

DRAFT

El Dorado County Board of Supervisors

Response to

El Dorado County 2017-2018 Grand Jury Final Reports

#17-03: El Dorado County Jails Inspections

#17-04: El Dorado County Fire Protection Consolidation

#17-06: How El Dorado County Can Navigate the CalPERS Crisis

#17-12: Oversight of Special District Mitigation Fees

#17-04: El Dorado County Fire Protection Consolidation

The Grand Jury requested responses from the Board of Supervisors to Findings 3, 4, 5, and 6, and to all of the Recommendations. As the agency responsible for overseeing consolidations/annexations of districts within El Dorado County, the El Dorado County Local Agency Formation Commission (LAFCO) has also prepared a response to this Grand Jury Report.

FINDINGS

F3. The Board of Supervisors, in conjunction with LAFCO, is best positioned to champion fire agency consolidation.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

However, the County and LAFCO cannot effect a consolidation alone. Efforts at agency consolidation can only be successful with interest from potentially affected fire districts, sufficient support from the community, and with dedicated leader to coordinate the effort.

F4. The Fire Advisory Board, if reactivated, could help the Board of Supervisors with consolidation.

Board of Supervisors Response:

The Board of Supervisors disagrees in part with this finding.

The Board of Supervisors agrees that the Fire Advisory Board could help study the potential for consolidation; however, the implication that the Fire Advisory Board is not active is not accurate. The Grand Jury's report states, "The Fire Advisory Board provided advice on fire-related issues to the Board of Supervisors; that Board is now inactive." A body called the "Fire Advisory Board," consisting of five chiefs from local fire districts, was created by Board of Supervisors resolution No. 152-80 on May 13, 1980. The members of the board were to be recommended by the El Dorado County Fire Chiefs' Association and appointed by the Board of Supervisors. The purpose of the body was to serve in a technical advisory capacity to the Board of Supervisors on fire-related issues. In March, 2017, it was determined that this board was subject to the Brown Act open meeting laws. Due to the fact that the members of the board, as fire chiefs, necessarily meet regularly in various venues and discuss countywide fire protection as part of their general duties, it became clear that it would not be feasible for these chiefs to serve in the Fire Advisory Board as it was composed at the time. After discussion with the Fire Chiefs' Association, the Board of Supervisors rescinded the resolution that had created the Fire Advisory Board and the Fire Chiefs' Association created a subcommittee by the same name, with

membership determined by the Association. The intent of the subcommittee is to act as a liaison between the fire districts countywide and the Board of Supervisors. This subcommittee is active and has been tasked by the Fire Chiefs' Association with working closely with the County on the many challenges related to fire and emergency medical services countywide.

F5. Consolidation needs to be a well-planned effort and will take many years to accomplish.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

F6. Consolidation is unlikely without adjustment of AB8 allocations.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

RECOMMENDATIONS

R1. The Board of Supervisors should take the lead to consolidate County fire protection agencies.

Board of Supervisors Response:

This recommendation will not be implemented because it is not reasonable, and further discussions are necessary. Please see the response to Finding F3 above. Pursuant to Penal Code, any Grand Jury recommendation that requires further analysis must be provide a timeframe of completion within six months of the date of publication of the grand jury report. It cannot be stated that these discussion and analysis will be completed within six months of the publications of the grand jury report.

R2. The Board of Supervisors should reactivate the Fire Advisory Board.

Board of Supervisors Response:

The recommendation will not be implemented because it is not warranted. As described above, it is not feasible for the Board of Supervisors to reactivate the Fire Advisory Board as a body appointed by the Board of Supervisors. The Fire Chiefs' Association has designated a subcommittee to work with the County on issues related to fire and emergency services countywide.

R3. The Board of Supervisors should direct the Fire Advisory Board to develop a plan for

consolidation of fire protection agencies.

Board of Supervisors Response:

The recommendation will not be implemented because it is not warranted, and is not feasible. As stated above, it is not feasible to reconstitute the Fire Advisory Board as an appointive body of the Board of Supervisors. The Board has no authority to “direct” the current Fire Advisory Board, as it is a subcommittee of the Fire Chiefs’ Association; however, the Board of Supervisors agrees that consolidation should be one of the options considered as it works with the Fire Advisory Board to identify long-term solutions to the funding and service delivery challenges facing districts countywide.

