

**GRAND JURY
El Dorado County**

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Notice to Respondents

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to carefully read the pertinent provisions below and prepare your official response accordingly. Please pay particular attention to required explanations and time frames. Incomplete or inadequate responses are likely to prompt further investigative inquiries by the grand jury and/or the court.

RESPONSE TO FINDINGS

The responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

RESPONSE TO RECOMMENDATIONS

The responding person or entity shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. It is the expectation of the grand jury that the timeframe be specific and reasonable.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report. It is the expectation of the grand jury that recommendations be responded to as required by items 1, 2, or 4.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

RESPONSES

There are two different response times set forth in the Penal Code essentially depending upon whether the respondent is elected or not elected.

1. Public Agencies

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public. The response must be addressed to the Presiding Judge of the El Dorado County Superior Court as indicated in the Response Section of each report.

2. Elective Officers or Agency Head

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public. Responses must be sent to the Presiding Judge of the El Dorado County Superior Court, as specified in the Response Section of each report, with a copy to the El Dorado County Board of Supervisors.

FAILURE TO RESPOND

Failure to respond as required to a grand jury report is in violation of California Penal Code Section 933.05 and is subject to further action. Such action is likely to include further investigation on the subject matter of the report by the grand jury.



EL DORADO COUNTY GRAND JURY 2010-2011

COUNTY PRESCRIPTION DRUG CARE PLAN

Case Number GJ010-004

REASON FOR REPORT

The El Dorado County (EDC) Grand Jury received a referral from the 2009-2010 Grand Jury regarding the potential abuse of EDC health care prescription service for County employees. The concern was that proper safeguards were not in place to monitor and prevent fraud and abuse which represented a significant potential cost to the County.

BACKGROUND

Caremark LLC is one of the largest national prescription service providers. Caremark and EDC executed a prescription services contract in June 2007 for one year, which is annually renewable unless either party gave notice of intent to terminate the contract. The annual cost of the contract was \$3,136,480 for 2010. Under the terms of the contract Caremark would cover the cost of prescriptions for a plan participant up to \$50,000 per year. EDC is self-insured for amounts above the maximum plan participant limit. The Caremark contract was annually renewed through June 2011.

In the Spring of 2010, Caremark made a presentation to the EDC Health Plan Advisory Committee. This is an ad hoc committee formed to select a plan provider for prescription drug services. It is comprised of four members from County management, four members from County unions, and chaired by the Director of the EDC Human Resources Office. The purpose of the presentation was to propose an Enhanced Safety and Monitoring Program to identify patterns of potential overuse or misuse of prescription drugs by plan participants.

About the time this plan amendment was discussed, it was determined that one employee of EDC was receiving an alarming amount of highly addictive prescription medication totaling roughly \$50,000 per month. This employee's prescription costs were tracked for a period of at least four years and amounted to \$2.4 million. This circumstance was a significant factor in EDC executing the Enhanced Safety and Monitoring Program with Caremark in June 2010. The cost of adding this plan amendment in 2010 was \$49,000 annually.

METHODOLOGY

The current EDC Grand Jury interviewed the complainant along with several EDC staff members and elected officials:

- Members of the Board of Supervisors
- Auditor/Controller staff
- Human Resources staff
- District Attorney staff
- Health Plan Oversight Committee members

The EDC Grand Jury reviewed the following documents:

- EDC contract with Caremark (7/1/07)
- Amendment #4 to EDC contract with Caremark (7/1/10)
- Sample letters from Caremark's Monitoring and Safety Program that are sent to EDC employees and doctors when prescriptions are under scrutiny (12/2010)
- EDC health plan rates (as of 01/2011)
- EDC prescription drug report from Caremark for a six month period (July1, 2010- December 31, 2010)

FINDINGS

1. An audit was conducted by Caremark into this abnormally high use of addictive prescription medication by the EDC employee referenced above, and Caremark determined that there was no evidence of criminal or fraudulent conduct.
2. Two significant positions with EDC responsible for monitoring prescription health care services were vacated (2005 and 2007) and not backfilled. In mid-2010 the Director of the Department of Human Resources unsuccessfully attempted to monitor costs.

3. Shortly after the provision for monitoring prescription health care services was contracted at an annual cost of \$49,000, the costs for the employee declined by almost half.
4. Amendment #4 to the original contract includes safeguards to protect EDC from excessive prescription costs by providing the following programs:
 - **“Point of Sale Safety Edits Program:** *Caremark shall provide in accordance with Section 2.8 of the Agreement its automated concurrent Drug Utilization Review (DUR) services. The Point of Sale Safety Edits Program is necessarily limited by the amount, type and accuracy of Plan Participant information made available to Caremark.*
 - **Retrospective Safety Review Program:** *Caremark shall provide client retrospective Drug Utilization Review services, which are designed to provide appropriate clinical information concerning plan participant drug utilization for specific prescriptions. Caremark shall provide Prescribers with a Plan Participant-specific communication that identifies clinical issue and suggests alternative therapies, as appropriate.*
 - **Safety and Monitoring Solution Program:** *“On a calendar quarterly basis Caremark shall evaluate claims for patterns of potential overuse or misuse, including without limitation, the use of multiple Prescribers or multiple pharmacies. For circumstances that Caremark identifies patterns of potential overuse or misuse, Caremark may provide Prescribers or pharmacies with written notice of such issues.”*

RECOMMENDATION

1. EDC should ensure that all future health care prescription service contracts include a strong provision for monitoring waste, fraud and abuse.

RESPONSES

Responses are not required.



EL DORADO COUNTY GRAND JURY 2010-2011

MENTAL HEALTH DETENTION POLICY AND PROCEDURES

Case Number GJ010-009

REASON FOR REPORT

As a result of a complaint, the El Dorado County Grand Jury investigated the policies and procedures applicable to mental health patients held on the Western Slope of the county under the Welfare and Institutions Code §5150.

