charge levies have been verified for accuracy and approved by the district.”

While DTA calculates the assessments, it is the responsibility of the Board to ensure the assessments are correct for all properties. Checks and balances should be implemented to meet this goal.

General Benefit Transfer

The ER is completed annually and determines how much of the assessment will be levied on the parcel owner for the special benefit, and how much of the costs will be paid by EDH CSD for the general benefit for each LLAD.

From General, Capital, LLAD and CC&R Funds Budget for the Year Ending June 30, 2021, GENERAL BENEFITS VS. SPECIAL BENEFITS:

“Proposition 218 requires agencies levying a benefit assessment to separate the general benefits from the special benefits to ensure that property owners subject to the benefit assessment are not paying for general benefits. An assessment can fund special benefits but cannot fund general benefits. The general benefits for the assessments have been explicitly calculated and quantified and excluded from the assessments as described in the engineer's report. The assessments have been apportioned to each property based on the proportional special benefit received by each property. The general fund is contributing to the budget of each LLAD to cover any general benefits.”

The EDH CSD transfers the general benefit funds required by the ER to the LLAD at the end of Quarter 4. Beginning with FY 2018-2019, the amount listed in the ER for the Contribution from the General Fund versus the actual amount transferred to the LLAD in the EDH CSD Quarter 4 Financial Statement was not the same amount. For FY 2020-2021, the transfer was \$104,000 less than required by the ER.

Rental Income

The Grand Jury investigated whether the rental income generated from LLAD improvements was credited to the specific LLAD. Currently, rental income is deposited exclusively to the EDH CSD General Fund. As shown below, there are currently four parks with picnic and/or sport field rental incomes.

LLAD w/Rental Facilities	Park Name	Picnic Rental	Sport Field Rental
LLAD Promontory #22	Kalitheia	Yes	Yes
LLAD Promontory #22	Promontory	Yes	Yes
LLAD Lake Forest #8	Lake Forest	Yes	No
LLAD Valley View #33	Valley View	Yes	Yes
LLAD Carson Creek #39 (once opened)	Heritage	Yes	No

During an interview with DTA, they agreed rental income should be credited to the related LLADs.

In response to the 2015-2016 Grand Jury Report about rental income, the Board stated:

“The funds collected from various park user fees such as picnic shelter reservations, tennis and bocci ball class participation fees, and athletic field rental income are deposited into the District's General Fund to offset the significant General Fund subsidy of the two LLADs where revenue is realized. Those two LLADs are Promontory and Lake Forest Park. From the General Fund source these revenues do indeed help offset the expenses for maintaining the park improvements. In the case of Promontory Park, as a community park, size and complexity, the General Fund subsidizes the maintenance budget and overhead expense by approximately 75%.”

As stated in the EDH CSD Parks and Recreation Facilities Master Plan, dated August 2021:

“Facility charges generate revenue for parks by charging for the use of facilities (e.g., sport fields, picnic shelters, meeting rooms, community garden plots). These charges may cover direct costs generated by facility use, such as field lighting or trash removal. Rates may also be set higher to subsidize parks maintenance and address the long-term impacts of facility use. The District currently has facility rental fees, park rental fees and field rental fees. The District can increase revenue for park services

by expanding rental facilities or by increasing rental fees and other facility-use charges.”

This Grand Jury found the response received from the EDH CSD did not directly address the issue that was presented in the 2015-2016 Grand Jury Report. LLAD costs are proportioned between the special and general benefit assessments. When rental income is not credited to the LLAD, it results in the special benefit assessment amount being higher than it should be. The increased usage of rental facilities decreases the life of improvements resulting in higher deferred maintenance costs and therefore, higher assessments for the LLAD. Because the LLAD is responsible for the maintenance of the improvements, the rental income should be deposited into the LLAD account.

New Consolidated Services Agreement

On April 14, 2022, the CSD Board approved a Consolidated Services Agreement with Zuri Alliance, a private company, to outsource contract management and compliance of EDH CSD’s contracted services. The Grand Jury interviewed EDH CSD staff to understand the expected cost savings for the LLADs. The EDH CSD stated this change was to release EDH CSD employee resources for other EDH CSD work. The Grand Jury reviewed the contract and found it will cost EDH CSD an additional \$19,000 in the first year. The EDH CSD does not break out how much of this incremental cost would be charged to the LLADs.

Complaints and Appeals Process

If a parcel owner wants to appeal their assessment, the process listed in the ER is incomplete. There is no form to complete, no address where to send the appeal, and no expected response timeframe. Additionally, the assessment appeals process is not listed within the EDH CSD website <https://www.eldoradohillscsd.org/>.

One parcel owner who submitted an appeal received a prompt reply from DTA, but the response did not have specific answers to the questions that were posed. The parcel owner escalated the appeal to the Board. In response, the Board addressed the appeal by denying the request without further explanation. It should be noted that all decisions made by the Board are final with no additional process to appeal the Board’s decision unless it is adjudicated in the Superior Court.

EDH CSD Website

The EDH CSD [website https://www.eldoradohillscsd.org/about/administration_finance/landscape_lighting_assessment_districts_\(llads\).php](https://www.eldoradohillscsd.org/about/administration_finance/landscape_lighting_assessment_districts_(llads).php) has a page dedicated to LLADs, but it does not provide a means to send a specific LLAD question, concern, or complaint. Currently, EDH CSD maintains no complaint log to ensure that LLAD issues are addressed and resolved.

The Grand Jury found EDH CSD has been updating the website to contain more LLAD information, but it is scattered throughout the site. Currently, LLAD information is listed under the Finance and Administration section, within the Board meeting minutes, and on the LLAD-specific page. It would be helpful to LLAD parcel owners if LLAD-related information were consolidated within the LLAD specific page.