R4. The Board of Supervisors should resolutely work to persuade agencies to implement the plan.

Board of Supervisors Response:

The recommendation will not be implemented because it is not warranted, and is not feasible. Please see response to Recommendation 3 above.

R5. The Board of Supervisors should be open to reasonable AB8 allocation adjustments to support consolidation.

Board of Supervisors Response:

This recommendation will be implemented, in that the Board of Supervisors will be presented with reasonable recommendations for AB8 allocation adjustments, recognizing the on-going financing needs of all affected agencies, as consolidation opportunities arise.

#17-06: How El Dorado County Can Navigate the CalPERS Crisis

FINDINGS

F1. The unfunded CalPERS liability for El Dorado County is \$346 million as of July 2016.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

F2. El Dorado County pays annual CalPERS payments monthly, resulting in interest charges payable to CalPERS.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

F3. El Dorado County pays only the minimum amount due to CalPERS; it does not make additional payments to reduce the UAL.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

F4. El Dorado County has an established policy to set aside additional funding for post-employment benefits, but not specifically for CalPERS obligations.

Board of Supervisors Response:

The Board of Supervisors partially disagrees with this finding.

The Board of Supervisors has budgeting philosophy for treatment of both OPEB and CalPERS long-term obligations, but has not adopted specific policies for setting aside funds for these purposes.

With the adoption of the FY 2017-18 Budget, the Board approved a budgeting philosophy of establishing and funding a CalPERS Payment Reserve equal to the General Fund's estimated additional contribution for the following two years. In concept, this reserve serves as a revolving fund, with funds being drawn down in the immediate budget year's Recommended Budget based on the budgeted General Fund cost increase, and subsequently replenished in the same year, once the carry-forward fund balance amount is known, and based on the updated 2-year estimated cost. Maintaining this reserve, and using funds to help cover the increase in CalPERS

costs in each subsequent budget year, will help ensure the County is able to fund those required contributions in future years.

Separately, Budget Policy B-16, Policy #12 - Other Post-Employment Benefits (OPEB) was recently updated and states, “El Dorado County shall continue the policy of “pay as you go” to fund the County’s OPEB liability. OPEB costs will be allocated to the respective County departments based on a State–approved allocation formula. The Board may modify this policy at any time, to allocate un-appropriated discretionary resources to fund the OPEB liability, to set funds aside to fund future years’ liabilities, or to begin funding on-going OPEB liabilities by establishing a pre-funding trust.”

F5. Historically, El Dorado County has not provided information to the public about it’s CalPERS obligation in a way that clearly illuminates the scope of the pension obligation.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

While information regarding the annual CalPERS employer costs has been included in prior year budgets, this information typically was not consolidated and highlighted as a major budget concern. The annual Recommended Budget for FY 2017-18 and FY 2018-19, and the respective presentations to the Board and public, have included anticipated countywide cost impacts as well as summary discussion of the reason for cost increases and anticipated long-term budget implications.

RECOMMENDATIONS

R1. El Dorado County should establish a policy to escalate contributions to reduce the UAL.

Board of Supervisors Response:

This recommendation requires further analysis.

Any change to current policy requires thorough analysis, including evaluation of current year and future year impacts. Changes to CalPERS payment policies will also require presentation to, and evaluation and approval by, the Board of Supervisors. Staff will work to bring initial discussion and analysis to the Board for consideration within the next six months.

R2. El Dorado County should evaluate pre-paying the annual CalPERS contribution by paying the UAL portion annually rather than monthly to lessen interest charged by CalPERS.

Board of Supervisors Response:

This recommendation requires further analysis.

Any change to current policy requires thorough analysis, including evaluation of current year and future year impacts. Changes to CalPERS payment policies will also require presentation to, and evaluation and approval by, the Board of Supervisors. Staff will work to bring initial discussion and analysis to the Board for consideration within the next six months.

