

COUNTY OF EL DORADO

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July 27, 2010

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

Subject: Board of Supervisors Response to the 2009-10 Grand Jury Final Report

Dear Judge Kingsbury:

In 2002, the Commission on State Mandates determined that certain elements of grand jury proceedings constitute a state mandate. The FY 2009-10 State Budget Act suspended a number of mandates, including grand jury proceedings as described in the Commission's test claim No. 98-TC-27. The mandates suspended as a consequence of the FY 2009-10 State Budget Act remain suspended until a subsequent Budget Act is enacted. In fact, the FY 2009-10 Budget Act was the second consecutive year in which the Legislature suspended the grand jury proceedings mandate among others.

While the Board of Supervisors is still required to respond to the Grand Jury Final Report, the requirement to respond in accordance with Penal Code § 933.05 remains suspended. In this time of fiscal austerity the Board of Supervisors and County departments must prioritize staff time and resources. While the Board of Supervisors will continue to give each Grand Jury report its due consideration, we must take advantage of any mandate relief offered by the Legislature.

Consequently, the Board of Supervisors of the County of El Dorado is herewith submitting its response to the 2009-10 El Dorado County Grand Jury Final Report issued in June 2010.

Sincerely,

Norma Santiago, Chair
El Dorado County Board of Supervisors

cc: Steve Baker, Foreman, 2010-11 Grand Jury

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**Energy Conservation and Cost Savings
GJ 09-003**

The Grand Jury findings represent an adequate summation of the known difficulties in regard to the Energy Conservation Policy (Board of Supervisors Policy A-18). The findings detail the impracticality of the policy, and the shortage of resources required to adequately enforce it. Recognizing these issues, the Chief Administrative Office is recommending deletion of the policy. The Board of Supervisors shares the recognition that maintaining aging HVAC systems across a wide variety of county facilities and locations is difficult. As the Grand Jury has pointed out in previous reports, the County faces several challenges with regard to its aging infrastructure. With regard to HVAC in particular, the County has several projects already planned in the FY 2010-11 Capital Budget Proposed Workplan.

**Vote by Mail
GJ 09-004**

The Board of Supervisors generally agrees that Vote by Mail will likely increase voter turnout and has the potential to save money relative to conventional election procedures. However, Board's legal ability to require Vote by Mail elections is more limited than the Grand Jury suggests. The Grand Jury appropriately recognizes that the decision to move entirely to Vote by Mail elections rests with the Legislature. The Board of Supervisors will consider the Grand Jury's recommendation to petition the Legislature for assistance.

**El Dorado County Juvenile Hall
GJ 09-009**

Although the Grand Jury has suggested that a response is not required to this report, the Board of Supervisors agrees with the findings and appreciates the Grand Jury's commendation of the Probation Department.

**Purchase of the Animal Control Shelter Property
GJ 09-013**

The Board of Supervisors generally disagrees with the thrust of this report. It appears that the Grand Jury alleges that the Board lacked information about potential options for the Animal Control Shelter, yet at the same time was too involved in the decision making process. The Board of Supervisors is elected to be involved and make decisions. The Board is not elected to be impartial or deferential to County staff or the consultants it hires for analysis and assistance. With any decision, in addition to the advice of staff and other project consultants, the Board must also consider a variety of additional factors. The Grand Jury has simply stated disagreement with the process and policy of Board decisions.

**Fee Waivers
GJ 09-019**

The Board of Supervisors generally agrees with the Grand Jury's findings with regard to the fee waivers policy. Although it is doubtful that current resources permit the type of automation the Grand Jury envisions with regard to fee waiver tracking, the Chief Administrative Office will be working to revise the policy with the goal of creating more clarity and cohesion between involved departments and fee waiver applicants.

**Administrative Services Consolidation cost Savings and Efficiencies
GJ 09-022**

Especially in this era of declining revenue, the Board of Supervisors, Chief Administrative Office and county departments have been working to identify fiscal and administrative efficiencies. For example, the General Services Department has been dissolved and its functions have been absorbed by the Department of Transportation and the Environmental Management Department. Environmental Management also shares fiscal and administrative functions with the Development Services Department. The Mental Health and Public Health Departments have been merged into a new Health Services Department. The Chief Administrative Office has been performing fiscal management for the Sheriff's Office and the Public Defender's Office. The Chief Administrative Officer now serves as the Purchasing Agent while the Purchasing Division is managed on a day-to-day basis by a Principal Analyst. These are just a few examples demonstrating the County's recent work in assessing the efficiency and functions of its departments.

Other than a general description about the challenges already known to the county with regard to some of its key information systems, the report does not identify specific problems or inefficiencies.

**El Dorado County Jail—Placerville
GJ 09-024**

Each year the Grand Jury reports on the condition of County jails among other facilities. It should come as no surprise that most county facilities have some level of capital improvement need, especially correction institutions which receive heavy use. The Board of Supervisors acknowledges the minor improvements the Grand Jury has suggested, and will work with the Sheriff and facilities staff as resources permit to prioritize maintenance and improvement needs.

**South Lake Tahoe Jail
GJ09-025**

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need, especially correction institutions which receive heavy use. The Board of Supervisors acknowledges the minor improvements the Grand Jury has suggested, and will work with the Sheriff and facilities staff as resources permit to prioritize maintenance and improvement needs.

Grading Encroachment Securities
GJ 09-030

The Grand Jury's allegation of negligence in regard to the Memorandum of Understanding with the Tahoe Regional Planning Agency is misguided and oversimplified. The Development Services Department is under severe fiscal constraints, but as the Grand Jury points out, initiated and is pursuing improvements to its administration of grading and encroachment securities.

Special District Websites
GJ 09-032

The Board of Supervisors generally agrees that websites are key component of public service. As somewhat of a "hub" of government service, the County will continue to provide links to special district websites, and as resources permit will provide fee-for-service assistance to other agencies seeking website development services.