Conflict of Interest

There is an inherent conflict that exists between EDH CSD and the LLADs because the Board's implementation of the EDH CSD Park and Recreation Facilities Master Plan may conflict with what the affected LLAD parcel owners want.

As reflected in EDH CSD's vision statement on its website <https://www.eldoradohillscsd.org/>:

“We will be recognized as the premier park, recreation, and local community services organization with a passion for providing excellent services and facilities and protecting the quality of life and environment of the community.”

Based on the Board's statement, the Grand Jury recognizes that it is the Board's responsibility to protect the quality of life of the entire community.

The Grand Jury has reviewed three separate issues relating to Heritage Park Carson Creek LLAD #39 wherein some of the LLAD parcel owners disagreed with the Board on actions taken, regarding lights on the tennis courts, the lack of a dawn-to-dusk ordinance, and the all-age abilities playground.

Lighting

The Carson Creek LLAD #39, an age-restricted community, has been vocal in complaining about the 50-foot tennis court lights recently installed at Heritage Park. Parcel owners presented their concerns to the Board. When the Board did not address the concerns, the parcel owners collected more than 160 signatures on a petition to present to the Board. In addition, the parcel owners worked with Lennar, the home builder, concerning the lights in Heritage Park. Lennar presented a proposal to the Board to remove the lights at their cost. The Board did not bring the proposal to a vote; thus, no action was taken.

LLAD parcel owners attended Board meetings on the topic of Heritage Park. During these meetings, the Grand Jury witnessed parcel owners being treated disrespectfully. While the public was asked to limit

comments to three minutes and to not interrupt others, a Board Member would often interrupt, reducing the speaker's allotted time.

The Board continues to uphold the decision to keep the tennis court lights in Heritage Park, stating the lights were in the original park plan design and therefore, were expected to be built. In the Carson Creek LLAD #39 formation document dated November 13, 2014, no construction of the tennis court lights was listed. Only parking lot lights are in the Parkland Designation/Dedication agreement. On December 14, 2017, at the Board meeting, Lennar presented a conceptual park design with \$2.4 million construction costs, which was approved by the Board. The lighting for the tennis courts was listed as an added alternative (add-alt) with added costs.

Concerning the add-alts, in the August 8, 2019, Board Meeting Minutes, it was stated:

“[EDH CSD General Manager Kevin] Loewen commented on an upcoming meeting at Heritage Village Clubhouse to review add-alts and parking impacts.”

The Grand Jury was unable to determine when the tennis court lights moved from being an add-alt to being approved.

Finally, there is a strong concern expressed by an EDH CSD Board Member, that removing lights at the park would set a precedent incompatible with EDH CSD attitudes toward growth. An article in the Mountain Democrat, dated September 27, 2021, the EDH CSD Board Member stated:

“If we take down these lights, we’re going to say no to developing lights above our new high school football stadium. We’re not going to be able to develop Promontory Phase 2, we’re not going to [sic] have the opportunity to have soccer fields, baseball fields, football, bocce, etcetera if we caved to this request to make this a dark community south of 50 ...”

Dawn-to-Dusk

On May 14, 2020, a motion was brought before the Board to change Heritage Park to a dawn-to-dusk park, consistent with other similar parks. The Board approved this change. While the Board has maintained that there would currently be no after-hours sporting events, they have also stated that this is a possibility “maybe in the future.” The document issued

to the Board, entitled “Heritage Village Park – Sport Court Lighting,” dated May 6, 2021, states:

“The lighting design for Heritage is intended for premier top level competitive play which is needed in the area by user groups.”

The document further states:

“Taking away the lights diminishes the investment and the opportunity to utilize the courts in a premier state.”

These remarks and the abovementioned installation of lights for the tennis courts raise serious concerns about whether EDH CSD will abide by the dawn-to-dusk park hours in the long-term.

All-Ages Playground

In December 2019, a change order was issued modifying the Heritage Park playground to an all-inclusive playground with different elements and playground surface enhancements. This changed the original contract, costing an additional \$138,000 in park impact fees, paid by the developers. At the April 22, 2022, Board meeting, concerns were raised by parcel owners as to whether this was a proper location based on Carson Creek LLAD #39 being an age-restricted community. Another concern was raised about the limited parking and additional public parking not being nearby. These concerns were raised but not addressed in the Board meeting. This change increases the LLAD maintenance costs and was not in the original formation documents.

These examples illustrate that if LLAD parcel owners disagree with a decision made by the Board, there appears to be little recourse. Parcel owners can vote to change or dissolve the LLAD through a ballot measure or can campaign to elect new members to the Board. Parcel owners can also sue if the Board’s decision was deemed to be arbitrary and capricious, based on a conflict of interest, not supported by the ER.

This Grand Jury agrees with the 2015-2016 Grand Jury Report which recommended the formation of an LLAD Advisory Committee. In the Board’s response to the Grand Jury, the Board agreed to establish an LLAD Advisory Committee. There was one Advisory Committee meeting in February 2018, but there are no meeting minutes posted. In February 2018, and again in May 2018, a Board Member asked for the status on the LLAD Advisory Committee, but no further information was found within the Board Minutes. The LLAD Advisory Committee was never mentioned again in the Board Meeting Minutes.