BACKGROUND

In March 2010, a United States Department of Agriculture Forest Service Officer took a citizen into custody who appeared to be a danger to self and severely impaired. This was done under the authority of Welfare and Institutions Code §5150 (5150) that establishes requirements and procedures for law enforcement and hospital personnel for taking such a person into custody for 72 hours of evaluation and treatment. The officer transported this citizen to the Crisis Center of the El Dorado County Mental Health Psychiatric Health Facility for a mental health evaluation. After approximately four hours, the patient was transported to Marshall Medical Center for a required medical clearance. Four hours later, a Marshall Emergency Department physician medically cleared the patient. About 10 hours later, while arrangements were being made for continuing care in a Sacramento psychiatric facility, the patient walked out (eloped) from the hospital emergency department. An ambulance with keys on the floor was parked outside of the emergency department. The patient found the keys

and drove away. Immediately, the Placerville Police Department was called. Subsequent events resulted in the death of the patient.

Department of Mental Health statistics revealed an average of 27 individuals per month held under §5150 on the Western Slope of El Dorado County for a three month period from October 25, 2010 through January 21, 2011.

POLICY AND PROCEDURE REVISIONS

MENTAL HEALTH

Under previous policies, some Western Slope 5150 patients detained by law enforcement were transported to the Crisis Center of the El Dorado County Psychiatric Health Facility (PHF commonly pronounced "puff") prior to being medically cleared at Marshall Medical Center.

After review, the State Department of Mental Health ordered that the Crisis Center not be used for evaluation and treatment of 5150 patients. Now, all Western Slope 5150 patients are taken directly to Marshall Medical Center for evaluation and treatment. The clearance is the physician's determination that the patient has no medical conditions that would preclude placement.

Mental Health Psychiatric Emergency Services is notified when a patient is being transported to Marshall and makes every effort to have a mental health crisis worker at Marshall within 20 minutes. If this is not possible, Marshall is notified when the mental health crisis worker will arrive. The purpose of this mental health crisis worker is to provide mental health care support but not to provide security.

Several subdivisions of the Department of Health Services participate in the Multi-Disciplinary Team coordinated effort to develop protocols in crisis prevention and intervention.

MARSHALL MEDICAL CENTER

As of March 2010, 5150 patients were observed by mental health workers, nursing staff and hospital security personnel under the supervision of the charge nurse. Communication between these groups was inconsistent and sometimes ineffective.

After March 2010, Marshall Medical Center developed a Plan of Correction in response to a list of serious federal violations received from the Department of Health and Human Services Centers for Medicare and Medicaid. This plan includes a commitment by Marshall for constant observation of 5150 patients, rapid response and triaging by nurses and physicians, and additional training of the nursing and other staff.

Emergency Department policies have been revised to clearly state that the hospital is solely responsible for the custody of persons suspected of being mentally ill.

Designated hospital personnel will be given Crisis Intervention Team (CIT) training including Emergency Medical Technicians (EMT) and paramedics. Supervisors will receive a 40-hour course and other employees will receive an eight-hour course.

MARSHALL MEDICAL CENTER SECURITY

Security is provided by Healthcare Security Services (HSS), a private security company. There are a total of 10 officers, including one supervisor. Two officers each staff three shifts per day, providing 7-day weekly coverage.

Neither the HSS Supervisor nor any of the other officers is required to have law enforcement training or experience. The officers have California state certificates and receive about two hours of 5150 training at the Northern California District Office of HSS in Livermore. The HSS officers received a local training course related to observing dementia patients taught by the Coordinator of Crisis Services for Mental Health Services.

In March 2010, under the previous policies, security officers were called on as needed to watch 5150 patients. Otherwise, the nursing staff or a mental health worker would observe the patients. Under the new policies, security will keep all 5150 patients under continuous observation. If a patient attempts to leave the area, security or emergency department staff will guide the patient back to bed. However, the security guard will not physically prevent an elopement; in that event, law enforcement would be called.

There is a video surveillance system in the Marshall Emergency Department consisting of two cameras and one monitoring station. The recordings are retained for one week and are available for investigations. Monitoring the video is not a priority duty.

AMBULANCE

Under the previous policy, ambulance keys were left on the floor of the ambulance. No keys were hidden. Under revised rules dated July 29, 2010, the keys may no longer be left in the ambulance, but instead the driver and both medics retain their own set of keys at all times.

LAW ENFORCEMENT AND FIRE DEPARTMENT

A Multi-Disciplinary Team (MDT) has been formed on the Western Slope of El Dorado County. The MDT provides a resource for mental health crisis prevention and intervention. Team member assistance can potentially de-escalate encounters between law enforcement and mentally ill persons. The Sheriff's Office has been an active and involved participant in the MDT; the Placerville Police Department's involvement has been less evident.

A Crisis Intervention Team (CIT) has also been formed. Crisis Intervention Team Cards (formerly called Yellow Cards) are being used to record and report contacts with individuals who have mental health issues. These cards are used in all law enforcement vehicles, ambulances, and fire trucks. The cards are forwarded to the Sheriff's Department where the information is evaluated by a team with Crisis Intervention Training. This evaluation may help law enforcement improve decision making during encounters in the field. In the future, it may also help identify means of providing individuals with needed assistance. This system was put in place in conjunction with the MDT. It is envisioned that in the future there will be a feedback mechanism so that information can be provided to officers on duty in the field.

The functions of the CIT system and the MDT are also referenced in the accompanying 2011 El Dorado County Grand Jury Report GJ010-007 entitled Mental Health Crisis Intervention.

METHODOLOGY

The 5150 policies and procedures of the various organizations in effect in March 2010 were reviewed. The revisions that were made from that date through March 30, 2011, were evaluated with particular attention to their effectiveness in preventing another incident.

