

FINAL DRAFT

El Dorado County Board of Supervisors

Response to

El Dorado County 2015-2016 Grand Jury Final Reports

21st Century County Charter
Grand Jury Case 15-04
Public Release June 9, 2016
(BOS Response due NLT September 7, 2016)

Background

The 2015-16 Grand Jury conducted a review of the County Charter. The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

TERM OF OFFICES

Finding

F1. "Term limits for county supervisors should be removed from the charter."

Response: The Board of Supervisors disagrees with the finding as it proposes to implement a recommendation of the Grand Jury.

El Dorado County Charter Article I, Section 201 provides for the methods to amend the County Charter, providing that an amendment may be proposed by either the Board of Supervisors or "by a petition signed by at least 10% of the electors who voted in the last gubernatorial election."

Additionally, Article VII, Section 701, provides that the Board of Supervisors shall convene a Charter Review Committee within five (5) years of the last charter review. This Committee shall review the Charter and make recommendations to the Board of Supervisors for amendments to or revisions. A Charter Review Committee was last convened in 2014. The 2014 Charter Review Committee carefully considered the issue of term limits for members of the Board of Supervisors and voted not to recommend repeal of term limits for members of the Board. The 2014 Committee agenda and minutes are available for review on the EDC website.

Recommendation

R1. "The grand jury recommends amending section 202 of the charter."

202. Term of Offices

The term of office of supervisor is four years. Board members shall be limited to two consecutive terms. No person elected supervisor may serve as such for more than two successive four year terms. Any person elected to the office of supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served two successive four year terms may serve as a supervisor until at least four years after the expiration of the second successive term in office. Any supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full four year term. The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms which are not successive. The term of office commences at noon on the first Monday after the January 1st succeeding their election.

The supervisor for each of the First, Second and Third Districts shall be elected in 1996 even numbered years when Presidential elections occur. The supervisor for each of the Fourth and Fifth Districts shall be elected in 1994 even numbered years when Presidential elections do not occur.

Response: This recommendation will not be implemented because it is not within the sole control of the Board of Supervisors.

The Board intends to continue to uphold the decisions of El Dorado County voters who have adopted and amended the County Charter, which includes term limits for members of the Board of Supervisors. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

FILLING OF VACANCIES

Finding

F2. "Special elections are very expensive; it would be more expeditious and much less costly to allow the board of supervisors to appoint a replacement who meets all the qualifications necessary to run for the set, for the remainder of the term or until the next regular countywide election, whichever comes first."

Response: The Board of Supervisors agrees with the finding that special elections are very expensive.

Recommendation

R2. "The grand jury recommends amending section 203 of the charter:"

203. Filling of Vacancies

Whenever a vacancy occurs in the office of supervisor, the unexpired term shall be filled by appointment within 90 days of a person qualified to run for the office by an affirmative vote of at least three supervisors. Appointment will be for the remainder of the term or the next countywide election, whichever occurs first. ~~election. If the vacancy occurs more than 90 days but less than 180 days before a scheduled primary, general, or special election, involving the district in which the vacancy has occurred, then the election to fill the vacancy shall be consolidated with the scheduled election. If the vacancy occurs more than 180 or less than 90 days before a scheduled primary, general, or special election involving the district in which the vacancy has occurred, then the vacancy shall be filled at a special election called by the Board of Supervisors to take place not less than 90 nor more than 180 days after the vacancy occurs. The special election shall be conducted in accordance with the provisions of general state law regarding special elections. The candidate with the highest number of votes shall be elected to fill the unexpired term.~~

In the event that there are not enough remaining board members to constitute a quorum or the board is unable to reach consensus of at least three supervisors within 90 days, general law shall apply.

Response: This recommendation will not be implemented because it is not within the sole control of the Board of Supervisors.

The Board intends to continue to uphold the decisions of El Dorado County voters who have adopted and amended the County Charter. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

RECALL

Finding

F3. “The charter should contain a provision for the board of supervisors to adopt an ordinance setting forth procedures to remove any elected official for significant misconduct.”

Response: The Board of Supervisors agrees that the County Charter does not presently contain a procedure for removing elected officials on the basis of significant misconduct. The Board of Supervisors disagrees with the balance of this finding as it states a recommendation for Board action regarding changes to the County Charter.

Recommendation

R3. "The grand jury recommends amending section 209 of the charter:"

209. Recall and Removal from Office

Any supervisor is subject to removal from office by recall.

Any County elected official may be removed from office in the manner provided by state law. In addition, any elected official can be removed by a four-fifths vote of the Board of Supervisors as set forth by ordinance. Any such removal must be for good cause. The board must first serve upon such officer a written statement of alleged grounds for such removal, and give the officer a reasonable opportunity to be heard. The authority shall not be used to interfere with the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the Sheriff or District Attorney, or the independent and constitutionally and statutorily designated authority of any of the other elected officials.