FINDINGS

- F1. The Consolidated ER does not show the ratio or calculation to determine the special and general assessment for each LLAD.
- F2. The Consolidated ER does not properly use the service radius to determine the special and general assessment for each LLAD.
- F3. The ERs are incomplete and lack the required information for improvements and do not list upcoming major maintenance projects for each LLAD.
- F4. Periodic surveys regarding park usage have not been conducted to determine if the special versus general benefit calculation for each LLAD is correct.
- F5. Heritage Park in the Carson Creek LLAD #39 has not been accepted by the EDH CSD, yet assessments have been collected and the maximum assessment has increased every year since FY 2015-2016.
- F6. There were differences found between the EDH CSD assessment file sent to the County Auditor-Controller and the property tax statements for Carson Creek LLAD #39 for FY 2019-2020 and FY 2020-2021.
- F7. The EDH CSD does not transfer the general benefit amount specified in the ER to the LLADs.
- F8. The LLADs do not receive credit for rental income for the usage of their improvements, and thus, the ER does not use the rental income in its assessment calculation.
- F9. The EDH CSD contracted with Zuri Alliance to outsource contract services that will impact LLAD assessments.
- F10. The LLAD parcel owners' complaint and assessment appeals process is unclear.
- F11. The EDH CSD created a webpage for LLADs; however, all of the information concerning LLADs is not consolidated on this page.
- F12. There is an inherent conflict that exists between EDH CSD and the LLADs.
- F13. The LLAD parcel owners do not have an LLAD Advisory Committee to represent their interests.

RECOMMENDATIONS

- R1. The Board of Directors should require the ERs for each LLAD to include:
- The defined calculation for the special and general benefit using each LLAD's unique boundaries;
 - An itemized list of improvements;
 - Readable boundary maps (for each LLAD) that easily determine the boundaries;
 - Deferred maintenance projects for the next year;
 - Usage surveys for LLADs to review/adjust the public-at-large component of the general benefit calculation; and
 - Recalculation of the Benefit to Property Outside the Assessment amount to eliminate the 50% reductions.

These updates are to be completed with the FY 2023-2024 Final Engineer's Report.

- R2. The EDH CSD should utilize the Carson Creek LLAD #39 deferred maintenance reserve to fund the approved assessment refund for FY 2021-2022. This should be completed by December 31, 2022.
- R3. The EDH CSD should recalculate the maximum assessment for Carson Creek LLAD #39 using the current number of benefit units. This recalculation should be completed by June 1, 2023.
- R4. The EDH CSD should contract with an outside consulting firm to develop and implement a quality control process to ensure the annual assessment file sent to the County Auditor-Controller's Office is correct. This quality control process should be in place by June 1, 2023.
- R5. The EDH CSD should transfer the general benefit amount as calculated in the ER to the underlying LLAD.
- R6. The EDH CSD should change its internal processes and begin crediting rental income to the LLAD that generated the income. This should be completed by December 31, 2022.

- R7. The EDH CSD should provide the LLADs with more details on the financial effect the Zuri Alliance Consolidated Services agreement will have on their LLAD assessments. This should be completed by December 31, 2022.
- R8. The EDH CSD should create and publicize policies and procedures, including timeframes and record-keeping requirements, in one accessible online location, to address assessment complaints and appeals. These policies and procedures should be completed and publicized by June 1, 2023.
- R9. The EDH CSD should form an LLAD Advisory Committee with LLAD parcel owners to foster a productive environment between the EDH CSD and the LLADs. This LLAD Advisory Committee would provide input to park plans, financial plans, and ERs and be established by December 31, 2022.

GLOSSARY

Assessment: The annual levy applied to parcels to fund the cost of maintenance and servicing of improvements/identified assets within the LLAD; collected as part of the property tax statement

Assessment district: “Shall consist of all territory which will benefit from the improvements and is to be assessed to pay the costs thereof.” (California Streets & Highways. Code §22503)

Assessment file: A file showing the amount to be assessed against each parcel of real property within the assessment district. This is sent to the County to be placed on property tax statements.

Browning Reserve Study: A study conducted by the Browning Reserve Group. A Browning Reserve Study conducts the following: 1) development of a reserve component inventory (verification only, not quantification); 2) condition assessment based upon on-site visual observation; 3) life and valuation estimates; 4) fund status; and 5) complete a funding plan.

Community parks: Larger parks provide a focal point and gathering place for a broader community, used by all sectors of the community. Community parks often include recreation facilities for organized sports and community activities, as well as passive recreation space. Because of their large service area, community parks require support facilities, such as parking and restrooms.

Engineer’s Report (ER): An annual study initiated by the Board and prepared by an Assessment Engineer’s evaluation of the costs of maintaining and/or replacing assets within the LLAD. These costs are used to determine the assessment for each parcel within the LLAD. The ER also calculates the EDH CSD special benefit amount.

General benefit: The amount that EDH CSD transfers to the LLAD to pay for the benefit received from the improvements.

Improvements: Those amenities which are included in the LLAD (e.g., landscaping, lighting, monument signs, park site, pathways).

Landscape and Lighting Assessment District (LLAD): A 1972 Act Landscaping and Lighting Assessment District is a flexible tool used by local government agencies to pay for landscaping, lighting, and other improvements, and services in public areas.

LLAD boundary: The units/property(ies) that are located within a defined mapped LLAD area.

Neighborhood Park: A small park designed primarily for non-supervised, non-organized recreation activities. Located within walking and bicycling distance of most users, the parks serve people living within ½-mile from the park. Neighborhood parks provide access to basic recreation opportunities for nearby residents, enhance neighborhood identity and preserve open space.

Reserves report: A study, prepared by the Browning Group, which provides the CSD with a 30-year Reserve Funding Plan, which includes replacement schedules and costs for CSD equipment and facilities.

Special benefit: A particular and distinct benefit over and above the “general benefits” conferred on a real property located in the Assessment Districts.

Village Park: A village park provides active and passive recreational opportunities for a larger and more diverse user group. Usually moderate in size, village parks serve residents in a 1-mile radius, or residents within both walking and driving distances. Village parks can accommodate large groups as well as individual activities.

REQUESTS FOR RESPONSE

This Grand Jury Report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review *How to Respond to an El Dorado County Grand Jury Report*, a separate document included with this report.

Responses are requested in accordance with California Penal Code §933 and §933.05.

- Responses to all findings and recommendations are requested from the EDH CSD Board of Directors.