The following persons were interviewed:

- Deputy District Attorney, El Dorado County
- Coordinator, Crisis Services, El Dorado County Mental Health Department
- Manager, Marshall Medical Center Emergency Department
- House Supervisor, Marshall Medical Center
- Current Sheriff, El Dorado County
- Director, El Dorado County Public Health Services/Mental Health
- Officer, United States Department of Agriculture Forest Service
- Parent of the mental health patient

- Supervisor, Hospital Security Services, Marshall Medical Center
- Executive Director, El Dorado County Emergency Services Authority

Documents Reviewed and Date Referenced:

- Marshall Medical Center Emergency Department Manual of Protocols, dated 7/10 (11/10)
- Cooperative Law Enforcement Agreement Between the Sheriff of El Dorado County and the Pacific Southwest Region of the USDA Forest Service, dated 5-23-03 (1/11)
- Amador County Health Services Department Policies and Procedures Manual, 5150 Hospital Call Out Routine, dated 9-15-09 (2/11)
- County of Sacramento Division of Behavioral Health Services policy #05-03 entitled 5150 Welfare & Institutions Code Certification & Designation (2/11); Mental Health Treatment Center policy #04-02 entitled 5150 Designation policy (2/11); Mental Health Treatment Center policy #04-03 entitled 5150 Application (2/11); Mental Health Treatment Center policy #0-01 entitled Intake Team (2/11)
- Placer County Mental Health Policy and Procedures for Adult System of Care and 5150 Memorandum of Understanding among partner agencies, Effective Date 11-06-09 (2/11)
- San Joaquin County Mental Health Service Policy and Procedure Manual – Revised May 21, 2004 (3/11)
- El Dorado County Emergency Medical Services Authority, Draft of 5150 Patients Policy, dated 10-25-10 (3/11)
- District Attorney's Official Report of Investigation of the incident, dated 3-28-10 (8/10)
- Department of Health & Human Services Centers for Medicare and Medicaid Services letter to Marshall Medical Center, dated 6-30-10 (12/10)
- Department of Health & Human Services Centers for Medicare and Medicaid Services Statement of Deficiencies and Plan of Corrections to Marshall Medical Center, dated 7-12-10 (12/10)
- El Dorado County Department of Mental Health Psychiatric Emergency Service Policies and Procedures - West Slope, dated 1-20-08 (1/11)
- El Dorado County Western Slope Agencies, MOU, Policy and Procedures Regarding Detention of Persons Pursuant to WIC §5150 Agreement #833-M0810, dated 6-08 (1/11)
- California Department of Mental Health to El Dorado County Health Services Department, Mental Health Division, Re: Notice of Completed Review with Deficiencies, dated 11-11-10 (1/11)
- California Health Services Department, Mental Health Division Correspondence from Director to County of El Dorado Grand Jury, dated 3-31-2011 (3/11)

FINDINGS

MENTAL HEALTH

1. A major causal factor in the March 2010 incident was the fact that previous to March 2010, attention to detail and awareness of the agencies involved in the care and observations of 5150 patients had lapsed.
2. The March 2010 incident shed light on the oversight of the agencies that relate to 5150 patients.

MARSHALL MEDICAL CENTER SECURITY

3. Hospital security, as currently provided by HSS, is marginally adequate. There is only one officer with law enforcement training. The other security officers were not extensively trained when hired and their training has not been updated.
4. The HSS Supervisor at Marshall spends a significant portion of his day doing administrative work and attending meetings. This leaves the only other day shift officer alone to deal with both the ordinary security functions as well as 5150 surveillance. In addition, the supervisor is the only designated on call person in case of an emergency.
5. Currently, hospital staff and HSS officers provide continuous 5150 patient observation within the emergency department. However, Marshall Medical Center is not a designated mental health facility with a locked, secure area for 5150 patients.
6. Hospital security failed to document important events and information from their shifts.
7. The video camera system is inadequate. There are areas in the Marshall Emergency Department that are not covered by cameras. The video recordings are retained for one week.

AMBULANCE

8. As of October 25, 2010, revisions to the ambulance policy have been under discussion. Proposed changes would require that all 5150 patients riding in El Dorado County Emergency Service Authority vehicles be secured. Gravely disabled and incapacitated patients would be secured with gurney straps. Patients, who have a history of violence or are violent, agitated or angry,

coupled with the physical capability of inflicting harm and endangering themselves, would be placed in a four-point restraint.

MULTI-DISCIPLINARY TEAM

9. Marshall Medical Center, Healthcare Security Services officers, Director of the Emergency Services Authority, and the USDA Forest Service Law Enforcement has expressed an interest in participating in the MDT.

RECOMMENDATIONS

Based on the Grand Jury's evaluations and findings, recommendations were developed for further policy and procedure changes to decrease the likelihood of another incident involving 5150 patients.

MENTAL HEALTH

1. The Mental Health Division of the El Dorado County Health Services Department should be the lead agency in an annual reminder of the March 2010 incident and training for all agencies involved in the care and monitoring of 5150 patients.

MARSHALL MEDICAL CENTER SECURITY

2. Coordination and communication between hospital personnel and the security guards is essential. All Marshall HSS security personnel should be trained to deal with mentally impaired patients.
3. HSS security staff needs training in documenting important events that occur on their shifts related to the monitoring of 5150 patients. All daily security notes regarding 5150 patients should be provided to the Charge Nurse.
4. The purpose, current usage and configuration of the video monitoring system should be re-evaluated. The current system must be upgraded if it is going to be of any use in preventing another incident.

AMBULANCE

5. The Executive Director of the El Dorado County Emergency Medical Authority has proposed changes to the Ambulance 5150 policy that are intended to reduce the likelihood that a patient would harm themselves or others. The proposed changes should be reviewed by other agencies; especially Marshall Medical Center, which has policies and procedures for transporting persons with mental health issues.

MULTI-DISCIPLINARY TEAM

6. Marshall Medical Center, Healthcare Security Services officers, Director of the Emergency Services Authority, and USDA Forest Service Law Enforcement should be included in MDT training.

