

El Dorado County Board of Supervisors
Response to the
2022-2023 El Dorado County Grand Jury Reports

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

Case 22-23 GJ02: Procurement and Contracts

Case 22-23 GJ03: Building Projects – Can You Help Me, ...PLEASE?

Case 22-23 GJ04: How Will Grizzly Flats Water District Survive?

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

The Grand Jury has requested responses from the Board of Supervisors to Findings 1-5 and 7-8, and to Recommendations 1-3 and 5. The Auditor-Controller was also asked to prepare a response to this report.

Consistent with previous practice and pursuant to Board Policy A-11, the Chief Administrative Office is responsible for coordinating the County's response to the Grand Jury. Responses to the Grand Jury Report are directed by Board Policy A-11 and Penal Code 933.05. Accordingly, the Chief Administrative Office has reviewed and compiled the responses from all non-elected department heads into this Initial Draft Response for the Board's consideration.

FINDINGS

- F1. The SBR required that a Director be employed for 5 years or more in order to receive payment for unused sick leave.

The Board of Supervisors disagrees partially with this finding.

The above statement is partially accurate. The Salary and Benefits Resolution (SBR) further states an Appointed Department Head is also eligible to receive payment for unused sick leave if they retire prior to the completion of 5 years of service.

- F2. A lack of detailed policies and procedures between HR and CAO ultimately led to a significant overpayment to the former Director of HR.

The Board of Supervisors disagrees wholly with this finding.

The CAO Fiscal Division performs fiscal accounting functions, including payroll oversight, for the County's central service departments, such as County Counsel, Information Technologies, and Human Resources, and works directly with the Auditor-Controller's Payroll Division on payroll-related matters. Regarding the incident in question, the former Human Resources Director provided notice of resignation to the Board of Supervisors and the CAO Fiscal Division. The CAO Fiscal Division then initiated the payroll-related function of reviewing data that would ultimately be considered in any final payment to the exiting HR Director, as they would normally be for any exiting central service employee. The CAO Fiscal Division worked directly with the Auditor-Controller's Payroll Division to coordinate the final payment. The process did not include the HR Department, as it is not within the HR Department's normal scope of work to perform this fiscal function. Therefore, it is unlikely any lack of process between the HR Department

and the CAO Fiscal Division could have led to an overpayment. The Salary and Benefits Resolution (SBR) is the guiding policy that provides County employees and the public with extremely detailed information regarding the administration of payment for unused sick leave for all unrepresented positions, including Appointed Department Heads. The HR Department does not determine who is eligible or ineligible for sick leave payouts since that is already delineated in the SBR and completed by non-HR staff using a Payroll form Computation of Final Wages Due (CFWD). The Grand Jury's report accurately stated that the CAO Fiscal Division is responsible for completing Payroll's CFWD. That is a function between the CAO Fiscal Division and the Auditor-Controller's Payroll Division. The payout procedure for all unrepresented employees is guided by the policy set by the SBR and is implemented via the process the Auditor-Controller's Payroll Division has provided in the CFWD. Both the SBR and the CFWD were in place when the incident in question occurred.

- F3. The payout error in this report was discovered by an unrelated inquiry, a year after it occurred.

The Board of Supervisors agrees with this finding.

The HR Department discovered the error and reported it to the CAO Fiscal Division and Auditor-Controller.

- F4. The CFWD was completed in error. It was reviewed and approved by three separate managers in two departments before it was forwarded to the Payroll Division for final review and payment.

The Board of Supervisors disagrees partially with this finding.

The Board of Supervisors agrees that the Computation of Final Wages Due (CFWD) was completed with an error in the amount of sick leave paid out. The CFWD form itself only requires signatures from the person preparing the form and the Department Head or designee. The employee that prepared the form signed the form and, in this case, since the form was for a Department Head, it was signed by a manager in the CAO Fiscal Division in the Department Head of designee section. It was reviewed by one other CAO Fiscal Division staff prior to the signature in the Department Head or designee section but the form was not reviewed and approved by three separate managers in two departments.

- F5. The departing HR Director approved their timecard in KRONOS which included the sick leave hours. The current review and approval process failed to find and correct the data entry error in KRONOS.

The Board of Supervisors disagrees partially with this finding.

It is accurate that the review and auditing process of the Computation of Final Wages Due (CFWD) failed to find and correct the payout error in this instance. It is also accurate that the departing HR Director entered and approved their time worked in the Kinketsu Rapid Operated New Original System (KRONOS). However, the departing HR Director did not request or approve payment for, nor did they enter, their unused sick leave hours when approving their time entry prior to receiving any payout. KRONOS allows an employee to enter their time worked, not their leave payouts. County employees, including Appointed Department Heads, do not have the ability to initiate or request payment of unused leave accruals as part of the time entry process. Employees who leave County service, including the former HR Director, do not have the ability to independently request a payout of any leave accruals. Hours are entered for payments for unused leave accruals by CAO Fiscal Division staff for central service departments during the bi-weekly payroll process based on hours entered on the CFWD. It does not appear that any inaccurate data entry was provided by the former HR Director. Rather, the review and auditing process utilized in this instance failed to find and correct the data entry error on the CFWD.