ATTACHMENTS

Engineer's Reports:

Engineer's Report #1 Consolidated report contains the following LLADs		
LLAD #1 Stonegate	LLAD #2 Oaktree	LLAD #3 Oakridge
LLAD #5 Green Valley Hills	LLAD #6 La Cresta	LLAD #7 Crescent Ridge
LLAD #8 Lake Forest	LLAD #10 Francisco Oaks	LLAD #11 Marina Hills
LLAD #13 Highland Hills 3	LLAD #14 Wild Oaks	LLAD #15 Silva Valley
LLAD #16 Bass Lake A & B	LLAD #18 Creekside Greens	LLAD #19 Roadway
LLAD #20 Highland Hills 1, 2 & 4	LLAD #22 Promontory	LLAD #23 Hollow Oaks
LLAD #25 Highland View, Sterlingshire Village	LLAD #29 North Commercial Blvd.	LLAD #31 Hawk View
LLAD #33 Valley View	LLAD #34 Bell Ranch	LLAD #40 Bass Lake North
LLAD #41 Saratoga Estates		

Engineer's Report #2	LLAD #36 Lake Forest Park Only
Engineer's Report #3	LLAD #38 Windsor Park Only
Engineer's Report #4	LLAD #39 Carson Creek Only

LLADs with Parks

LLAD Name	Park within LLAD	Park Address	Type of Park	Size (Acres)
Promontory #22	Promontory Park	2700 Alexandria	Community	18.7
Promontory #22	Kalitheia Park	4900 Gillette Dr.	Village	3.8
Wild Oaks #14	Wild Oaks Park	2510 El Dorado Hills	Nature Area	10.5
Creekside Greens #18	Creekside Greens Park	4721 Concordia	Neighborhood	1.71
Silva Valley #15	Fairchild Village Park	3045 Brackenwood	Neighborhood	2.46
Highland View #25	Murray Homestead	3700 Amer Way	Neighborhood	4.0

Valley View #33	Valley View Sports Park	1661 Blackstone	Sports Park	5
Hollow Oaks #23	Laurel Oaks Park	5031 Whistlers Bend Way	Sports Park	1.7
Lake Forest #36	Lake Forest Park	1821 Francisco	Village	9.76
Windsor #38	Windsor Point Park	4005 Windsor Point	Neighborhood	1.14
Carson Creek #39	Heritage Park	Palmdale/ Carson Crossing	Village	4.65

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EL DORADO COUNTY 2021–2022 GRAND JURY

ORDINANCE 5101 – VEGETATION MANAGEMENT AND DEFENSIBLE SPACE

Case # 21-09 – June 23, 2022

SUMMARY

The El Dorado County (County) Grand Jury investigated the County's implementation of its Vegetation Management and Defensible Space Ordinance (Ordinance 5101). Ordinance 5101 was approved by the County Board of Supervisors (BOS) on April 30, 2019 and amended by the BOS on February 25, 2020.

The County created a Vegetation Management Office under the Chief Administrative Office to implement Ordinance 5101. Vegetation Management was authorized to fill two and three-tenths (2.3) positions to implement the Ordinance.

In September 2021, the BOS tasked the County Chief Administrative Officer (CAO) to create a new Wildfire Resiliency and Vegetation Management Work Group (Work Group). This Work Group was chartered to review lessons learned from the Caldor Fire and to recommend fire-defense strategies.

The County does not operate any fire districts. However, within the County there are 13 independent fire districts, plus the United States Forest Service and the California Department of Forestry and Fire Protection (CAL FIRE). When the County formed the Work Group, the County reached out to these fire organizations and asked for their participation.

This Work Group includes the County CAO; CAL FIRE; the United States Forest Service; and public, private, and non-profit organizations to collaborate on lessons learned, define funding streams, and recommend a robust, community-based resiliency and vegetation management program to accelerate current efforts.

This Work Group presented the concept of creating a Wildfire Resiliency Office, tasked with implementing a countywide wildfire protection strategy, to the BOS in March 2022. The Wildfire Resiliency Office was approved by the BOS and included taking over the management of Ordinance 5101.

This report discusses the County’s ongoing implementation of Ordinance 5101 and provides recommendations to the newly created Wildfire Resiliency Office based on the lessons learned from the County’s difficulties to successfully implement Ordinance 5101.

BACKGROUND

California State law regarding the establishment and maintenance of “defensible space” is found in Public Resources Code (PRC) Section 4291. CAL FIRE is responsible for enforcement of PRC Section 4291. CAL FIRE has also prepared practical guidelines for implementation of “defensible space” in various kinds of settings; these are summarized in an online brochure on their website (<https://www.fire.ca.gov/dspace/>)

According to the CAL FIRE website, clearing vegetation 100 feet from homes and other structures dramatically increases the chance of surviving a wildfire. This 100 feet of defensible space also provides for firefighter safety when protecting structures during a wildland fire. The area from 0 to 30 feet is called the “Lean, Clean and Green Zone”. Clearing this area surrounding structures is critical and requires the greatest reduction in flammable vegetation. The area from 30 to 100 feet is called the “Reduced Fuel Zone.”

State law requires that property owners must maintain a minimum of 100 feet of defensible space around all sides of their habitable structure. Defensible Space, in the context of fire control, is a natural and/or landscaped area around a structure that has been maintained and designed to reduce fire danger. In April 2019, the County BOS approved Ordinance 5101 to assist with enforcing State requirements for defensible space on unincorporated property.

Ordinance 5101 added Chapter 8.09 Vegetation Management and Defensible Space to Title 8: Public Health and Safety. This Ordinance became effective on May 30, 2019, with inspections and enforcement to begin on June 1, 2020. This Ordinance requires removal of hazardous vegetation and combustible materials situated in the unincorporated areas of the County to reduce the potential for fire and to promote the safety and welfare of the community. Vegetation management controls plant material to prevent wildfire spread and requires an ongoing commitment.