EL DORADO COUNTY

7. El Dorado County should have a designated health facility where 5150 patients and others with mental health impairments would be evaluated and treated in a safe, secured environment.

RESPONSES

Responses to findings and recommendations in this report are required in accordance with the California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided for a response to the following agencies:

- Director, Health Services Department, 670 Placerville Drive Suite 1B, Placerville, CA 95667
- Chief Executive Officer, Marshall Medical Center, 1100 Marshall Way, Placerville, CA 95667
- Healthcare Security Services Supervisor, Marshall Medical Center, 1100 Marshall Way, Placerville, CA 95667
- Executive Director, Emergency Services Authority, 480 Locust Road, Diamond Springs, CA, 956667
- El Dorado County Sheriff, 300 Fair Lane, Placerville, CA 95667
- Chief, Placerville Police Department, 730 Main Street, Placerville, CA 95667

- Chairperson, El Dorado County Board of Supervisors, 330 Fair Lane, Placerville, CA 95667
- Patrol Captain, El Dorado National Forest, 100 Forni Road, Placerville, CA, 95667

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



EL DORADO COUNTY GRAND JURY 2010 - 2011

OPERATIONS REVIEWS AND THE POTENTIAL FOR PUBLIC/PRIVATE PARTNERSHIPS

Case Number GJ010-018

REASON FOR REPORT

Grand Jury investigations and reports on El Dorado County government have produced a recurring picture. Though there is an increasing need for government to become more efficient and effective at less cost, there has been a lack of initiative and due diligence in assessing and evaluating the operations and performance of county government.

The functions and operations of county government, the mechanics of actual governance, have not been reviewed or updated, to the point where it is now out-of-step with the need and demand for change.

The County should show a willingness to utilize relevant experience and expertise from outside county government...from the various sectors of business, education, professional services, non-profits, even the general public...to participate in much needed operations reviews of departments, functions, systems, operations and processes. Such an outreach effort could provide valuable perspectives and relevant knowledge when properly focused.

This investigation reveals that relevant and needed experience and expertise exists in abundance among the citizenry of El Dorado County, and is just waiting to be tapped and incorporated in long overdue operations reviews of county government.

BACKGROUND

Grand juries are charged with the responsibility to be a citizen watchdog on county government. In so doing they regularly investigate and report on various aspects of county government. All one has to do is visit the Grand Jury website and peruse a series of reports over the years that point with regularity to inefficient and ineffective county operations. But grand juries were not designed to perform the actual practical function of county governance in an ongoing manner, and cannot supplant the work that needs to be done under the auspices and control of the county.

The last several decades have produced enormous changes in how we conduct business, utilize the Internet, produce and purchase products, and radically changed how services are accessed by and provided to the public. Changes in what we do, and how and why we do it, are being substantially driven by the need to conserve resources and provide better products and services at less cost.

El Dorado County government has experienced significant change as well, especially in the last three budget cycles. But the changes have been substantially negative in their nature and signify more of a retrenchment than a rethinking of what county government does and how it does it.

Amid all of this dramatic change, the Grand Jury has repeatedly and frustratingly discovered that the way in which El Dorado County government functions and conducts business, how it provides services to the public, is too-often outmoded, perhaps even hidebound, and substantially resistant and unresponsive to the increasingly desperate need to be even more, not less, responsive.

Some of the reasons for this lack of positive change at the county level are certainly attributable to diminishing financial and personnel resources. But this is far from the only reason...indeed it may not even be the primary reason explaining...why policies, operations, procedures and practices have not kept up with the times.

What seems to have been lacking in county government in substantial part is a serious and consistent effort to improve the operations of actual day-to-day governance.

The evaluation and assessment of legal authority, governing missions, organizational structure and working relationships, systems, functions, operations and processes seem a perfect sleep aid to many if not most people. But it is the stuff of which government is made. It is how services or deliverables are constructed and provided. It is how the proverbial pothole is filled. Assessments and evaluations of county government – why and what is done and how well it is done - may address issues involving a key service function, a departmental mission, management, staff, administrative system, policy, operation or process.

What are summarily referred to in this report as “operations reviews” actually encompass organizational, procedural and workload assessments and evaluations of what, whether and/or how work is currently being performed. Specific recommendations to improve efficiency and effectiveness, products and deliverables to and for the public, are the intended result of such reviews. Some may refer to this type of process as trying to get a “bigger bang for the buck,” or simply identifying ways government can operate more efficiently and at less cost. Others may think of these processes as also including ways to make government more accountable and user-friendly to the public.

The vast majority do not know and may not care about such details...until there is a direct impact upon them. We lack the time and energy to engage...unless perhaps we are directly affected. Yet, if the functions and services of our county government are not working, and not working well, each and every one of our lives, our businesses, our communities, are adversely affected. We may be among the first to complain, vote in frustration and anger, or, sadly, simply throw up our hands, give up and tune out.

During the 2009-2010 El Dorado County Grand Jury session, a report was produced that addressed the need for a significant restructuring and consolidation of county administrative services. Over two million dollars of annual cost savings was identified. Among the recommendations was the need to establish an internal management auditor function in the County Administrative Office. This official would be charged with the objective of evaluating operations and processes and acting to make them more efficient and effective. But the official County response to the report was extremely brief and even dismissive.

When evaluating and assessing how functions are performed, the Grand Jury frequently discovers not only the lack of any internal review and action to improve service delivery, but also the lack of an approach or practice of incorporating experienced members from the private sector with relevant expertise as part of any operations review. There has been no serious and concerted effort to systematically identify and bring in to long overdue reviews of county operations members of the public who have something to bring to the table, and who have deep and even recent and relevant experience and expertise. The Grand Jury has developed a concern that valuable and useful perspectives and advice are not only going unheeded, they have been largely unsolicited, even disdained.

But there are several reasons why the time is ripe for a new and fresh approach to review and renew county government operations:

- The public is increasingly and justifiably concerned about the ability of county government to spend tax dollars in the most efficient and productive manner.
- The Board of Supervisors, according to highly placed public and private county sources, is increasingly receptive to new ways of doing business.