- F7. There is no established chain of overall accountability when submitting and approving final payouts.

The Board of Supervisors disagrees wholly with this finding.

Although the HR Department is not involved in the final payout process, there are currently safeguards and accountability in place. First, the Salary and Benefits Resolution (SBR), adopted by the Board of Supervisors, addresses specifically which unrepresented employees are eligible for various payouts. It is also understood that the Computation of Final Wages Due (CFWD) document is approved at various levels by staff and ultimately sent to the Auditor-Controller's Payroll Division for final processing. That approval process is the opportunity to review and audit the CFWD for accuracy. In this case, it appears as though the overpayment was made in error on the CFWD, and not by any intent of the departing HR Director, CAO's Fiscal Division or the Auditor-Controller's Payroll Division.

- F8. CAO Managers and the Auditor-Controller's Office relied solely on the accuracy of employees who independently generated the CFWD form based on erroneous information in the KRONOS database.

The Board of Supervisors disagrees partially with this finding.

The Board of Supervisors does not believe that the information in KRONOS was inaccurate, as it likely reflected the accurate ending accrual balances. The error seems to have occurred in the misapplication of the payout terms described in the SBR. That error resulted in designating the remaining sick leave balance as being eligible for payout when it was not. The misapplication of policy and resulting inclusion of the ineligible sick leave hours on the CFWD led to the overpayment, not erroneous information in KRONOS.

RECOMMENDATIONS

- R1. Policies and procedures should be established that are specific to payouts for unrepresented management staff by the HR Department by December 31, 2023.

The recommendation has been implemented.

There are already policies and procedures in place that are specific regarding payouts for unrepresented management staff. The Salary and Benefits Resolution (SBR) for unrepresented employees, adopted by the Board of Supervisors on January 3, 2023, and the County of El Dorado Personnel Rules, adopted by the Board of Supervisors on November 15, 2022, specify which employees are eligible for the various leave accrual payouts when exiting county service.

Specifically, Section 9 of the SBR describes the eligibility requirements to receive sick leave upon separation, while Section 8 describes “annual vacation rates, maximum accumulation, payoff and usage by covered employees.” In addition, the Personnel Rules address the payout of vacation accruals upon separation.

Notwithstanding the above formal guidance documentation, each department also has an HR Liaison. These Liaisons are tasked with determining eligibility as it relates to unused sick leave as described by the applicable section of Personnel Rules or various Labor Agreements, which includes the SBR for unrepresented employees. Furthermore, HR Liaisons are aware that they can contact HR if any questions arise when processing a final payout in their particular department.

- R2. Prior to computation of final wages due, HR should take the initial step to confirm the terms of each employee’s specific agreement as it relates to unused sick leave and vacation pay due. Once eligibility is determined by HR, the information should then be forwarded to the affected departments as well as the Payroll Division. This should be implemented by December 31, 2023.

The recommendation will not be implemented because it is not warranted.

The HR Department respectfully offers that adding its confirmation of each exiting employee's terms of separation is unwarranted. Currently, the information regarding the terms of separation, including the determination of payment eligibility for unused leaves, is available and accessible for every County employee through the County's intranet, EDCNET, as well as the County's public-facing webpage. An employee's bargaining unit determines which labor agreement, resolution, and/or Personnel Rules define their terms of employment, including specifically the terms of eligibility related to payment for unused sick leave and/or vacation. The HR Department posts these guiding documents which are approved by the Board of Supervisors for all bargaining units publicly and are easily accessible to all County staff. The HR Department does not have the authority to create terms different or contrary to those already outlined in these policies. Because the terms of eligibility are so readily available and accessible to all staff, including those involved with executing leave payouts, and because the expertise to understand and execute those actions already exists in departments, including the CAO Fiscal Division and Auditor-Controller's Payroll Division, there would be no added value to the process if the above recommendation were to be implemented. The error in this case was not a result of unclear or misunderstood eligibility criteria. County departments, the CAO Fiscal Division, and the Auditor-Controller's Payroll Division have a clear understanding of the eligibility requirements and payout process as evidenced by a track record of performing these payout transactions countless times with phenomenal accuracy and consistency for years. Per the Grand Jury's report, it appears there was some variance or oversight in the normal accounting process that led to the payout error in this case, not a question of eligibility.

- R3. The HR Department should perform annual audits of past payout exit documents for benefits entitled to unrepresented employees beginning in 2023.

The recommendation will not be implemented because it is not reasonable.