Response: This recommendation will not be implemented because it is not within the sole control of the Board of Supervisors.

The Board intends to continue to uphold the decisions of El Dorado County voters who have adopted and amended the County Charter. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

COMPENSATION

Finding

F4. "The charter should mandate that the supervisor compensation ordinance explicitly declare the salary, benefits and other compensation for the board of supervisors and should not contain any obscure future increases that are tied to the salaries and benefits of other officials, especially officials whose salaries are set by the board."

Response: The Board of Supervisors agrees with the finding.

Recommendation

R4. "The grand jury recommends amending section 204 of the charter:"

204. Compensation

Compensation of supervisors shall be fixed by ordinance. Salary, benefits and any other compensation must be clearly set forth within the ordinance and not be subject to future change by changes to other officials' salaries or benefits over which the board of supervisors has any influence.

Response: This recommendation will not be implemented because it is not within the sole control of the BOS.

The Board intends to continue to uphold the decisions of EDC voters who have adopted and amended the EDC Charter. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

ELECTED DEPARTMENT HEADS

Finding

F5. "A potential conflict exists within the provisions of charter section 210 b.(2) and 402. That conflict should be clarified."

Response: The Board of Supervisors disagrees with the finding. No conflict exists between the two sections of the County Charter.

Recommendation

R5. "The grand jury recommends amending section 402 of the charter:"

402. Elected Department Heads

The following department heads shall be elected:

- a. Assessor
- b. Auditor/Controller
- c. District Attorney
- d. Recorder/Clerk
- e. Sheriff/Coroner/Public Administrator
- f. Surveyor
- g. Treasurer/Tax Collector

The term of office of all elected officers is four years. The elected officers shall serve until their successors are qualified unless sooner removed as provided by this charter or their powers and duties have been consolidated, segregated, assigned or transferred in accordance with Section 210 b.(2) of this charter.

Response: This recommendation will not be implemented because it is not within the sole control of the Board of Supervisors.

The Board intends to continue to uphold the decisions of El Dorado County voters who have adopted and amended the County Charter. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER

Finding

F6. "The charter does not require the Chief Administrative Officer to adhere to state law."

Response: The Board of Supervisors agrees with the finding. Nonetheless, ordinances, policies, and County Charter provisions are not required to restate existing law. Furthermore, the County Charter provides that, for matters not addressed by the Charter, the general laws set forth in the Constitution of the State of California and the laws of the State of California shall govern, including those which apply to the Chief Administrative Officer.

Recommendation

R6. “The grand jury recommends amending section 304 of the charter:”

304. Duties

The Chief Administrative Officer shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in the charge of the Chief Administrative Officer, or under the jurisdiction or control of the Chief Administrative Officer, pursuant to the provisions of state law, this Charter, or of any ordinance, resolution or order of the Board of Supervisors. In addition to other powers and duties herein provided, the Chief Administrative Officer shall have the duty and power to:

The remainder of Section 304 remains unchanged

Response: This recommendation will not be implemented because it is not within the sole control of the Board of Supervisors.

The Board intends to continue to uphold the decisions of El Dorado County voters who have adopted and amended the County Charter. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

CLASSIFIED AND UNCLASSIFIED EMPLOYEES

Finding

F7. “The language of section 502.1 gives the board of supervisors “...the right for good cause and after written notice to affected parties, to make “de minimis” changes which amend the foregoing list.”, of unclassified positions.”

Response: The Board of Supervisors agrees with the finding.

Recommendation

R7. “The grand jury recommends amending section 502.1 of the charter.”

502.1 Classified and Unclassified Employees

The classified service consists of all positions in which employees have achieved civil service status except those positions designated as unclassified below.

The unclassified service consists of:

- a. County Administrative Officer;
- ab. elected county officers;
- bc. appointed department heads;
- cd. all appointed boards, committees and commissions;
- de. all persons serving without compensation (compensation does not include incidental fees and expenses);
- ef. casual patient and inmates at county institutions;
- fg. the following administrative personnel charged with making policy decisions: Deputy Director of Welfare; Undersheriff; The Undersheriff shall have the right to return to a former classified position in accord with county ordinance;
- gh. any person holding a confidential position to each member of the Board of Supervisors;
- hi. persons employed to render professional, scientific, technical or expert services on a temporary basis for a specific project;
- lj. persons covered under State Merit Systems;
- jk. persons employed as independent contractors pursuant to contracts, as authorized by the Board of Supervisors.
- kl. persons otherwise excluded by operation of law.

The Board of Supervisors shall have the right for good cause and after written notice to affected parties, to make "de minimis" changes which amend the foregoing list.

Response: This recommendation will not be implemented because it is not within the sole control of the Board of Supervisors.

The Board intends to uphold the decisions of El Dorado County voters who have adopted and amended the County Charter. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

OTHER FINDINGS AND RECOMMENDATIONS

Findings

F8. “Section 102 of the El Dorado County Charter authorizes the board of supervisors to propose amendments to the existing charter at any time without the need of a Charter Review Committee.”