- El Dorado County has a new Chief Administrative Officer ready and able to provide leadership.
- A new process has just begun involving “action teams” to review certain high priority county operations and functions designated by the CAO, and
- The general downturn in the economy places an added emphasis on doing more with less.

The Grand Jury asked those interviewed for this report, among other wide-ranging questions, to specifically respond to a proposal to establish a registry or clearinghouse containing a list of individuals from outside county government who were qualified and experienced with relevant knowledge, skills and abilities in certain areas of need. For example, various professional services come to mind such as engineering, human resources, accounting, contracting, purchasing, legal, educational, marketing, and various levels of administrative management. The idea was to reach out to members of the El Dorado County community and perhaps beyond to obtain information concerning individuals in a position to lend their expertise who would be willing to participate as part of a review team that would carefully assess and evaluate county operations.

At the same time the basic idea of the equivalent of a registry or clearinghouse function was suggested, interviewees were invited to propose alternative mechanisms to accomplish the same end. In actuality, there could be many ways for a CAO to implement such an idea. Looking at the county organization chart one can readily identify the kinds of experience and expertise, the knowledge, skills and abilities that could be utilized by county government. These needs could be categorized. Those with relevant experience and expertise could be listed and their qualifications vetted. But first they would have to be asked to participate.

In recognition of the need for a timely and serious review of what is done in county government, and how it is done, the Grand Jury has discovered a wealth of expertise and experience just waiting to be tapped throughout the county. Fresh eyes and experienced perspectives could be included on a review or action team otherwise comprised of county directors and/or staff. A mixed review team composed of participants representing a balance of public and private sector experience and expertise would result. Fresh insights, experience, contacts, and perspectives would be brought to bear on what is done and how and why it is done. A creative dynamic would be initiated whereby policies, operations and processes could be compared and contrasted. An existing monopoly of history, data and contacts would compete with private sector counterparts. Government processes, even at relatively low and operational levels, could be re-thought and recreated. At the very least, even if a particular process could not be improved upon, everyone engaged in attempting to make it more efficient and effective would know why it was apparently operating at optimal levels.

According to the March 17, 2011 article, “Taming Leviathan, A Special Report on the Future of the State,” in the Economist magazine, “In the surveys that measure people’s happiness, decent government is as important as education, income and health (all of

which are themselves dependent on government). To business, government can make an enormous difference. Even if government were to cost the same but produce more, the effect on private sector productivity would be electric.”

METHODOLOGY

Interviews have been conducted with a wide variety of community organizations and groups. Documentation has been referenced from prior Grand Jury reports, and relevant studies, articles and websites.

The Grand Jury interviewed officials from county government and the following community organizations:

- Chief Administrative Officer, El Dorado County
- Staff, Chief Administrative Office, El Dorado County
- Executive Director, El Dorado Community Foundation, an umbrella agency over a substantial number of non-profit organizations.
- Past President, League of Women Voters
- Director, Economic Development Advisory Committee
- Chief Executive Officer, El Dorado County Chamber of Commerce
- Director of Governmental Relations, Parker Development Company, El Dorado Hills
- President, Folsom Seniors in Retirement (SIR), with approximately one-third of the membership of this 180 plus member organization residing in El Dorado County.

Particular documentation referenced included recent Grand Jury reports such as the following:

2008-2009 El Dorado County Grand Jury:

- El Dorado County Charter Review
- El Dorado County Adult Protective Services
- El Dorado County Zones of Benefit
- El Dorado County Roadside Memorials

2009-2010 El Dorado County Grand Jury:

- Energy Conservation and Cost Savings
- Administrative Services Consolidation Cost Savings and Efficiencies
- Purchase of the Animal Control Shelter Property
- Fee Waivers

The 2010-2011 El Dorado County Grand Jury reports include a variety of findings and recommendations, including this particular report, that directly concern the operations of county government.

In addition, other documentation was referenced for this report, including:

- The Economist Magazine, "Taming Leviathan, A Special Report on the Future of the State," March 17 and 19, 2011 Edition.
- The Economic Development Advisory Committee, (EDAC) El Dorado County, website. (April 10, 2011)
- El Dorado County Board of Supervisors, January 10, 2011 Agenda and Minutes
- EDAC Presents: Recommendations for Regulatory Reform through a review of the General Plan and Other Regulations
- El Dorado County Economic and Demographic Profile, 2007-2008, Center for Economic Development, California State University, Chico
- El Dorado County Chamber of Commerce website, Clubs and Organizations, (April 10, 2011)
- The website for "CatchAFire," a non-profit business model that facilitates matching business start-ups with experienced and expert volunteers.

FINDINGS

1. The new Chief Administrative Officer for El Dorado County has identified four top priority county functions warranting review and improvement:

- Information Technology
- Human Resources
- Management
- Financial Accounting

These four functional areas are being reviewed at a department head level and have broad affects throughout all county operations.

2. There is an increasing recognition that county government operations are behind the times, insular in outlook, and stagnating from lack of competition...or at least the competition of new ideas. According to one prominent county official, "The County has a monopoly on the provision of certain services. We are lacking public feedback. We are discovering that the county is pretty good at compliance, but not so good at service delivery."

3. As evidenced most recently by the use of the Economic Development Advisory Committee (EDAC), the clear potential exists to mobilize volunteer resources available in the wider community. El Dorado County has a diverse, rich and deep skill set of those who are still working or who recently worked in professions and occupations directly relevant to county operations. Whether it was a business, non-profit, social or charitable group, private association or community group surveyed during this report, there was a uniform and clear consensus that substantial experience and expertise exists and could be made available to meaningfully participate as part of a review team focused on improving a particular segment of county operations. In several instances the Grand Jury received comments like, "Nobody from the county has ever asked for our help."
4. Every representative of a group interviewed for this report immediately and forthrightly stated that there would be "no problem" in obtaining volunteers from the community to assist in the conduct of operational reviews. Not one person interviewed for this report indicated otherwise. In one instance a prominent private sector individual in El Dorado County volunteered on the spot to participate as a member on a review team comprised of county officials and qualified individuals from the private sector.