Good Neighbor and Neighborhood Protection Policy (part of Ordinance 5101) requires neighboring property owners to clear up to 100 feet of defensible space from structure(s). For example: If a structure is within 60 feet of its property line, the adjacent property owner shall assist their neighbor by completing vegetation management on another 40 feet to create a 100-foot strip of cleared land. It is recommended that neighbors reach out to neighboring property owners to coordinate defensible space efforts. Sellers of properties are required to give a disclosure of this

Ordinance to buyers. The main difference between the County's Ordinance 5101 and CAL FIRE PRC Section 4291, is that CAL FIRE will not go onto neighboring properties to reach 100 feet of defensible space.

An amended version of Ordinance 5101 was passed and adopted by the BOS on February 25, 2020. The amended version changed or added definitions and clarified some terminology. Of specific interest, "a fire chief" was deleted from the definition of Enforcement Official, and the definitions of Investigative Official and Wildfire Risk Area were added.

METHODOLOGY

DOCUMENTS REVIEWED:

- County Ordinance 5101 and its amended version;
- California Public Resources Code Section 4291;
- Firewise USA Recognition Program, Community Wildfire Risk Assessment, focusing on vulnerable homes and surrounding home ignition zones;
- County Memo to the BOS - Subject: Annual Review and Update on the Vegetation Management Program to the County BOS, February 5, 2021;
- El Dorado County Defensible Space Inspection Report, Revised July 8, 2021;
- 2021 Defensible Space Property Inspection Report, dated January 26, 2022;
- January 2022 Final Report on Fire Prevention Services performed in County Emphasis Area Rescue (Agreement for Services #5753) from the El Dorado Hills Fire Department (EDHFD);
- Mountain Democrat Article entitled "EDH Fire to do more defensible space inspections" published on March 14, 2022;
- PowerPoint Presentation to the BOS on March 22, 2022, entitled Wildfire Resiliency and Vegetation Management Working Group; and
- Mountain Democrat Article entitled "County forms Wildfire Resiliency Office" published on April 1, 2022. Last modified on April 3, 2022.

WEBSITES REVIEWED

- County Vegetation Management Website;
<https://www.edcgov.us/Government/CAO/VegetationManagement>
- County Defensible Space Inspections Website; and
<https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>
- CAL FIRE Defensible Space Website.
<https://www.edcgov.us/government/CAO/vegetationmanagement/pages/defensible-space-inspections.aspx>

INTERVIEWED

- County Staff;
- EDHFD Staff;
- CAL FIRE Staff;
- El Dorado County Resource Conservation District Staff; and
- Current and Former BOS Members.

DISCUSSION

The County adopted Ordinance 5101 to establish an annual program for the abatement of the growth and/or accumulation of weeds, grasses, shrubs, dormant brush, tree limbs, hazardous vegetation, and combustible materials on all improved, and designated unimproved, parcels within the unincorporated areas of the County. This Ordinance also applied to the maintenance of those parcels to prevent vegetation from growing back.

To implement the Ordinance, the plan was to use the following resources, including but not limited to:

- County Vegetation Management Program staff to perform inspections in identified County Emphasis Areas (CEAs) annually;
- CAL FIRE to perform inspections in identified Target Hazard Areas within the County; and

- Local fire districts to perform inspections in identified Wildfire Risk Areas within the County.

In addition to these regularly planned inspections, County Vegetation Management responded to citizen defensible space complaints to protect the health and safety of residents. Complainants must be County residents, own property within the County, or own a business that is located or operated within the County. Inspections resulting from a complaint will likely result in inspection of neighboring properties.

The County created a Vegetation Management Office to implement Ordinance 5101 and placed it under Emergency Medical Services and Emergency Preparedness & Response Division. The Program Managers [approximately three-tenths of a Full Time Equivalent (FTE) position] tasked to implement this Ordinance lacked vegetation management and defensible space experience. Two FTE positions were authorized for the Vegetation Management Office: An Administrative Assistant and a Defensible Space Inspector (DSI). There was high turnover and a lack of continuity in the DSI position. Since the passage of Ordinance 5101, the Vegetation Management Office has had an FTE DSI for approximately one-third of the time. The County did not assign any additional resources to the Vegetation Management Office since the end of 2021.

Residents could leave complaints on a recorded line by voicemail for the Administrative Assistant to address. Meetings were held regularly between the County and fire districts to triage and assign complaints to the appropriate agency. Complaints were addressed as resources were available. According to various interviews, the Grand Jury was told the complaint process became a way for neighbors to complain about other neighbors.

During the first year of the Ordinance, the Vegetation Management Office focused on program development to include the creation of a web page, community education, and voluntary compliance of the Ordinance by property owners. Property owners in two CAL FIRE-identified areas designated as CEAs received informational mailers in February 2020 notifying them that their property was in a designated CEA. They were also informed that inspections on their property would begin in 2020. A copy of the Defensible Space Inspection form was included in the mailer.

Implementation of this Ordinance was limited when the Vegetation Management Office lost its FTE DSI in December 2020. Fire Districts conducted limited inspections by referral from the Vegetation Management Office. These inspections were limited by available resources of these fire districts.

The enforcement component was never implemented because no decision was made on what County department would be responsible for the enforcement and when the penalties would be applied.

The program stalled even further when the Vegetation Management Office management staff were diverted to emergency priorities, such as responding to COVID-19 and the Caldor Fire. During these times, little progress was made within program development and community outreach. By late 2021, the Vegetation Management Office consisted of one FTE Administrative Assistant.

With no DSIs to conduct defensible space inspections, the County contracted with EDHFD on May 25, 2021, to inspect the Rescue CEA from July 1 – December 31, 2021, for \$60,000. The County requested EDHFD to inspect 237 private parcels in the Rescue CEA to verify that each parcel complied with County Codes and Ordinance 5101. EDHFD was selected because it had defensible space expertise and resources to conduct these inspections.