Response: The Board of Supervisors agrees with the finding, adding that Section 102 provides that an amendment may also be proposed by a petition signed by at least 10% of the electors who voted at the last gubernatorial election. The Board of Supervisors has responsibility for convening a Charter Review Committee, at least once every five (5) years per the County Charter. The Charter Review Committee has responsibility to “review the charter” and to “make recommendations for amendments to or revisions of” the Charter as set forth in EDC Charter Article VII, section 701.

F9. “The board of supervisors should do a comprehensive review of the authority granted to charter counties to determine if there are benefits to being a charter county that El Dorado County could take advantage of.”

Response: The Board of Supervisors disagrees with the finding, and recommends that a comprehensive review be conducted by the next Charter Review Committee. Please see the response above to Finding F8. The Board of Supervisors agrees that the Board of Supervisors has responsibility for convening a Charter Review Committee, at least once every five (5) years per the County Charter. The Charter Review Committee has responsibility to “review the charter” and to “make recommendations for amendments to or revisions of” the Charter as set forth in EDC Charter Article VII, section 701.

Recommendations

R8. “The El Dorado County Board of Supervisors should place some or all of the recommended charter changes, R1 through R7, outlined above, on the next or future general or special countywide election.”

Response: This recommendation requires further analysis. It is recommended that the Chief Administrative Office return to the Board within the next six months with a recommendation to begin the process of convening a Charter Review Committee. Should the Board of Supervisors approve this recommendation, it is anticipated that a Charter Review Committee will be convened within the next 12 months. The Board will review any future recommendations from the Charter Review Committee and consider for placement on a future ballot.

R9. “The grand jury recommends that the board of supervisors have staff examine the other 13 charters to see if there are additional benefits that El Dorado County could realize.”

Response: This recommendation will not be implemented. The Board of Supervisors recommends that a comprehensive review be conducted by the next Charter Review Committee. Please see the response to Recommendation R8, above.

DRAFT

FENIX, Icarus Naught
Grand Jury Case 15-05
Public Release June 16, 2016
(BOS Response due NLT September 14, 2016)

Background

The 2015-16 Grand Jury conducted a review of the County's Fiscal Enterprise and Information Exchange (FENIX) project and prepared a report based upon that review. The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Findings

F1. "County leadership has underestimated the complexities and risk of an ERP system implementation project."

Response: The Board of Supervisors disagrees wholly with this finding. County Leadership was aware of the complexities and risks associated with an ERP implementation and also engaged a private consultant to discuss the complexities and challenges of implementing an ERP with the Board of Supervisors and Department Heads.

F2. "The county's ERP system functional requirements were inadequate."

Response: The Board of Supervisors agrees with this finding.

F3. "The county's contract with Tyler was poorly conceived and lacked critical county specific terms and conditions. Specifically, it did not account for significant customization."

Response: The Board of Supervisors partially disagrees with this finding. The Business Process Analysis was inadequate and as a result the County did not fully understand all of their own requirements.

F4. "The county does not have a FENIX project plan, which would include a detailed timeline and supporting plans for resource, budget, change, quality, and risk management."

Response: The Board of Supervisors disagrees wholly with this finding. The County worked closely with the Vendor to develop and manage a project plan that provided the

level of detail necessary. The initial project plan provided detail about the implementation of the first phase (Financials) with timelines, details, and a Gantt chart. Detailed agendas and working sessions were documented separately from the project plan. In addition to the project plan, the project manager developed a project charter to provide project governance, roles and responsibilities, risk management, a budget summary, and change management procedures.

F5. “The county's portion of the budget was too vague to be easily managed and cost contained.”

Response: The Board of Supervisors partially disagrees with the finding. The Budget allows for modifications, additional resources as needed, and flexibility to successfully complete the project.

F6. “The county’s project leadership and project management is lacking and therefore ineffective.”

Response: The Board of Supervisors partially disagrees with this finding. Project leadership is clearly identified as the Chief Administrative Officer, Auditor-Controller and Chief Technology Officer – the Executive Sponsor Team - providing the highest level of leadership possible. However, due to turnover in the Chief Administrative Officer position (e.g., the County is now on its fourth CAO since the project began), it has admittedly been a challenge to maintain continuity. As is indicated in the Board’s response to Recommendation R4, below, Executive Sponsor Team meetings have resumed and the Team will ensure progress towards project implementation.

F7. “The project was delayed because the county did not allocate full time staffing for the project.”

Response: The Board of Supervisors disagrees partially with this finding. The respondent agrees full time staffing should have been allocated for the project, but does not agree that this is the sole reason for delays in the project. Other reasons include lack of continuity of leadership and the need to negotiate additional contract modifications.

F8. “County leadership failed to adequately consider costs, complexity and time delays caused by extensive customization.”