There was a clear consensus among those groups contacted for this report that there would be two key areas of vulnerability for a proposed mechanism to produce qualified individuals for participation on review teams. Those two areas were either a lack of leadership from the County Administrator's Office and/or a lack of willingness of individuals to volunteer their time and expertise for their county. A third area of vulnerability endangering potential success would be lack of acceptance of the review group at a departmental level.

5. A major determinant of success for the establishment and good use of public/private review teams was how the CAO reached out to and invited the meaningful participation of the public.
6. Participation on operations review teams could entail very different levels of commitment ranging from a few weeks to six to twelve months. This did not cause any party interviewed for this report to change their assessment about the potential participation of individuals from outside county government.
7. There was a strong recognition by everyone interviewed for this report that it would be very important to understand that county government exists to protect and further the greater good or public interest. Review teams could not be comprised of individuals or representatives from an interest group whose primary or exclusive reason for participating was to enhance their own or their own group's interest at the expense of everyone else's interest. One interviewee perhaps put it best when they said, "The greater the private interest, the greater the

risk.” This concern pointed to the need for clear standards to avoid conflicts of interest by participating members of a review team.

8. A significant benefit of such collaboration between public officials and private individuals (between the local public and private sectors) would be to foster a greater understanding of the professional environment, the unique challenges and demands, and yes, the inherent differences in operational flexibility, accountability, and speed of the sectors and how each may function. The rhetorical if not the practical clash of cultures between the public and private sectors could be diminished with greater cooperation, collaboration and communication focused on a specific and tangible need and objective. Mutual benefit would be the preferred goal of such reviews, with both government employees and members of the public seeking and obtaining a “win-win” of less cost, less time, greater productivity, and enhanced service delivery, with ultimate benefits to both a renewed faith in the ability of local government to function as well as an improved local economy.

RECOMMENDATIONS

1. The CAO should clearly express and publicize an operating principle and preferred method for county government operations reviews. The stated policy or operating principle should make clear a strong preference for a balanced approach that incorporates both internal and external personnel (public and private sector participants) on any significant operational, procedural, functional or systemic review of county government. Such a commitment would signal the value of outside perspectives as well as the likely benefit of comparing and contrasting public and private sector initiatives focused on improving the efficiency and effectiveness of county operations.
2. An emphasis needs to be placed on the deliberate and careful selection of participating members of review teams. Among the qualities expected for participating members would be their experience and expertise, as well as their ability to work as part of a team with a specific charge and within specified timeframes. There would need to be openness to information that contrasted with one’s own experience and perceptions, a willingness to compare and contrast information in general, and the ability to “roll up their sleeves” and engage in the sometimes laboriously detailed information used to find their way toward considered and deliberate recommendations for change.
3. Operations review teams should seek and incorporate in their deliberations relevant information from all primary stakeholders, public or private.

4. Operations review teams should be charged with making their findings and recommendations advisory to both the CAO and the Board of Supervisors with concurrent reports going to each entity.
5. The CAO should identify and generally prioritize the need for operations reviews to include at least all large and medium size departments and key functions and systems across county departments.
6. The Chief Administrative Officer's office itself should be among the first to be the subject of an operations review. This would serve as an example to other county departments and underscore the commitment of the CAO to achieve meaningful and beneficial results.
7. Various methods could be employed to initially identify top priority departments or functions for operations reviews. Undoubtedly the CAO will give due consideration to the factors governing prioritization of such reviews. However, at least four key elements are important considerations for a prioritization of operations reviews:
 - Size of the department or pervasive impact of the function or system on county government operations
 - Impact of the department or function on the county budget
 - The potential for establishing workable public/private partnerships in the construction of a product or delivery of a service, and the
 - Impact of the department or function on the local economy
8. The CAO should establish a workable mechanism for obtaining, listing and utilizing private sector members for operations review teams based upon their experience, particular expertise, and overall ability to function as a productive member of such a team. The registry or clearinghouse concept is but one option to be considered as a workable structure or process.
9. The El Dorado County Board of Supervisors should support and encourage the CAO in the pursuit of a balance of public and private sector membership and participation on operations review teams and should seriously consider the findings and recommendations of such teams when approving changes in policy or process.

It is time for county government to reach out and incorporate in a very practical way the substantial and relevant experience and expertise of the very community it is intended to serve.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to the El Dorado County Chief Administrative Officer, Auditor/Controller, and the Chairperson of the Board of Supervisors for response. Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



EL DORADO COUNTY GRAND JURY 2010-2011

CONSENT CALENDAR

Case Number GJ010-010

REASON FOR REPORT

On June 17, 2008 and October 21, 2008 important items referring to an agreement between the South Lake Tahoe Area Transit Authority and El Dorado County (EDC) were placed on the Consent Calendar for consideration by the El Dorado County Board of Supervisors (BOS). A complaint was lodged with the Grand Jury alleging that placement of these items on the Consent Calendar was improper, and constituted an abuse of the process since it was later determined these items required additional review.

BOS Policy B-12 limits the dollar amount of contracts acted on by the BOS without Auditor review up to \$100,000. The contention is that these transactions were complex, involved substantial legal issues, and far exceeded the limitations on cost for agenda items as described in BOS Policy B-12. In addition, these actions violate generally accepted government practices of handling a Consent Calendar.

BACKGROUND

The following definition and examples of items appropriate for a Consent Calendar were obtained from two sources referenced as follows:

www.BOSsource.org 09/23/2010 BoardSource is a nationally recognized organization based in Washington, D.C., dedicated to building effective non-profit boards.

www.garberconsulting.com 09/23/2010 Nathan Garber & Associates is a consulting firm based in Ontario, Canada, dedicated to assisting nonprofit organizations in organizational development, governance, strategic and program planning.