R3. El Dorado County should create a dedicated trust to assure that funds set aside in the budget for CalPERS costs are used for that purpose.

Board of Supervisors Response:

This recommendation requires further analysis.

While the Board of Supervisors has established a separate account with funds designated for future CalPERS cost increases, these funds are only designated by the Board of Supervisors and if necessary could be used for other purposes with a vote of the Board. Evaluation of a dedicated trust has been considered; however, the County will need to issue a Request for Proposals in order to move forward with establishing a trust.

Staff will work to bring initial discussion and analysis to the Board for consideration within the next six months.

R4. El Dorado County should fund the CalPERS trust account to the maximum extent possible.

Board of Supervisors Response:

This recommendation requires further analysis.

Funding for a CalPERS trust will be evaluated in conjunction with Recommendation 3 above.

Staff will work to bring initial discussion and analysis to the Board for consideration within the next six months.

R5. As part of the yearly budget process, El Dorado County should report the details of its CalPERS obligation in simple and understandable terms prominently on the County's website and in a press release, so that citizens can understand the extent of future CalPERS obligations.

Board of Supervisors Response:

This recommendation has been partially implemented with the past two budget processes, and will be fully implemented within the next six months in conjunction with the FY 2019-20 budget process. Implementation will include additional information published to the County's website along with relevant press releases and related communications.

#17-12: Oversight of Special District Mitigation Fees

FINDINGS

F1. The Chief Administrative Office (CAO) has designated staff with responsibility for assisting special district compliance with the MFA.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

F2. There are no County internal policies and procedures governing the County's assistance in the administration of special district mitigation fees.

Board of Supervisors Response:

The Board of Supervisors disagrees with this finding.

The Chief Administrative Office maintains an internal procedure governing the process for oversight of special district mitigation fees. However, this internal procedure has not been formalized as County policy.

F3. All County mitigation fees accounting is up to date and in full compliance with the MFA.

Board of Supervisors Response:

The Board of Supervisors agrees with this finding.

RECOMMENDATION

R1. The County should formalize policies and procedures with regard to the County's role in assisting special districts to comply with the Mitigation Fee Act.

Board of Supervisors Response:

The recommendation to formalize policies and procedures will require further study, in that discussions with affected departments which play a role in managing the Mitigation Fee Act will need to take place in order to develop a comprehensive, countywide policy and procedure. Affected departments include not only the Chief Administrative Office, but the Auditor-Controller, Department of Transportation, and Community Development Services Administration and Finance. Special Districts will also need to be involved in the development of any policy recommendation. County policies require Board of Supervisors approval.

#17-03: El Dorado County Jails Inspections

Board of Supervisors Response

Pursuant to Penal Code §933.05 subdivision (c), if a finding or recommendation of the grand jury addresses a county agency or department headed by an elected officer, the Board of Supervisors shall respond if requested by the Grand Jury. However, the response shall address only those budgetary or personnel matters over which the Board has some decision making authority.

The Grand Jury did not request a response from the Board of Supervisors; therefore, no detailed response has been submitted.

The elected Sheriff has submitted his response, which is attached to this report as Attachment A.

The Board of Supervisors supports the response from the elected Sheriff.

Penal Code §933.05 subdivision (c):

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



JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR
COUNTY OF EL DORADO
STATE OF CALIFORNIA

July 26, 2018

The Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd.
South Lake Tahoe, CA 96150

RE: Report No. 17-03 June 30, 2018 El Dorado County Jails Inspections

The Honorable Suzanne N. Kingsbury,

This Office has received and reviewed a report by the 2017-2018 Grand Jury relating to the El Dorado County Jails Inspections. Please find the below responses to those findings and recommendation relevant to the Sheriff's Office.

Sheriff's Response to Specific Findings GJ Case 17-03 El Dorado County Jails Inspections

F1. Stained ceiling tiles were observed in both County Jails.

The Sheriff agrees with the finding.

F2. Graffiti and chipped paint was observed on interior County Jail walls, in visiting booths and other surfaces.

The Sheriff agrees with the finding.

F3. The full body metal detector in Placerville Receiving and Release was not working.