Response: The Board of Supervisors partially disagrees with this finding. County leadership set a project budget of \$5.6 million with the understanding that the County would need to pay for functionality that was not identified in the contract and would need

to fund additional resources as needed. While the project is behind schedule, the project is still expected to be completed within budget.

F9. “The FENIX project is experiencing many of the industry recognized reasons for failure including lack of senior management involvement, poor requirements, inexperienced project manager, and lack of resources. If they can be overcome, the project, like its namesake, may rise up and succeed.”

Response: The Board of Supervisors partially disagrees with this finding. The County acknowledges the lack of business process analysis prior to releasing the Request for Proposals (RFP) caused significant issues with the success of the project, including poor requirements and numerous modifications required to the system selected. Had the business process analysis been completed properly, a significant number of modifications would have been identified and included with the original contract, thus keeping the project on time. Adequate resources should have been assigned and department engagement should have occurred before the County issued the RFP. Furthermore, turnover in the Chief Administrative Office had a significant impact on senior management involvement and support of the project.

Recommendations

R1. “The county should hire an experienced senior level project manager, reporting to the CAO, to manage the remainder of the FENIX project including all county system implementation projects.”

Response: This recommendation will not be implemented because it is not warranted. While a full-time project manager should have been hired at the beginning of the project, the County now has staff dedicated full time to the project. In addition, with the recent hiring of a permanent CAO, the project now has complete leadership support among the Executive Sponsor Team.

R2. “The BOS should establish an objective advisory resource to ensure it has all the relevant information needed to oversee the FENIX project and other system implementation projects.”

Response: This recommendation will not be implemented because it is not warranted. The County has established the Executive Sponsor Team to provide project oversight and leadership direction and support.

R3. “The county should contract for an independent evaluation of the FENIX project, immediately and at the end of the project, to determine lessons learned.”

Response: This recommendation will not be implemented because it is not warranted. The County has an experienced project manager, a full time project lead, and members of the Executive Sponsor Team with experience implementing large scale projects and ERP systems. These project leaders have been successful in identifying and correcting shortcomings to the project, such that the project is moving forward.

R4. “The BOS should encourage the project executive sponsors to meet regularly and provide monthly updates to the board.”

Response: This recommendation has been implemented. The project manager and Executive Sponsor Team met in April of 2016, and resumed bi-weekly meetings effective June 17, 2016. In addition, the project manager provided a project status update to the Board of Supervisors on July 19, 2016, and is scheduled to provide updates approximately every 30 days depending on the Board meeting schedule.

DRAFT

West Slope Animal Shelter: BEST IN SHOW
Grand Jury Case 15-06
Public Release June 9, 2016
(BOS Response due NLT September 7, 2016)

Background

The 2015-16 Grand Jury conducted a review of the West Slope Animal Services Facility and prepared a report based upon that inspection. In their report, the 2015-16 Grand Jury comments, "The El Dorado County Animal Shelter is commended for their services to the citizens and animals of this county. It is clean and well maintained. The staff and volunteers are dedicated to their mission."

The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Findings

F1. "The El Dorado County Animal Shelter is a facility providing state-of-the-art animal care services while serving as an example to improve Animal Services in other counties."

Response: The Board of Supervisors agrees with the finding.

F2. "The Animal Shelter is well-equipped for emergency preparedness for all types of animals."

Response: The Board of Supervisors agrees with the finding.

Recommendations

R1. "A full-time staff position of volunteer coordinator is recommended."

Response: The recommendation requires further analysis.

The Health and Human Services Agency (HHS), of which Animal Services is a program of, identified a position of Volunteer Coordinator as an unmet need in its FY 2016-17 Budget request, submitted to the Chief Administrative Office.

HHSA relies on approximately 500 volunteers who support programs such as Animal Services, Senior Services, etc., throughout the County.

This identified position need will be evaluated along with other identified unmet needs within the County. Unfortunately, competing priorities and budget constraints require the County to defer the addition of new positions and other ongoing expenses to future years.

Currently, Animal Services is allocating a portion of the time of a full-time Public Services Assistant (PSA), who is assigned to the front office, to provide support to volunteer coordination. The PSA greets volunteers, conducts volunteer orientations, addresses any issues or concerns, schedules/tracks volunteer hours, and manages volunteer communication requests during a disaster. Animal Services has implemented the Volgistics database, a volunteer management system that the PSA utilizes to carry out many of the aforementioned tasks.

DRAFT

Americans with Disabilities Act County Compliance

Grand Jury Case 15-07

Public Release June 9, 2016

(BOS Response due NLT September 7, 2016)

Background

The 2015-16 Grand Jury conducted a review of the Americans with Disabilities Act and County compliance with regulations and standards and prepared a report based upon that review. The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Findings

F1. "The county does not have a current ADA transition plan."

Response: The Board of Supervisors partially disagrees with this finding.