A Consent Calendar (or Consent Agenda) is a component of a general meeting agenda that enables a BOS to group routine items and resolutions under one umbrella and approve all these items together. It differs from the regular BOS agenda in that regular items may involve substantial discussion, while Consent Agenda items involve no discussion. The EDC Chief Administrative Officer (CAO) directs which items are placed on the calendar. Any member of the BOS may pull or transfer an item from one category to the other. A member of the public may request transfer of an item from the Consent Calendar, but may not require that it be done. Members of the public may comment on items on the Consent Calendar before action is taken.

Unless a BOS member requests the removal of that item, the entire Consent Calendar is voted on as a package.

It is generally accepted in business and government that proper use of a Consent Calendar is vital to the conduct of business. Without use of a Consent Calendar some working bodies might grind to a halt.

Sample items which are generally considered appropriate for a Consent Calendar are listed below:

- Committee and previous BOS meeting minutes
- Office reports
- Routine correspondence
- Minor changes in procedure
- Routine revisions in policy
- Updating documents
- Standard contracts that are regularly used
- Final approval of proposals or reports that the BOS has been dealing with for some time and all members are familiar with the implications
- Committee appointments
- Staff appointments requiring BOS confirmation
- Reports provided for information only
- Correspondence requiring no action

2000-2001 EDC Grand Jury – Government and Administration Committee “Procedures for BOS Meetings”

The 2000-2001 EDC Grand Jury recommended that all written recommendations to the BOS concerning items of large financial impact should be submitted to the Auditor-

Controller for consultation prior to submission to the BOS. This item was intended to apply to items involving potential cost or liability exceeding the sum of \$10,000.

The BOS adopted a modified version of the recommendation, BOS Policy B-12 on 03/01/2005. This policy raised the dollar amount on contracts from \$10,000 to \$100,000 before a contract is sent to the Auditor-Controller for review.

The 2000-2001 EDC Grand Jury addressed the manner in which last minute unpublished and unnoticed changes to the agenda of public legislation and administrative bodies within the County were accomplished.

“In theory, Consent Calendar items are supposed to include only items as to which no possible controversy can reasonably be envisioned, e.g., payment of ongoing bills, resolutions for certificates or appreciation, etc. In the past, however, the Consent Calendar has included items involving some controversy. In the opinion of the Grand Jury, this has had the appearance of an attempt to evade public scrutiny of the items.”

The BOS should adopt and adhere to a policy prohibiting the placement on the Consent Calendar of any items which could reasonably be anticipated to be controversial to a significant number of members of the public.

METHODOLOGY

The EDC Grand Jury interviewed several staff members and elected officials:

- Auditor/Controller staff
- BOS staff
- Members of the BOS

The EDC Grand Jury reviewed relevant portions of the following documents:

- 2000-2001 EDC Grand Jury Report pages 92, 93, 98, 99, 100
- 2000-2001 EDC Grand Jury Report Responses to Finding F-7; Recommendation R-4; Response to Recommendation 4; Recommendation R-9; Response to Recommendation 9; Recommendation R-10; Response to Recommendation 10
- Amador County Policy & Procedures Manual policy 1-300 Agenda and Consent Agenda process (page 1 only) issued 02/05/2002
- Boardsource Organization (internet Q&A regarding Consent Agenda or Consent Calendar) 09/23/2010
- BOS Policy B-12 adopted 03/01/2005
- Contract routing sheet – Contract AGMT 08-1691 between EDC Department of Transportation and Area Transit Management, Inc. 05/07/2008

- EDC BOS Policy H-1: Written Communications to BOS from Non-County Agencies and Individuals 10/20/2010
- EDC Ordinance Chapter 2.03 – BOS Meetings 11/21/2010
- E-mail correspondence between EDC Principal Financial Analyst and Bluego Transit Administrator regarding further concerns about the legal structure and nature of STATA 12/08/2008
- First amendment to the Transfer Agreement between the STATA and EDC regarding funding of BLUE GO On Call Demand Responsive Transit Services (no date on document), effective date 11/01/2008
- Garber Consulting (internet Q&A regarding Consent Agenda) 09/23/2010
- Internet copies of articles appearing in the Tahoe Daily Tribune dated 7/2/2008, 6/6/2009, 5/25/2010, 6/1/2010, 10/15/2010
- Letter from EDC Auditor-Controller to TRPA dated December 11, 2008, expressing concerns on the legality of their allocation instructions. The letter specifically states the “entity” of STATA may not fall within the definition of a consolidated transportation service agency eligible for TRPA designation under California Law
- Letter from EDC County Counsel to EDC BOS recommending approval of the First Amended agreement 02/23/2009
- Memorandum from Tahoe Regional Planning Agency (TRPA) staff to TRPA Governing Board dated November 12, 2008, consisting of a resolution allocating Local Transportation Funds and State Transit Assistance funds to the South Tahoe Area Transit Authority for the operation of BLUE GO Transit Services in the City of South Lake Tahoe and EDC
- Placer County BOS policy Sec. 15.7 Agendas (d) 11/23/2010
- STATA Executive Committee Agenda 10/15/2009
- Transfer agreement between South Tahoe Area Transit Authority (STATA) and EDC 10/21/2008
- EDC Meeting Agenda Tuesday, March 15, 2011 (pages 1 & 2)
- South Lake Tahoe City Council Meeting Agenda January 3, 2006 (page 2)

FINDINGS

1. EDC does not have a written policy or procedure to direct the handling of a Consent Calendar. Past practice has been for the CAO to review all agenda items and indicate by writing on the item the letter “C” for consent, or “D” for discussion. The contract matter under review had neither letter designation. According to one prominent official the CAO knew that at least one member of the BOS was very interested in having the contract move forward, and allowed this item to “slip by.”
2. The EDC Fiscal Review Process (Policy B-12) was adopted March 1, 2005. The policy was not followed in this case.