The Human Resources (HR) Department does not currently have any fiscal, accounting, or auditing staff allocated to it. Those fiscal functions have historically been performed by either the CAO Fiscal Division or the Auditor-Controller for central service departments, such as County Counsel, Human Resources, and Information Technologies. Therefore, it is unreasonable to assign this fiscal auditing responsibility to the HR Department. That is not to say that the Board of Supervisors disagrees with the recommendation that such annual audits occur. The HR Department suggests that if audits to ensure the integrity of such fiscal transactions are to occur, they would be best performed by a department staffed with trained experts in fiscal auditing. Notwithstanding the above, the HR Department is always available if questions arise when processing payouts for separating employees.

- R5. CAO should establish policies and procedures to prohibit any employee from approving their own final payout. In the case of a resigning department head, the approval should be made by the CAO or BOS. This should be implemented by December 31, 2023.

The recommendation will not be implemented because it is not warranted.

The Board of Supervisors does not believe this recommendation is warranted since staff, regardless of level, do not have the ability to approve their own final payout. In the case of a resigning department head, any final payout is computed by the CAO Fiscal Division and then forwarded to the Auditor-Controller's Payroll Division for processing.

Case 22-23 GJ02: Procurement and Contracts

The Grand Jury has requested responses from the Board of Supervisors to Findings 1-12, and to Recommendations 1-15.

Consistent with previous practice and pursuant to Board Policy A-11, the Chief Administrative Office is responsible for coordinating the County's response to the Grand Jury. Responses to the Grand Jury Report are directed by Board Policy A-11 and Penal Code 933.05. Accordingly, the Chief Administrative Office has reviewed and compiled the responses from all non-elected department heads into this Initial Draft Response for the Board's consideration.

FINDINGS

- F1. The current P&C web page is not up to date with accurate and complete information regarding bids received and final amounts awarded.

The Board of Supervisors disagrees wholly with the finding.

The current Procurement and Contracts Division (P&C) web page is up to date and accurate for the past three years. The Grand Jury report references the following bid awards as having incomplete information on the website: 22-918-018, 22-925-019, and 22-120-031. Staff were able to pull up each of these requests for proposals (RFPs) on the website and all information was up-to-date and accurate.

- F2. The Procurement Policy C-17 was last revised October 22, 2013 – seven (7) years after the policy dated October 2006 was adopted. A new updated policy was adopted on September 20, 2022, with an effective date of October 20, 2022, nine (9) years after the 2013 revision. Policy review timelines have been inconsistent.

The Board of Supervisors disagrees partially with the finding.

While the review times between 2006 and 2022 were inconsistent, at the time the policy was revised in 2013, there was no Board Policy requiring policies to be reviewed at specified intervals. Board of Supervisors Policy A-1: Development and Distribution of Board of Supervisors Policies was adopted on June 24, 2014, which requires all adopted policies to be “periodically reviewed to assure relevance, timeliness, and accuracy,” and to “contain a date for the next review, generally not less than 4 years from the date the policy or update thereto was last approved by the Board.” With the most recent revision, a sunset date of September 20, 2026, was included in accordance with Policy A-1.

- F3. The P&C Division's procedural manual does not reflect changes made to the policy statement, dated effective October 20, 2022.

The Board of Supervisors agrees with the finding.

- F4. The P&C Division interfaces with most EDC departments. Many departments have unique or complex contract needs but for those departments interviewed, their input was not included in the policy update.

The Board of Supervisors disagrees wholly with the finding.

On July 26, 2022, the draft policy was emailed to all Department Heads requesting for review and comment, as required by Board of Supervisors Policy A-1. Input was received from Health and Human Services and the CAO-Central Fiscal Division, and these comments were incorporated into the final policy.

- F5. The P&C Division has not updated the New Contract Development Process document, dated October 30, 2019.

The Board of Supervisors agrees with the finding.

- F6. There is a lack of an ongoing customer survey program to determine if the P&C Division is meeting the needs of both internal customers and external vendors.

The Board of Supervisors disagrees wholly with the finding.

The division completed an internal survey in April 2022. The survey and survey results were reviewed by the Deputy Chief Administrative Officer (DCAO) and included in the Achievement for Excellence application. The next survey is scheduled for April 2024. Focused, specific internal customer surveys will be scheduled every two years per the best practices identified in the Achievement for Excellence application. P&C also solicits informal feedback at all times as this helps to determine the upcoming training schedules to ensure that the division is providing relevant and necessary training.

- F7. Updates throughout the contract approval process require contacting P&C directly. The P&C staff maintains an extensive spreadsheet for tracking all contract requests. Some EDC departments maintain their own internal trackers resulting in duplication of work.

The Board of Supervisors disagrees wholly with the finding.

The Procurement and Contracts internal website includes a link to P&C Items in Process. Departments can access this database to get updates on the approval process for contracts. Some departments may maintain their own internal tracker that is specific to the department's needs. Some departments have internal workflow before a contract even gets to P&C. This would not be information that P&C is aware of, and this may be some of what departments track on their own. P&C will continue to make departments aware of the P&C Items in Process that are continually updated with the most recent contract status and will work with departments to determine if information can be added that would decrease the need for department internal trackers.