The County has retained a consultant with ADA compliance expertise to assess County facilities and to assist in identifying compliance needs and determining methods of removing barriers and improving accessibility to various County buildings. The consultant issued a report, as referenced in the Grand Jury report, identifying County facility improvement needs as well as ADA concerns. Those recommendations are incorporated into the County's Facility Capital Improvement Plan (CIP).

The Facilities CIP plan, as approved by the Board on June 13, 2016, indicated an approach and prioritization of projects based on Fire/Life & Safety concerns as well as ADA issues. The direction provided by the Board has served as the basis for planning the County's Facility CIP.

Surveys have been prepared by an independent Certified Access Specialist for the most heavily used and populated County facilities. The recommendations have been incorporated in the County's improvement plans and are addressed with each project that is undertaken. The County has not incurred the expense to hire an outside certified access specialist to draft a formal report defining a long term ADA transition plan. As the County's financial resources are limited and facility improvement needs are great, funds have been directed to the actual improvements. Focusing available funds directly to actual ADA improvements rather than towards a Certified Access Specialist's written report was a recommendation made by the County's Certified Access Contractor.

Recent examples of County facility projects which addressed ADA improvements include:

- South Lake Tahoe Library parking and exterior access project, completed in 2013;
- Building C parking update, completed in 2014;
- Placerville Jail, Placerville Juvenile Hall, and South Lake Tahoe JTC parking and exterior access updates, completed in 2015;
- Placerville Library parking and restrooms renovation, completed in 2016;
- Placerville Buildings A/B Renovation project, which was approved by the Board of Supervisors in April of 2016 and is currently underway; and,
- Johnson Center (South Lake Tahoe) exterior access and restrooms project, which is currently underway.

F2. "The county does not have a current ADA self-evaluation."

Response: The Board of Supervisors agrees with this finding.

F3. "The county does not have a county-wide approach to ADA compliance including supporting policies, procedures and training."

Response: The Board of Supervisors partially disagrees with this finding. The County currently has a county-wide approach to ADA compliance. However, the County recognizes that the current approach could be improved and enhanced through additional training, and updating policies and procedures.

As the Grand Jury correctly states in its evaluation report, the County's current approach to ADA compliance is to have individual departments address ADA regulations that are specific to the services their department provides. The Facilities Division of the CAO's office is responsible for ADA compliance for County facilities, as noted above. The Community Development Department is assigned responsibility for ADA compliance in County transportation structures and projects. The Risk Manager has historically been responsible for ADA compliance in employment.

It should be noted that Title II states: "Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided." The County must consider cost in its decision making process, to provide for ADA improvements while ensuring sufficient funds are available to maintain current services.

F4. "The county ADA access issues complaint web form is difficult for the public to locate."

Response: The Board of Supervisors partially disagrees with this finding.

The County has web accessibility and includes public noticing at each of its facilities. The forms address how to report issues and the web site also notifies individuals how that can get in contact with someone. The Board of Supervisors agrees that the visibility could be improved through modifications to the County web-site and procedures for posting notices. Since this recent Grand Jury Report, further actions have been taken to try to simplify the process and improve the ease of access to information. During the next three to six months, staff will update the County's web-site to improve visibility and will prepare updated policies and present to the Board of Supervisors for approval.

F5. "The county ADA public notice distribution is inadequate."

Response: The Board of Supervisors partially disagrees with this finding.

The ADA public notice is legally sufficient. The Board of Supervisors agrees that the visibility could be improved through modifications to the County web-site and procedures for posting notices.

As stated above, since this recent Grand Jury Report was prepared, further actions have been taken to try to simplify the process and improve the ease of access to information. During the next three to six months, staff will update the County's web-site to improve visibility and will prepare updated policies and present to the Board of Supervisors for approval.

F6. "The county ADA grievance procedure is outdated."

Response: The Board of Supervisors agrees with this finding.

Recommendations

R1. "The county should formalize the facilities assessment information and capital improvement work plan into an ADA transition plan including any facilities not already addressed in the current work plan."

Response: This recommendation requires further analysis. Staff will need to review existing data, and assess the feasibility, including estimated cost, of preparing a formal transition plan. It is anticipated that a recommendation for possible action can be presented to the Board of Supervisors within six months of this writing.

R2. "The county should complete an ADA self-evaluation."

Response: This recommendation has not yet been implemented, but will be implemented within the next 12 months.

R3. “The county should develop county-wide ADA policies, procedures, and employee training.”

Response: This recommendation has not yet been implemented, but will be implemented within the next 12 months.

R4. “The county should improve the ADA complaint web form and overall ADA web presence.”

Response: This recommendation has not yet been implemented, but will be implemented within the next 12 months.

R5. “The county should review and update the ADA information yearly.”

Response: This recommendation has not yet been implemented, but will be implemented within the next 12 months by incorporating a statement regarding regular review of ADA information in an updated ADA policy.

Sheriff's Headquarters: How Old is Too Old?