EDHFD conducted a total of 428 inspections on 254 parcels within, or adjoining, the CEA. In addition to the 237 parcels identified in the contract, EDHFD inspected an additional 17 private parcels that are contiguous with the borders of the CEA. Of the 428 inspections completed, all 254 parcels received a first inspection. A second inspection was completed on 104 parcels. Three or more inspections were completed on 70 parcels. EDHFD found 77% of the inspected parcels were defensible space compliant. The EDHFD Final Report recommended the County develop a comprehensive strategy that reduces the number of property owners who refuse to allow access to government inspectors to verify that the property complies with the County Code.

The County received many complaints about the lack of compliance with the Ordinance for its own properties. The County failed to address the lack of compliance due to:

- internal conflicts about which County agency was responsible for maintenance of various County properties;
- lack of sufficient County personnel to perform the maintenance; and
- difficulty contracting with outside vendors due to issues in Memoranda of Understanding with the various labor organizations representing County staff.

The BOS did not promptly follow up on the implementation of the Ordinance. The first Annual Review and Update to the BOS was via a memo provided on February 5, 2021, almost two years after the adoption of Ordinance 5101.

Due to the ongoing lack of County DSIs, on March 9, 2022, the County BOS approved \$250,020 to renew the agreement with EDHFD to conduct defensible space inspections in the County's CEAs. The 2022-2023 defensible space inspections program began April 1, 2022 and ends March 31, 2023. This agreement includes inspections for CEAs

Rescue and Diamond Springs identified by CAL FIRE. Specific emphasis areas in Diamond Springs include along Union Mine Road, Little Canyon Road, and Martina's Creek. EDHFD will also inspect Luneman and Lotus Road areas in Rescue.

The first priority of the Work Group created by the CAO was to find resources allowing the County to respond to various grant programs for defensible space funding. The Work Group contracted with the El Dorado Resource Conservation District to hire, through a California Fire Safe Council Grant, a County Community Wildfire Protection Coordinator for 18 months. They submitted an additional grant proposal to the California Office of Emergency Services for a \$10.2 million FEMA Hazard Mitigation Grant with a \$3.3 million County match.

The Work Group has created a core group with representation from County leadership, subject matter experts, public, and private entities. This Work Group has some traction, being led by an interim leader with subject matter expertise and the credibility needed to gain the respect of the many independent fire organizations. This has improved communication and coordination across the many fire organizations.

This Work Group plans to conduct a countywide assessment that will identify areas most at risk, determine measures of success, track and report on progress, and establish a broad stakeholder-based organizational structure.

Based on the Grand Jury's own investigation, it agrees with the recent Work Group findings. This includes:

- The County lacks an organized and unified approach to addressing wildfire hazard and risk.
- There is no single process for establishing priorities, coordinating projects, and allocating resources, even though efforts are taking place.
- Public outreach and messaging were not coordinated among the various agencies.
- The Caldor Fire revealed the lack of defensible space in many areas, requiring fire fighters to complete clearing ahead of the approaching fire.
- The Caldor Fire demonstrated that cooperative and strategic vegetation management projects can be successful when there is coordination and engagement of stakeholders across jurisdictional boundaries.
- The County is responsible for implementing and maintaining the County Vegetation Management Ordinance, the County Hazard Mitigation Plan, the General Plan Safety Element, and the Building Codes incorporating Wildland/Urban Interface Building Standards.

The Work Group presented the concept of creating a Wildfire Resiliency Office, tasked with implementing a countywide wildfire protection strategy, to the BOS in March 2022, which was approved. The Wildfire Resiliency Office will report to the CAO.

Other responsibilities of the Wildfire Resiliency Office include coordinating wildfire and vegetation management projects and related updates to the County Hazard Mitigation Plan and General Plan Safety Element, keeping updated with building code changes and Wildfire/Urban Interface Building Standards, facilitating program priorities for Ordinance 5101, managing Hazard Mitigation Grant Program funds, and convening a broad countywide stakeholder group.

The CAO recommended that the BOS approve the establishment of the Office of Wildfire Resilience and designate \$3,375,000 of contingency funds as the local matching funds for a \$10.2 million federal Hazard Mitigation Grant. These funds will be used to conduct defensible space inspections, home hardening work, and hazardous fuels reduction for a community in the County. The community that was selected for the Hazard Mitigation Grant is the Weber Creek Drainage area between Sacramento Hill and Texas Hill. This community was recommended by County fire professionals.

The new Wildfire Resiliency Office has only three authorized FTE staff [seven-tenths (.7) more of a position than the Vegetation Management Office] to achieve the goal set by the BOS. The Vegetation Management Administrative Assistant has been transferred to the new office, but the other two positions have yet to be filled.

Other than the defensible space inspections completed, or to be completed, by the EDHFD, as of the date of this report, Ordinance 5101 still has not been fully implemented since its approval in 2019.

Access to affordable and protective homeowner fire insurance remains a significant issue in El Dorado County and is increasingly spreading to urban areas in the County. Data collected by the California Department of Insurance shows homeowner insurance is becoming harder to find and retain for those in high wildfire areas due to recent wildfires. El Dorado County is ranked one of the top ten counties with the highest exposure to wildfires. It is important for the Wildfire Resiliency Office to consider this issue as one of its priorities.

The new Wildfire Resiliency Office's first priority is to take a leadership role, and work with the fire districts by coordinating strategies with organizations that have fire and defensible space expertise. The establishment of this new Wildfire Resiliency Office is essential to reach compliance with Ordinance 5101. As of the date of this report, the Office is still in the process of being implemented.