- F8. Three training sessions (April, October, and November) were offered in 2022 covering P&C procedures and P&C forms. These sessions were offered to EDC departments and outside vendors. There is no evidence that training was offered prior to these sessions and there are no training sessions scheduled for 2023.

The Board of Supervisors disagrees partially with the finding.

Trainings were offered in 2022 and recorded. These trainings are available on the P&C website for staff to access at any time. Additional training will be scheduled as needs are identified.

- F9. P&C Staff are not cross trained to perform both procurement and contract functions.

The Board of Supervisors disagrees wholly with the finding.

Staff are cross trained within the boundaries allowed by Civil Service based on the job classifications they hold. For example, all Administrative Analysts are cross trained on contracts. Analysts are not cross trained on aspects of procurement as these are specific to the Buyer and Sr. Buyer classifications. However, both the Sr. Administrative Analyst and the Administrative Analyst Supervisor are cross trained on contracts and procurement.

- F10. There is no evidence that the P&C Division is exploring, or has explored, other purchasing methods. Certain EDC departments may benefit from more tailored approaches such as Job Order Contracting.

The Board of Supervisors disagrees wholly with the finding.

The division has been utilizing JOC contracting for years and has current Job Order Contracting (JOC) contracts in place that are routinely used by the Facilities Division.

- F11. The Risk Management analysis is toward the end of the P&C contract review process. Positioning this critical RM review at the end of the contract review process has resulted in extended delays.

The Board of Supervisors disagrees partially with this finding.

It is accurate that the Risk Management analysis typically occurs toward the end of the P&C contract review process. However, extended delays are not necessarily related to the positioning of the Risk Management analysis in the review process. Most contracts only require a routine review of scope, indemnity, and insurance requirement sections. They are on template contracts with repetitive language. Only rarely have scope or insurance requirement changes been requested at the end of this process. When they do occur, these changes usually occur earlier in the contract review process as analysts are preparing the contracts through email and phone conversation guidance.

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

The Board of Supervisors disagrees partially with this finding.

The County contracts with Ebix, Inc. Software Company (EBIX), and section A-1.3 of the agreement indicates that, "EBIX will produce and mail insurance notices to each agreed upon Account or the Account's insurance broker at intervals determined during the implementation of Services." These include different types of Notice formats that are instructive to accounts of their coverage or deficiency status. Often, these notices are ignored by brokers or lost through the mail. EBIX does offer deficiency phone follow-up on a case-by-case basis at an added cost of \$7.80 per call. It has been Risk Management's decision to make these calls directly, rather than wait for EBIX and their timeline, in order to facilitate efficiency and accommodate urgency as directed by Procurement and Contracts or other Department contract analysts. This eliminates confusion and wait times that occur when relying on EBIX. It gives more control and direct communication to vendors deemed deficient, shortening wait times and enhancing the production of required documents. This saves both time and money by avoiding additional call charges and helps facilitate contracts through the approval process.

RECOMMENDATIONS

- R1. The P&C Division should develop and implement a procedure to ensure the P&C web page is up to date with accurate and complete information regarding all bids and the final award amounts for full transparency by December 31, 2023.

The recommendation has been implemented. The website is updated directly by P&C staff on a regular basis as bids are awarded.

- R2. The P&C Division should integrate the appropriate public information on their internal tracker (spreadsheet) with their web page to better provide complete and up to date information to the public by December 31, 2023.

The recommendation will not be implemented because it is not warranted or reasonable.

The P&C items in progress database is an internal tool used by departments to track the progress of contracts and requests for proposals (RFPs). This information changes frequently as items move through the process

- R3. Although there is a stated September 20, 2026, sunset review date of the current policy, the P&C Division should develop a process to formally review and update Procurement Policy C-17 and division procedures. The review process should be developed and implemented by December 31, 2023.

The recommendation has been implemented.

The current policy has a sunset date of September 20, 2026. The P&C Division is keeping notes of any changes that could be made to clarify procedures and will bring back any policy changes as needed prior to the official review date of September 20, 2026.

- R4. Develop a process to review and address minor changes to procedures in compliance with the Procurement Policy without BOS approval by December 31, 2023.

The recommendation has been implemented.

The current policy has a sunset date of September 20, 2026. The P&C Division is keeping notes of any changes that could be made to clarify procedures and will bring back any policy changes as needed prior to the official review date of September 20, 2026. The goal is to bring the first set of policy changes to the Board by December 2023. The Department

is in the process of soliciting feedback from all departments regarding any pain points in the policy to help determine any recommendations for changes.

- R5. As a part of future policy and procedure updates, the P&C Division should seek input from internal customers and incorporate, as applicable, division-specific contract requirements.

The recommendation has been implemented.