Grand Jury Case 15-08

Public Release June 16, 2016

(BOS Response due NLT September 14, 2016)

Background

The 2015-16 Grand Jury conducted a review of the Sheriff's headquarters located on Fair Lane in Placerville, as well as some off-site leased facilities, and prepared a report based upon that review. The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Finding

F1. "The current facility used for the Sheriff's headquarters is visibly overcrowded and is a substandard work environment."

Response: The Board of Supervisors agrees with this finding.

Recommendations

R1. "A new Sheriff's headquarters should be established to house all departmental operations saving the cost of leased space and resulting in increased efficiencies."

Response: This recommendation has not been implemented yet, but is scheduled to be implemented within the next three years. This timeframe is provided based on the estimated project timeline and the period required to complete construction of the facility.

In 2013 Vanir Construction Management prepared *The Sheriff's Operational Assessment and Facility Study* which outlined Sheriff's Office capital facility uses and current and future needs. One critical element identified in the Study was replacement of the 22,314 square foot Sheriff's Administration building that was at the end of its useful life. Subsequently, the Board of Supervisors identified replacement of the Sheriff's Administration facility as a top priority for the County, and agreed to consider consolidation of other Sheriff functions, currently operating out of thirteen other facilities, into one new replacement facility.

On March 8, 2016, the Board of Supervisors signed Resolution 043-2016 certifying the Environmental Impact Report (EIR) for the full scope of the Public Safety Facility Project and authorized the payment of approximately \$2.65 million for the acquisition of 30.73

acres of land for the new public safety facility site. The parcel is located in the Diamond Springs area of unincorporated El Dorado County at Industrial Drive. The Public Safety Facility Project will be located on approximately 12 acres of this parcel with the intent to install a separate Solar Farm located on an additional 7 acres.

On April 19, 2016, the Board directed staff to proceed with filing the final United States Department of Agriculture (USDA) loan application, intended to finance the Public Safety Facility Project's construction. On November 18, 2015, the USDA indicated that the County's pre-application proposal met USDA basic eligibility requirements for financial assistance through the Community Facilities Program. When the USDA pre-application was submitted, staff had broadly identified the scope of the Public Safety Facility Project and related costs. The USDA's final application requires detailed Project and costing information, proof of completion of the environmental review process, as well as a General Fund historical and projected financial feasibility analysis.

On June 14, 2016, the Board approved the FY 2016-17 Recommended Budget, which will be included in the USDA final application. During the budget presentation, Laura Schwartz, Chief Budget Officer, presented a *5 Year General Fund Budget Projection* schedule to provide the Board with a general overview of the County's financial outlook for the next few fiscal cycles, given fiscal assumptions at that time. These figures forecasted funding deficits in FY 2018-19 through FY 2020-21 and did not include loan payments for the Public Safety Facility Project.

On June 28, 2016, the Board directed staff to revise the *5 Year General Fund Budget Projection* schedule to include interim finance costs and loan payments, and to reflect anticipated operating efficiencies that will balance forecasted budgets, as required by external financing and the USDA application. To balance the forecasted budgets, staff has made revisions to future expenditures, reflecting constrained growth in the salary and benefits section of the budget, and has maintained essentially the same assumptions regarding future General Fund revenue increases as previously provided. The revised *5 Year General Fund Budget Projection* schedule demonstrates the County's ability to annually appropriate the annual loan payment, and to ultimately repay the loan. Based on the Board's approval of the project scope, the budget schedule has been updated to reflect the Project cost, USDA loan, and corresponding payment amounts.

On July 11, 2016, the Board of Supervisors approved the Project Scope, including overall plan, design, and estimated construction cost, for the Public Safety Facility Project. The Project, as approved, will replace the Sheriff's current Essential Services Headquarters facility and Evidence Storage Building, as well as provide a new Training Facility, an Indoor Shooting Range, and a Morgue. The Board approved the estimated cost and loan amount of \$60.7 million. The Board also directed staff to complete the USDA final loan application with the approved \$60.7 million project cost and estimated annual loan payment of \$2.63 million per year; to pursue the construction of the facility using the design-build project delivery method; and to pursue interim financing for the Project construction period.

On July 26, 2016, the Board of Supervisors authorized staff to submit an application for \$60.7 million to the U.S. Department of Agriculture (USDA), Rural Development, under the Community Facility loan and grant program, to fund the Public Safety Facility Project.

The following is a tentative project schedule assuming a design build method:

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|---|-----------------------|
| ○ BOS Project Approval | July 11, 2016 |
| ○ BOS Loan Application Approval | July 26, 2016 |
| ○ Bridging Documents Complete | October 2016 |
| ○ USDA Loan Approved* | October 2016 |
| ○ Design-Build Contract Selection Process | Sept. 2016 – Feb 2017 |
| ○ Design-Build Contract Awarded | March 2017 |
| ○ Construction | Aug. 2017 – Feb. 2019 |
| ○ Occupancy | March 2019 |

***Dependent on local and national approval of USDA application**

R2. “The Board of Supervisors must replace the Sheriff’s headquarters.”