FINDINGS

- F1. The Vegetation Management Office, tasked with the implementation and management of County Ordinance 5101, lacked expertise and adequate resources to meet the objectives of the Ordinance.
- F2. As of May 2022, the County's Vegetation Management Office has transitioned under the new Wildfire Resiliency Office.
- F3. There has been no comprehensive County plan to implement Ordinance 5101, which includes defensible space inspections.
- F4. The new Wildfire Resiliency Office has been given the responsibility to develop a comprehensive County plan.
- F5. The enforcement component of Ordinance 5101 has not been implemented.
- F6. There are County properties in violation of its own Ordinance 5101.
- F7. Availability and affordability of fire insurance is an ongoing issue in the County.

RECOMMENDATIONS

- R1. The BOS should provide the new Wildfire Resiliency Office with appropriate staffing, resources, and funding, to meet its goals by December 31, 2022.
- R2. The BOS should follow up with the newly formed Wildfire Resiliency Office and receive updates on a quarterly basis from the CAO by December 31, 2022.
- R3. The BOS should direct appropriate County departments to comply with Ordinance 5101 by clearing County properties that violate the Ordinance by June 30, 2023.
- R4. The BOS should decide whether the enforcement component of Ordinance 5101 needs to be amended by December 31, 2022.
- R5. The BOS should send a letter by December 31, 2022, to the State Insurance Commissioner advocating that insurance companies provide or continue to provide insurance for rural areas.

REQUESTS FOR RESPONSE

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review How to Respond to an El Dorado County Grand Jury Report, a separate document included with this report.

Responses are requested in accordance with California Penal Code §933 and §933.05.

- Responses to all findings and recommendations are requested from the BOS

EL DORADO COUNTY 2021–2022 GRAND JURY

Timeliness of Municipal Service Reviews

Case #21-10 – June 27, 2022

SUMMARY

The El Dorado County (County) Grand Jury investigated the El Dorado Local Agency Formation Commission (LAFCO) because it had not completed Municipal Service Reviews (MSRs) of the agencies within its jurisdiction, as required by State law. El Dorado LAFCO staff stated that several factors contributed to its inability to meet State law requirements, including the loss of staff and its reprioritizing of MSR preparation.

BACKGROUND

County residents and communities benefit when local agencies deliver services efficiently and effectively. MSRs are a vital tool in achieving that objective.

LAFCOs serve as the California State Legislature’s watchdog over city and special district boundaries. There is one LAFCO in each county, and its cost of operation is divided among the county, the cities, and special districts represented on LAFCO. LAFCO is the entity responsible for preparing MSRs and Spheres of Influence (SOIs). State law established LAFCOs in 1963 to improve regional planning in response to the growth in California's population and economy experienced after World War II. The requirement for LAFCOs to prepare SOIs was added in 1971. The preparation of MSRs was added to LAFCOs’ mandate with the passage of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

An MSR is a comprehensive assessment designed to better inform LAFCO, local agencies, and the community of a local agency’s ability to provide municipal services to residents and users in its jurisdiction. State law specifies the information required in an MSR for the area subject to review, including growth and population projections, present and planned capacity of public facilities, adequacy of public services, infrastructure needs or deficiencies, financial ability to provide services, and any other matter related to the effective or efficient delivery of services. MSRs attempt to capture and analyze information about governance structures and efficiencies of service providers, and to identify opportunities for greater coordination and cooperation between providers.

An MSR is required in connection with developing and updating an SOI for a local government agency. An SOI is a plan for the probable physical boundaries and service area of the agency. The SOI determines how fast and how much an agency may grow within a certain timeframe, providing a process to plan for the probable future boundaries outside of the agency's existing service area. An MSR is an essential precursor to this process because it provides a "snapshot" of the agency's current ability to provide services from which projections may be made. Depending on the findings, this may also lead LAFCO to take other actions under its authority.

METHODOLOGY

Documents Reviewed:

- Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) [<https://calafco.org/resources/lafco-law/cortese-knox-hertzberg-act>];
- Guide to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 [[Cortese-Knox-Hertzberg \(ca.gov\)](https://www.cortese-knox-hertzberg.ca.gov)];
- Solano County Grand Jury 2016-17 Report on the Solano LAFCO and the LAFCO's response;
- LAFCO Municipal Service Review Guidelines, Governor's Office of Planning and Research;
- El Dorado LAFCO Policies and Guidelines [[LAFCO Policies and Guidelines - El Dorado Local Agency Formation Commission \(edlafco.us\)](https://www.edlafco.us)]; and
- 50 Years of LAFCOs, A Guide to LAFCOs (3d Ed., Dec. 2013), Senate Governance and Finance Committee (<https://calafco.org/resources/cortese-knox-hertzberg-act/50-years-lafco-guide-lafcos>).

Websites Reviewed:

- El Dorado LAFCO www.edlafco.us;
- San Diego LAFCO www.sdlafco.org;
- Contra Costa LAFCO www.contracostalafco.org; and

- Madera LAFCO www.maderacounty.com/government/madera-lafco.

Interviewed:

- Current and former staff of El Dorado LAFCO
- Commissioners of El Dorado LAFCO.

DISCUSSION

LAFCOs perform many regulatory functions relating to the establishment, expansion, and reorganization of cities and special districts within their jurisdiction. Among LAFCOs' other powers is authorizing cities and special districts to contract to provide new services or to provide services outside of their existing boundaries.

One of LAFCOs' primary purposes in discharging these regulatory functions is to efficiently provide government services and encourage the orderly formation and development of local agencies based on conditions and circumstances. MSR, prepared in connection with SOIs, are vital to meeting that purpose.

State law specifies the composition of LAFCOs' Commissioners. In accordance with those provisions, there are seven regular Commissioners for the El Dorado LAFCO, consisting of two members from the County Board of Supervisors, two members from the incorporated cities in the County, two members from special districts in the County, and one member from the public. In addition, there is one alternate Commissioner from each of the membership categories. El Dorado LAFCO's jurisdiction includes the two incorporated cities as well as 47 special districts and six dependent special districts in the County.