The P&C Division held numerous trainings on the new policy and solicited department feedback. The Procurement Policy and Procedures must be consistent county-wide, so division-specific requirements are not applicable. The goal is to bring the first set of policy changes to the Board by December 2023. The department is in the process of soliciting feedback from all departments regarding any pain points in the policy to help determine any recommendations for changes.

- R6. Finalize the update to the P&C procedural manual to reflect the changes made to the current Procurement Policy C-17, effective October 20, 2022, to be completed by October 31, 2023.

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

- R7. For future policy updates, the P&C Division should incorporate changes to their procedural manual within 90 days of BOS policy approval.

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

- R8. Review and update the New Contract Development Process Document (dated October 30, 2019) by December 31, 2023.

The recommendation will not be implemented because it is not warranted or reasonable.

The New Contract Development Process Document was an internal tool that was used during a quality assurance/quality control (QA/QC) process improvement analysis. This is not a tool that is provided to new staff or to the public.

- R9. The P&C Division should develop a customer survey program for internal EDC customers and external vendors, to determine if they are meeting the needs of their customers. There should be survey questions focused on the communication of P&C staff with all customers

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

The recommendation has been implemented in accordance with the requirements of the Achievement of Excellence application.

A survey was sent out to 100 vendors in April 2022. The division received 4 responses. The survey and survey results were reviewed by the Deputy CAO. Survey results were included in the application for the Achievement of Excellence application. A second survey is scheduled for April 2024. The best practice in the industry is to conduct an external customer survey every two years.

- R10. The P&C Division should identify a solution to provide timely updates throughout the contract approval process for its customers by December 31, 2023.

The recommendation has been implemented.

The division has implemented a database available to all departments that includes daily contract updates.

- R11. The P&C Division should continue to develop and make available P&C training modules for EDC customers and outside vendors, focusing on how to best navigate the P&C process. An annual schedule for training should be developed by December 31, 2023.

The recommendation has been implemented.

Currently, there are two recorded trainings that are available on the P&C website. Forms training was provided to all staff on November 4, 2022, and training on the new Policy and Ordinance was provided on October 13, 2022. Both of these are available to any County staff via the P&C website. Vendor training "Doing Business in El Dorado County" was provided in April 2022 for external vendors but was not recorded. P&C and County Counsel teamed up to provide AB 5 training to all County staff in December 2021. Additional training for Request for Proposals will be scheduled in the Fall of 2023. The division would also like to provide more individual department training as resources allow.

- R12. Develop and implement an internal training program to cross train P&C staff to perform both the procurement and contract functions of the division by December 31, 2023.

The recommendation has been implemented.

Analyst staff are cross trained on contracts and RFP/RFQ processes. Buyers are cross trained on procurement.

- R13. The P&C Division should review the JOC concept and determine its application to appropriate EDC departments, by December 31, 2023.

The recommendation has been implemented.

The original Job Order Contracting (JOC) award was March 4, 2014, and has been awarded every year since.

- R14. Risk Management should develop and implement a “Risk Assessments” class for EDC contract staff to better understand risk requirements for EDC. Changes should be adopted to help avoid lengthy delays in contract approval by December 31, 2023.

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

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

- R15. Review the EBIX contract and ensure that EBIX is providing services based on their contractual obligations by December 31, 2023.

The recommendation has been implemented.

Risk Management has reviewed the contract and has determined EBIX has been providing their services according to their contractual obligations. It is not a perfect system, as many insurance providers and documents process their Certificates differently and at different levels of clarity and continuity with multi-year contracts. The County believes this vendor currently offers the best service at the best price for tracking insurance documents. Risk will continue to monitor EBIX to ensure they are meeting their contractual obligations.

Case 22-23 GJ03: Building Projects – Can You Help Me...Please?

The Grand Jury has requested responses from the Board of Supervisors to Findings 1-9, and to Recommendations 1-9.

Consistent with previous practice and pursuant to Board Policy A-11, the Chief Administrative Office is responsible for coordinating the County's response to the Grand Jury. Responses to the Grand Jury Report are directed by Board Policy A-11 and Penal Code 933.05. Accordingly, the Chief Administrative Office has reviewed and compiled the responses from all non-elected department heads into this Initial Draft Response for the Board's consideration.

FINDINGS

- F1. A mission statement does not exist for the P&B Department. Building Services and Planning Services each have separate web pages but list the same mission statement; however, they each have different and distinct functions.

The Board of Supervisors disagrees wholly with this finding.

The Planning and Building Department does have a mission statement. This mission statement is listed on both the Planning Services webpage and the Building Services webpage as there is no "Planning and Building Department" webpage on the County's website. Though the divisions perform different functions, they are highly integrated. Even with different functions, both divisions have the same purpose and goals including providing accurate, timely, and courteous professional and technical services to our customers.

- F2. Only commercial contractors can apply and pay for a simple permit online. Homeowners are unable to apply and pay for a simple permit online.