Response: This recommendation has not been implemented yet, but is scheduled to be implemented within the next three years. This timeframe is provided based on the estimated project timeline and the period required to complete construction of the facility. Please see the detailed response above to Recommendation R2.

Proposed Public Safety Headquarters
Grand Jury Case 15-09
Public Release June 24, 2016
(BOS Response due NLT September 22, 2016)

Background

The 2015-16 Grand Jury conducted a review of the proposed Public Safety Facility Project and prepared a report based upon that review. The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Findings

F1. "Facility site has been purchased and project funding identified."

Response: The Board of Supervisors agrees with this finding.

F2. "A facility needs assessment and the Environmental Impact Report have been submitted and approved."

Response: The Board of Supervisors agrees with this finding.

F3. "Construction background work has been completed and is ready to go."

Response: The Board of Supervisors partially disagrees with this finding.

Initial design work and cost estimating has been completed. Construction drawings or bridging documents, and related documents, have not been prepared.

F4. "Delay in acceptance of USDA loan may result in an increase in annual interest rate, costs, and annual debt service."

Response: The Board of Supervisors agrees with this finding.

F5. "Phased construction may increase total cost of construction."

Response: The Board of Supervisors agrees with this finding.

F6. "Acceptance of USDA loan by the Board of Supervisors is the final step required to secure financing."

Response: The Board of Supervisors partially disagrees with this finding.

In order to complete the financing, the County will also be required to identify and secure interim financing for the construction period. The County will not be able to secure interim financing or proceed with the construction of the Public Safety Facility Project until after the approval of the loan by the USDA, and acceptance of the final terms and conditions by the Board of Supervisors.

Recommendations

R1. "The Board of Supervisors accept the USDA loan application on or before July 1, 2016 or at the earliest date possible."

Response: This recommendation will not be implemented because it is not feasible. The Board of Supervisors was not be able to accept a USDA loan until sufficient project information had been developed and the size, scope, and estimated cost of the Public Safety Facility Project had been approved. As noted above, the Board of Supervisors approved the size, scope, and estimated cost of the facility on July 11, 2016, and on July 26, 2016, authorized the submittal of the final USDA loan application. The final loan application was sent to the USDA via overnight mail on Wednesday, July 27, 2016.

R2. "The primary 106,000 square foot Sheriff's Public Safety Headquarters be built as soon as possible and in one phase."

Response: This recommendation has not yet been implemented, but should be implemented within the next three years. This timeframe is provided based on the estimated project timeline and the period required to complete construction of the facility.

R3. "Future replacement of aging buildings and facilities should be replaced in a timely manner."

Response: This recommendation requires further analysis.

This recommendation affects future Boards. Appropriate analyses will be prepared as building and facility replacement opportunities arise. Additionally, it should be noted that while the Board of Supervisors agrees that aging building and facilities should be replaced in a timely manner, fiscal constraints, timing, and other factors often affect the County's ability to take action to replace large facility projects. The results of future analysis may indicate that renovation of existing facilities is a preferable and viable option.

Juvenile Detention Facilities Inspection
Grand Jury Case 15-10
Public Release June 24, 2016
(BOS Response due NLT September 22, 2016)

Background

The Grand Jury is authorized to visit and inquire into the conditions of any public prison within the county, including juvenile facilities, as outlined in Section 919 (b) of the California Penal Code. The 2015-16 Grand Jury conducted a review of El Dorado County's two Juvenile Detention facilities, and prepared a report based upon that inspection.

The County of El Dorado appreciates the efforts of the Grand Jury. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Findings

F1. The Placerville Juvenile Hall, built almost 50 years ago, is an outdated and outmoded facility.

Response: The Board of Supervisors agrees with this finding.

F2. The existing Placerville Juvenile Hall does not have adequate space devoted to the provision of confidential mental health services. Having multiple clients being counseled in the same room does not provide adequate privacy for those services.

Response: The Board of Supervisors agrees with this finding.

F3. The mental health services available in the JTC are inadequate. While the quality of service provided by TYFS seems good, there are not enough service hours available to serve all the youth needing services.

Response: The Board of Supervisors partially disagrees with this finding.

Whereas the current solution for the provision of individual and group mental health services may not be sustainable for the long term, youth needs are currently being met by the Probation Mental Health Program Coordinator in concert with the counselor provided

by the Tahoe Youth and Family Services. This solution is temporary and a long term solution is being contemplated by the Probation Department.

Recommendations

R1. “Continue the progress by obtaining approval from the Board of Supervisors for a new 20 bed facility that will meet the immediate needs of our youthful offenders.”

Response: The recommendation has not yet been implemented, but should be implemented within the next five years. This timeframe is provided based on the estimated project timeline and the period required to complete construction of a new facility.