El Dorado LAFCO completed an initial MSR for each of the 55 local agencies within its jurisdiction prior to January 1, 2008. State law requires LAFCOs to prepare SOIs every five years thereafter, as necessary. The Grand Jury could find no definitive interpretation of "as necessary." To prepare or update an SOI, State law specifically requires LAFCOs to complete a review of the municipal services provided by the subject agency.

El Dorado LAFCO developed a project plan for preparing MSRs during subsequent review cycles. This plan divided the agencies into the following categories: (1) those for which an MSR would be prepared each cycle; (2) those for which an MSR would be prepared based on a scoring system that considered the agency's previous issues and activity levels, and (3) those for which no MSR would be prepared. The Grand Jury could find no justification for not preparing an MSR.

El Dorado LAFCO completed all MSR's according to its project plan during 2008 - 2013. Thereafter, El Dorado LAFCO chose to extend the MSR cycle from 5 to 8 years, citing a change to State law, making the next cycle's timeframe 2013 - 2021. The referenced change in State law was the adoption of Senate Bill 375 in 2008. Senate Bill 375 is focused on reducing greenhouse gas emissions and changed the period for regional transportation and Housing Element updates from five years to eight years. Regional transportation and Housing Element plans are provided to LAFCO as input for MSR's. LAFCO law, specifically Government Code §56425 which sets a five-year timeframe for MSR's, was not updated or changed. The Grand Jury could find no justification for El Dorado LAFCO's decision to change the MSR cycle from five to eight years.

According to its project plan, El Dorado LAFCO was required to complete MSR's for 55 agencies during this cycle. The Grand Jury could not find a consolidated status report of MSR's on the El Dorado LAFCO website. The Grand Jury received conflicting information on MSR's completed and MSR's outstanding. The Project & MSR Status Report, dated May 25, 2022, presented to the Commission is not consistent with the information from Grand Jury interviews. This illustrates the need for accurate information on the status of MSR's. It would be helpful if there is a status report listing the 55 agencies for which El Dorado LAFCO is responsible.

El Dorado LAFCO staff prepare MSR's or supervise their preparation by consultants. The authorized staff consists of a full-time Executive Officer, Assistant Executive Officer, Assistant Policy Analyst, and a part-time Administrative Assistant. The former Executive Officer left in July 2021, and since that time, the Assistant Executive Officer has served in that capacity on an interim basis while recruitment continues. The current El Dorado LAFCO staff consists of the Interim Executive Officer, Assistant Policy Analyst, and a part-time Administrative Assistant.

Prior to 2019, El Dorado LAFCO Commissioners made MSR preparation a low priority, therefore, some MSR's were not completed. Preparation of MSR's by El Dorado LAFCO staff has been suspended since the departure of the former Executive Officer in July 2021.

The policies and guidelines of El Dorado LAFCO contain provisions relating to the timely preparation of MSR's and the funding of its operations. Section 5.16 requires it to "prioritize service reviews" and to "identify funding resources as part of its annual work plan and budget hearing processes." Section 2.2.1 requires El Dorado LAFCO to "periodically review its fees and to adopt a fee schedule for the purpose of recovering [its operating] costs." Fees are recovered from cities, the County, and special districts.

El Dorado LAFCO policies and guidelines specifically address the efficient preparation of MSR's, requiring it to "attempt to minimize the number of required service reviews by clustering services or agencies as feasible and appropriate" (Section 5.6), to "work to

streamline service review processes, identifying certain methods for that purpose” (Section 5.7), and to “use existing information resources, technical support from the county, cities and special districts when available and adequate, staging or tiering of reviews, and similar strategies to reduce service review processing costs and timelines” (Section 5.8). Section 5.8 specifies the intent of its provisions is “to avoid unnecessary processing costs and processing time while producing high quality technical reviews.” In addition to these policies and procedures, El Dorado LAFCO Commissioners directed staff at its meeting on October 27, 2021, to contact Executive Officers of other LAFCOs to obtain information on streamlining the MSR process.

The Executive Officer position is currently vacant and has been since July 6, 2021. There are many tasks not being completed because the Commission has delayed decisions, including filling vacancies, setting priorities, and completing MSRs until the Executive Officer is hired.

FINDINGS

- F1. State law requires El Dorado LAFCO to prepare an MSR of a local agency in its jurisdiction when updating the government agency’s SOI.
- F2. Preparation of an MSR is important for the effective and efficient delivery of municipal services to the residents of El Dorado County.
- F3. In violation of its policy and guidelines, El Dorado LAFCO has not made MSR preparation a priority and has not completed MSRs as required by State law and its project plan.
- F4. El Dorado LAFCO changed the cycle for MSR preparation from five to eight years.
- F5. There is no status chart specifying the timeframe for MSR preparation of each agency.
- F6. El Dorado LAFCO has been without a permanent Executive Officer since July 6, 2021.
- F7. El Dorado LAFCO has four budgeted positions. Currently, only two and a half of the positions are filled, leaving one and a half positions vacant. This has had a direct negative effect on its ability to complete MSRs.

RECOMMENDATIONS

- R1. El Dorado LAFCO staff should present to the Commissioners a plan for the timely completion of MSRs and SOIs for the next cycle. The plan should be presented at a regular Commissioners' meeting by December 31, 2022.
- R2. El Dorado LAFCO should complete all MSRs that are delinquent by June 30, 2023.
- R3. El Dorado LAFCO should return to its MSR preparation cycle of five years.
- R4. El Dorado LAFCO should have an updated MSR status report on its website by December 31, 2022, that specifies when the last MSR for each agency was completed and when the next one is due.
- R5. El Dorado LAFCO should make hiring a new Executive Officer a high priority.
- R6. El Dorado LAFCO should hire staff for current and future vacant positions as quickly as possible.

REQUESTS FOR RESPONSE

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

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

The Grand Jury requests El Dorado LAFCO respond to all findings and recommendations.