The Board of Supervisors agrees with this finding.

- F3. Commercial contractors have one point of contact throughout the process and homeowners do not. The P&B Department does not assign personnel the responsibility to manage complex permits through the permit process.

The Board of Supervisors disagrees partially with this finding.

Commercial contractors and homeowners that apply as an owner/builder follow the same process. Homeowners who want to follow the progress of their project or ask questions

can create an account in the Planning and Building's land management software system (TRAKiT) and have access to the same information their contractor does, including the names of plan checkers or inspectors assigned to the permit. Complex projects are not automatically assigned an Ombudsman or other personnel to manage a project, however, a contractor or property owner may request the help of the department Ombudsman at any time.

- F4. A permit status dashboard providing transparency has not been developed for projects.

The Board of Supervisors disagrees partially with this finding.

The County's TRAKiT system does not currently provide a dashboard that summarizes permit data. However, information within TRAKiT is available for anyone to view and provides all relevant information about a permit. Contractors, homeowners, or community members may create an account in TRAKiT and view permit information. Staff are exploring if TRAKiT can provide summaries, send automatic notices, and other features that would make TRAKiT simpler to use in an easily accessible manner.

- F5. There is an Ombudsman position, assigned to Economic Development, available to assist customers through the many layers of the permit process. The Ombudsman is also assigned additional duties within Economic Development including special projects. A job description, reflecting the actual responsibilities of the Ombudsman, has not been developed – instead, an Administrative Analyst II job description is being used.

The Board of Supervisors agrees with this finding.

- F6. As part of the inspection process, Building Services sometimes assigns a different inspector to conduct follow-up inspections to determine if the required corrective actions were completed.

The Board of Supervisors agrees with this finding.

- F7. Building Services conducts inspections for new fire sprinkler systems for homes as part of framing inspections. Three (3) fire districts no longer use Building Services but instead, conduct their own inspections at a higher cost to the homeowner.

The Board of Supervisors disagrees partially with this finding.

The County has not conducted a cost comparison with fire districts, so it is unknown if they are higher. Fire district fees are set by their governing boards and are based on their costs to provide the service.

- F8. The permit status presentation only provided a summary of permit activity. It did not provide slides with data detailing the quantity or timelines for processing permits by permit type.

The Board of Supervisors agrees with this finding.

- F9. A customer satisfaction program does not exist. Customer Service Questionnaires that are received by the P&B Department are collected by the Ombudsman who then distributes them to the Director and the department manager. A summary of complaints is not captured, and follow-up has not been established. Paper Customer Service Questionnaires are dropped in a box in the Building Services Lobby.

The Board of Supervisors disagrees partially with this finding.

Customer satisfaction surveys are available to all customers and will be implemented into the Department's electronic scheduling system that is currently being launched. Complaints and compliments are provided to the appropriate manager. For complaints regarding an individual, managers determine appropriate corrective action. This will vary depending on the specific circumstances and is a personnel matter. For general or "system-wide" complaints, the management team discusses and determines appropriate actions to address the issue.

RECOMMENDATIONS

- R1. The P&B Department should develop a mission statement and refine the mission statements for both Building Services and Planning Services to more accurately reflect their respective missions. This recommendation should be completed by December 31, 2023.

The recommendation has been implemented.

The mission statement noted on the Building Services and Planning Services web pages is the Planning and Building Department's Mission Statement. The Planning and Building Department believes it accurately reflects its mission.

“Guide land use and development consistent with the General Plan, Building Codes, and related regulations, by providing accurate, timely, and courteous professional and technical services to our customers, to maintain the County's unique quality of life, protect public safety and the environment and to promote economic vitality for current and future generations.”

Although the Building and Planning Divisions do have many distinct functions, many are closely integrated. Generally, each County Department develops a Mission Statement, not individual divisions within the Department. This helps to unify the divisions and reduce “silo” mentalities.

- R2. Building Services should expand the current simple permit program to allow homeowners to request and pay for simple permits online. This recommendation should be implemented by December 31, 2023.

The recommendation requires further analysis that may be completed in 2024.

Any licensed contractor can apply and pay online for simple permits (referred to as “trade permits” and include permits such as water heaters, residential solar and EV chargers). Due to California Health and Safety Code sections 19825-19829, non-contractors are currently unable to procure permits online. This is because of the required verification requirements of these code sections.

Contractors provide verification with a contractor’s license number. Homeowners who are acting as owner/builder on a project typically provide verification and proof of identification with a copy of their driver’s license and must do so in person. Currently, there is no way for homeowners to submit the required verification securely online. Please note that a notice is sent to the owner informing them that a contractor has applied for a permit on their property.

Staff has identified expanding electronic plan submittals as a high priority and is currently working with IT and the TRAKiT program vendor, CentralSquare, to develop solutions and identify costs for the expanded service. This would include exploring if TRAKiT can provide the required security necessary to intake owner/builders proof of identification.