The Sheriff disagrees wholly with the finding.

The full body metal detector is functioning properly and is used to screen all intakes and inmates returning to the facility from outside court and medical appointments. When the Grand Jury inspected the facility, the machine had been unplugged to be reset. This has to be done periodically.

"Serving El Dorado County Since 1850"

HEADQUARTERS- 300 FAIR LANE, PLACERVILLE, CA 95667
JAIL DIVISION- 300 FORNI ROAD, PLACERVILLE, CA 95667
TAHOE JAIL- 1051 AL TAHOE BLVD., SOUTH LAKE TAHOE, CA 96150
TAHOE PATROL- 1360 JOHNSON BLVD., SUITE 100, SOUTH LAKE TAHOE, CA 96150

- F4. The culinary program is the only vocational program available in either jail.

The Sheriff disagrees wholly with the finding.

The Grand Jury was advised we offer employment success courses and have put several inmates through a waste water treatment operator program. One inmate just received his high school diploma and is currently enrolled in the waste water treatment operator program.

Space and inmate classification issues create a challenge to holding additional programs, but we are always exploring options to expand.

Additional expansion of these programs will occur with the recently awarded \$25 Million grant under SB844 to address medical, mental health, programming and educational needs. The jail will be expanded to include additional programming and classroom space.

- F5 Female inmates cannot participate in the culinary programs at both jails.

The Sheriff agrees with the finding.

- F6 The Vanir Report has inconsistent numbers for attempted suicides in both jails from 2011 to 2016. They are inaccurate and do not correlate with County numbers.

The Sheriff agrees with the finding.

- F7. Assembly Bill AB 109 has created a hardship to County Jails.

The Sheriff agrees with the finding.

Sheriff's Response to Specific Recommendations GJ Case 17-03 El Dorado County Jails Inspections

- R1. Stained ceiling tiles should be replaced immediately after leak repairs are accomplished.

The recommendation has been implemented.

Both jails are aging facilities with heavy 24 hour use. These stains can occur through leaks in various systems, but also occur from inmate abuse. Recently most stained ceiling panels were replaced and continued replacement will be coordinated with county facilities staff.

- R2. Graffiti removal and repainting of chipped paint should occur on a continuous basis.

The recommendation has been implemented.

The facilities sustain heavy 24 hours usage and inmate abuse. Periodic painting occurs. Currently both jails are going through full facility repainting. This is primarily completed with inmate labor.

- R3. In the Placerville Jail Receiving and Release, the full body scanner should be operational and used during inmate intake.

The recommendation has been implemented.

The full body metal detector is functioning properly and is used to screen all intakes and inmates returning to the facility from outside court and medical appointments.

There is also hand held metal detectors available should the full body metal detector be unavailable.

- R4. The jails should institute life skills and vocational programs.

The recommendation has been implemented.

The jails offer several different life skills programs. These include GED, high school diploma, employment success, parenting and other life skills programs. The jails offer the culinary and waste water treatment operator programs. The jails have partnered with Lake Tahoe Community College to bring the culinary program to both facilities and are in the process of exploring additional programs.

The jails recently deployed a tablet program where inmates get online access to educational and life skills classes through tablets they can use in their housing units and cells. This allows access to educational services without needing classroom space.

Additional expansion of these programs will occur with the recently awarded \$25 Million grant under SB844 to address medical, mental health, programming and educational needs. The jail will be expanded to include additional programming and classroom space.

- R5. The culinary program should allow both male and female inmates to participate.

The recommendation has been implemented.

When there are enough qualifying female inmates available, the Tahoe Jail is used to offer the culinary program to female inmates. Inmates are

transferred from Placerville to Tahoe to get enough qualifying inmates to run and operate the kitchen. Inmate classification and availability of staff determine when the program can be offered to females.

- R6. Jail staff should be trained to better classify and document attempted suicide for more accurate record keeping.

The recommendation has been implemented.

The jails have implemented improved methods of tracking and classifying suicide attempts and have changed policies to clearly define suicide attempts. Jail staff participates in online and classroom training in mental health and suicide prevention.

John D. A. [Signature]
8/6/18