The recommendation is in alignment with the project status. The Board of State and Community Corrections (BSCC) has approved a modification plan to move forward with a 20 bed facility construction plan. The County Board of Supervisors has approved the amended project, identified funding for the County’s portion of the project and identified the site for the project.

R2. “Improve mental health services for youth in the SLT JTC by increasing the hours the outside contractor provides to 20 hours per week.”

Response: The recommendation has not yet been implemented, but will be implemented in the near future, once the contract provider has attained appropriate staffing to meet the department’s needs. Tahoe Youth and Family Services has a current open recruitment for a mental health clinician to provide the Juvenile Treatment Center with 20 - 30 hours per week of mental health services. The Program Coordinator is currently meeting the needs of the youth in the facility on an as needed basis until such time as Tahoe Youth and Family Services, the County’s contract provider, can fill its currently vacant counselor position.

El Dorado County Jails Inspection
Grand Jury Case 15-11
Public Release June 24, 2016

Background

The Grand Jury is authorized to visit and inquire into the conditions of any public prison within the county, including county jails, as outlined in Section 919 (b) of the California Penal Code. The 2015-16 Grand Jury conducted a review of El Dorado County Jail, and prepared a report based upon that review. The following is the County of El Dorado's response to the findings and recommendations of the Grand Jury in accordance with Penal Code §933 and §933.05.

Findings

- F1. "An aging and longer term inmate population requires a different type medical care model."
- F2. "More sophisticated criminals with gang affiliations and inmates exhibiting increased mental health issues are challenging to jail staff."
- F3. "The Placerville Jail is in need of more permanent beds (furniture, not cells)."
- F4. "An improved safety cell is needed."

The four findings pertain to the management of the El Dorado County Jail, which is under the jurisdiction of the Sheriff, an elected Department Head. As such, the El Dorado County Sheriff has responded to the findings. For elected Department Heads, the Board of Supervisors is responsible for responding to findings and recommendations that affect the personnel allocation and budget of the department(s).

Recommendations

- R1. "Conversion of a regular cell into a safety cell will provide a higher level of care for mental health inmates at SLT."
- R2. "There is a need to buy and install more beds in the Placerville jail."

The El Dorado County Sheriff is an independently elected official, and as such, responds directly to the Grand Jury's findings and recommendation concerning his office. The Board of Supervisors supports the response from the Sheriff. A copy of the Sheriff's response is included in the document as Attachment A.

DRAFT



JOHN D'AGOSTINI
 SHERIFF - CORONER - PUBLIC ADMINISTRATOR
 COUNTY OF EL DORADO
 STATE OF CALIFORNIA

EL DORADO COUNTY
 2016 AUG 31 10:37 AM

July 28, 2016

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

RE: Report Nos. Case15-11, June 9, 2016 – El Dorado County Jails Inspection

The Honorable Suzanne N. Kingsbury,

This Office has received and reviewed a report by the 2015-2016 Grand Jury relating to the El Dorado County Jails Inspection. Please find the below responses to those findings and recommendations relevant to the Sheriff's Office.

Sheriff's Response to Specific Findings

- F1. An aging and longer term inmate population requires a different type of medical care model.

The Sheriff agrees with the finding.

- F2. More sophisticated criminals with gang affiliations and inmates exhibiting increased mental health issues are challenging to jail staff.

The Sheriff agrees with the finding.

- F3. The Placerville jail is in need of more permanent beds (furniture, not cells).

The Sheriff disagrees wholly or partially with the finding.

Additional beds cannot be added to the existing structure of the Placerville jail. A needs assessment study is currently underway and will determine future needs. At this time the Placerville jail is not exceeding its capacity.

"Serving El Dorado County Since 1850"

HEADQUARTERS- 300 FAIRLANE, 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

The Grand Jury referred to portable beds that were called "boats." These beds were only being used in our medical area. They are not used in other parts of the facility. They are reserved for inmates with medical issues such as seizure disorders, drug and alcohol withdrawals, or other medical conditions which falling out of or off of a bed is more probable. We do not use portable beds to deal with jail capacity issues.

F4. An improved safety cell is needed.

The Sheriff agrees with the finding.

Sheriff's Response to the Grand Jury Recommendations

R1. Conversion of a regular cell into a safety cell will provide a higher level of care for mental health inmates at SLT.

The recommendation requires further analysis.

This analysis is currently underway, through a needs assessment being completed by Vanir Construction Management.

R2. There is a need to buy and install more beds in the Placerville jail.

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

There is no need to buy and install more beds in the Placerville jail. The BSCC has rated our capacity at 303 and we have the required number of beds that we are allowed to fill. The temporary beds are currently only used when an inmate with a serious medical condition requires them to be close to ground level, to prevent injury. This can be for a person with very unsteady gait, or people with seizure disorders and other similar medical conditions.

Sincerely,


John D'Agostini
Sheriff-Coroner-Public Administrator