Although it is a high priority, staff does not yet have a timeline for implementation or costs. It would likely not be by December 31, 2023, but rather sometime in 2024.

- R3. The P&B Department should assign a single point of contact to act as the advocate for each complex permit request and pay for simple permits online. This recommendation should be implemented by December 31, 2023.

The recommendation will not be implemented because it is not reasonable.

Contractors and owners/builders follow the same process. There is not one point of contact from the beginning to the end of the building permit process due to the various stages of the process requiring differing professional skill sets (i.e., permit intake, plan check, inspection). Permit Technicians are available to assist with answering questions on any permit. The Planning and Building Department Ombudsman is available for any projects that need assistance. It is recognized that the planning and building permit process can be complex. In addition, larger projects often require review by outside agencies. Although the Planning and Building Department coordinates and communicates regularly with outside agencies, we do not have oversight of their processes or timelines.

Planning and Building staff plan to update and create new flow charts as well as short “how to” videos for some processes starting with those that are most used. As noted, the Ombudsman is currently available as needed for complex projects where applicants are having difficulty navigating through the process. Some flow charts will be updated prior to December 31, 2023, with new flow charts and “how to” videos scheduled for Summer 2024.

- R4. Building Services should create tools, such as a dashboard to provide transparency of permits in its system and document the approvals and inspections (by date) requested and the current status. Criteria should be established for triggering alerts when approvals or inspections stall. Update the system to require an inspection completion date. This recommendation should be implemented by December 31, 2023.

The recommendation requires further analysis from the TRAKiT vendor which will be complete in 2024.

The County’s TRAKiT system does not currently provide a dashboard that summarizes permit data. However, information within TRAKiT is available for anyone to view. Contractors, homeowners, or community members may create an account in TRAKiT and view permit information. This includes key dates such as plan approvals and inspections. On the list for potential modifications or upgrades to TRAKiT is exploring TRAKiT’s ability to automatically send emails based on certain criteria, such as prolonged periods of inaction. Currently, it is not known if TRAKiT has that capability or, if it does, the cost of adding such a feature.

Staff is also exploring alternatives and has already put in place a manual method for notifying applicants of expiring applications and permits. These written notifications are sent 30 days prior to Building Permit expiration and after issuance of a permit. These notifications remind applicants to either obtain a final inspection or renew or withdraw the permit. The letter includes information so applicants can easily renew or withdraw their application via email if they so choose.

- R5. The P&B Department should work with Human Resources to create a job description for the Ombudsman position commensurate with the actual duties. This would include empowering the Ombudsman to be responsible for addressing and spearheading the resolution of issues and complaints. This recommendation should be implemented by December 31, 2023.

The recommendation will not be implemented because it is not warranted.

~~*The “Ombudsman” has been the working title for this function, which is staffed—role is filled by an Administrative Analyst II. The role and duties of the Ombudsman, as currently defined, are appropriate for that classification. As a result, there is no need to work with Human Resources on a new job description; however, the term “Ombudsman,” as defined and understood by the public, may not be an accurate working title for the position. The Planning and Building Department will revisit the working title for this position and ensure that the description of the function on the website is accurate, and that all staff within the department understand the role of the position. The Ombudsman—the working title and is the title used by the person filling this position so that their role is clear to the public. Although the job description for an Administrative Analyst is not specific to the Ombudsman role, the role of the Ombudsman is defined on the County’s website Ombudsman (edegov.us). Applicants that need assistance navigating their permit process, typically learn of the Ombudsman services through the website or through conversations with their assigned staff person. All staff in Planning and Building are aware of the Ombudsman’s role.*~~

Using the Administrative Analyst classification for this role also provides flexibility when filling this position or covering with another Administrative Analyst if the incumbent is out. Creating a new, stand-alone job spec for an Ombudsman would limit flexibility to staff the position and would be overly specific to justify. The position would likely be more difficult to fill as there would be no clear path for job advancement.

- R6. When possible, Building Services should strive to send the same inspector to conduct the follow-up inspection. If a different inspector is assigned to follow-up on corrections, the

initial inspector should review the file with them. This recommendation should be implemented by December 31, 2023.

The recommendation will not be implemented because it is not reasonable.

The Building Services Division strives to maintain consistent inspectors for a project when possible, however, due to staff vacations, illness, and the location of inspections requested on a given day, that's not always possible. Inspections are scheduled on a first-come, first-serve basis. Any one day may have a higher number of inspections in a particular area or more complex and timely inspections. Staff is generally assigned to the same area to conduct inspections but may be shifted to accommodate the needs on a particular day. In addition, depending on the type of inspections requested, a different inspector may be assigned who has specific certifications or expertise in that inspection type. Inspectors have access to TRAKiT in the field and can view any notes or comments from previous inspectors or other staff as needed.

- R7. Building Services should review the home fire sprinkler inspection process for efficiency purposes and revisit returning the responsibility for all home fire sprinkler inspections to Building Services. Recommendation to be implemented by December 31, 2023.

The recommendation will not be implemented because it is not warranted.

The California Health and Safety Code, Division 12, Part 2, Chapter 1, Article 12, Section 13146, assigns responsibility for enforcement of safety regulations to the local level and grants authority to delegate enforcement to the chief building official, or his or her authorized representative, or the chief of the fire protection district, or his or her representative. Current County policy allows the individual fire districts to decide if they would like to enforce the Fire code including fire sprinkler inspections or have the County do so. For those that take on the responsibility, the Fire District and County enter into a Memorandum of Understanding (MOU) that describes the roles and responsibilities pertaining to the inspection of certain building standards found in the Fire Code. Each fire district and its governing board are responsible for setting and maintaining their own fees.

- R8. The P&B Department should establish a set of benchmarks by permit type for the time expected to get through planning and building projects. A quarterly report should be created detailing the overall activity of and status of timelines for processing permits for project types against established benchmarks. This recommendation is to be implemented by December 31, 2023.

The recommendation requires further analysis. has not been implemented but Planning and Building staff are working with IT staff towards that goal.

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

- R9. The P&B Department should develop a customer satisfaction survey program to include customer surveys. A customer survey would be sent directly to the homeowner when the building permit is approved and again when the building project is finalized. Summarize the responses and take action as needed. This recommendation should be implemented by December 31, 2023.

The recommendation has been implemented.

In the past, a customer service questionnaire was sent to every person who came into the Planning and Building Department through the department's electronic scheduling system. This included contractors and owners/builders. That scheduling system became obsolete and was discontinued approximately one year ago. Since that time, a paper copy has been made available to all those conducting business in person and is also available as an [online questionnaire](#) that customers can find on the Building and Planning websites under Contact Us. A new electronic scheduling system is currently being implemented and the questionnaire will be incorporated into that once it's successfully launched.

Surveys are not sent to homeowners unless they are the owner/builder or unless they voluntarily choose to fill one out in our lobby or online. Homeowners aren't typically involved in the management and processing of permits and may not ever come in contact with County Planning and Building staff.

The Ombudsman tracks and keeps records of all Customer Service questionnaires. Copies are shared with the managers of any staff specifically named, both positive and negative. For complaints regarding an individual, managers determine appropriate corrective

action. This will vary depending on the specific circumstances and is a personnel matter. For general or “system-wide” complaints, the management team discusses and determines appropriate actions to address the issue. Compliments are shared at quarterly “All Hands” meetings so that positive customer service interactions are modeled for all staff. Recommendation 9 is currently being implemented, so this deadline has been met.

Case 22-23 GJ04: How Will Grizzly Flats Water District Survive

The Grand Jury has requested responses from the Board of Supervisors to Finding 9, and Recommendations 5-6. The Grizzly Flats Community Services District was also asked to prepare a response to this report.

Consistent with previous practice and pursuant to Board Policy A-11, the Chief Administrative Office is responsible for coordinating the County's response to the Grand Jury. Responses to the Grand Jury Report are directed by Board Policy A-11 and Penal Code 933.05. Accordingly, the Chief Administrative Office has reviewed and compiled the responses from all non-elected department heads into this Initial Draft Response for the Board's consideration.

FINDINGS

F9. There is no published contingency plan in the event that the GFCSD becomes insolvent.

The Board of Supervisors agrees with the finding. Grizzly Flats Community Services District (CSD) is an independent special district with its own elected governing body. There are more than forty such districts within El Dorado County, providing a range of services. The governing bodies of these districts are responsible for ensuring they have a sustainable service delivery plan. It would not be reasonable to expect the County to maintain contingency plans for independent districts.

RECOMMENDATIONS

R5. The EDC Board of Supervisors should assign a dedicated resource for a six-month period to seek out and apply for grants from local, State and Federal sources, in assistance to the GFCSD. This should be accomplished by June 30, 2024.

The recommendation will not be implemented because it is not reasonable. As stated above, Grizzly Flats CSD is an independent special district. It would not be appropriate for the County to employ resources in aid of the district unless requested to do so by the district's governing body.

R6. The EDC BOS should develop, in conjunction with the GFCSD, a contingency plan should the GFCSD become insolvent. This should be accomplished by December 31, 2023.

The recommendation will not be implemented because it is not reasonable. Contingency planning is the responsibility of, and should be led by, the Grizzly Flats CSD's governing body. The Board of Supervisors recommends that any such discussions also include the El Dorado Local Agency Formation Commission (LAFCO), as LAFCO is tasked with

reviewing the provision of municipal services by special districts and coordinating any reorganizations of special districts. If requested by Grizzly Flats CSD's governing body to assist with planning efforts, the Board of Supervisors would consider the request in the context of the County's many other competing priorities and whether other agencies within the County would be better suited to assist with such efforts.