3. The items under review substantially exceeded the dollar amount specified in BOS Policy B-12. In addition, the contract had been reviewed by Human Resources on 4/25/08, Risk Management and County Counsel on 5/14/08, none of whom detected the problems later discovered by the Auditor/Controller Office.
4. EDC does not have a written policy delineating guidelines covering what items are appropriate for inclusion in a Consent Calendar and the mechanics of inclusion (or removal) of such items. Development and implementation of, and adherence to such a policy, are seen as key components for the efficient function of EDC Government, and a positive step forward building confidence in the BOS.
5. The EDC Grand Jury was informed that in addition to any member of the BOS, any member of the public may request an item be pulled for further discussion or correction.
6. Printed copies of EDC BOS meeting agendas contain no information informing the public how to have an item pulled from the Consent Calendar for discussion.

RECOMMENDATIONS

1. The BOS should adopt a written policy for use of the Consent Calendar.
2. The EDC BOS should revise Policy B-12 to require Auditor/Controller review of contracts exceeding \$100,000.
3. EDC should provide instruction for the public on printed agendas explaining the method for pulling a Consent Calendar item for discussion.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to the BOS Chairperson for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



EL DORADO COUNTY GRAND JURY 2010-2011

DEVELOPMENT SERVICES DEPARTMENT CUSTOMER SERVICE INVESTIGATION

Case Number GJ010-017

REASON FOR REPORT

The El Dorado County Grand Jury received complaints about the service provided by the El Dorado County Development Services Department (commonly referred to as the Building Department or Planning Department). El Dorado County officials reported receiving a large number of complaints regarding this Department. The number of complaints has not been quantified.

BACKGROUND

The Development Services Department is comprised of two parts. Building Services processes all requests for building permits and building inspections. It corrects and approves applications for building permits. Planning Services processes the collection of fees for El Dorado County and some special districts. The Development Services Department, located in Building C of the Government Center, is the first point of appeal for persons wishing to dispute a decision by the Department or oppose a building project within El Dorado County.

The complaints received covered all aspects of the Development Services Department.

METHODOLOGY

The El Dorado County Grand Jury investigation included the following:

Reviewed correspondence and documents:

- Individual complaint letters to the Development Services Department (12/10)
- Individual Building Services Project Files (1/11)
- Building Applications, fee schedules, and filing instructions (2/11)
- Uniform Building Codes (1/11; 2/11)
- Superior Court "Small Claims Advisor" Brochure (1/11)

Conducted the following interviews:

- A member of the El Dorado County Board of Supervisors (BOS)
- The El Dorado County Chief Administrative Officer
- Director of the Development Services Department
- Development Services Department personnel
- A member of the BOS staff
- Members of the public

Members of the El Dorado County Grand Jury conducted user interfaces to determine the manner and style used by the counter personnel.

FINDINGS

1. The current Department procedure requires consumer complaints and any responses be filed in individual building files, but does not require retention of all complaints in a single collective file. This procedure makes reviewing, monitoring and use for personnel customer service training difficult because of the overwhelming number of individual building files.
2. The Department processes two types of complaints: first, those received from applicants; second, those received from persons or groups who have been impacted by Department decisions and wish to alter or void them. According to county public officials and members of the public, there is concern among both types of applicants who felt the Department does not "listen" or pay sufficient attention to their complaints.

3. Applicants to the Department are of two general groups. The first group are professionals such as builders, architects and planners. This group generally understands the planning and building process and has fewer complaints. The second consists of members of the general public who possess little or no experience in building issues such as codes and fees. Our interviews indicate this group generates the most complaints.
4. When anyone approaches the Development Services Department, they are given a large packet of papers containing applications, instructions and fee schedules. To the untrained person, this packet generally is perceived as overwhelming and unclear because the building codes are complex.
5. The Department demonstrated an inconsistent quality of customer service during Grand Jury user interfaces. During interviews, county officials reported hearing complaints from the general public regarding customer service.

RECOMMENDATIONS

1. In addition to the current individual files, establish and maintain a central repository of complaints and subsequent responses. This system would make complaints and subsequent responses available for management monitoring, department accountability and personnel training.
2. Provide readily available customer service feedback forms. Written feedback would assist the Department in monitoring and improving customer service.
3. Train personnel in effective customer service. It would improve the Department's customer service, enhance public perception of the Department, and reduce public complaints.
4. Create a network of volunteers who are professionals in the building trades to guide the nonprofessional builder through the process. This group of volunteers would be available by telephone to the public for inquiries regarding applications and complaints. This group could be similar to the 'Small Claims Advisor' created by the courts to assist non-lawyers in the policies and procedures regarding small claims actions.
5. The following sample script could be used when training Department personnel in how a volunteer group could be used to promote customer service.

The Department customer service personnel could make a simple inquiry, "Are you familiar with the building permit process and the fees?" If the answer is, "No," the applicant would be advised of the volunteer group and be given a

printed sheet with names and phone numbers of those available to assist. It could contain a disclaimer such as, "The volunteers are available to assist you through the permit or dispute process. They can only give information on the application process, fees and cost, or advise you on a potential protest. They are not available to instruct you on construction or to prepare plans." The intent is to inform, educate, and extend to the public a "helping hand."

6. The complainants affected by Department decisions could be supported by the same volunteer advisory group. The volunteer professional could explain the complex details of the codes, planning, and appeals process. Public understanding of the building codes, planning process and accessibility to a hearing may help avoid many of the nonprofessional complaints.
7. Implementing best practices will improve the overall operation of the Department, including customer service. To accomplish this, it would be beneficial to compare and contrast the Department's current system of management practices with those best practices of other counties.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with the California penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

Reports have been provided to the Director of the El Dorado County Development Services Department and the Chairperson of the El Dorado County Board of Supervisors for responses.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.



EL DORADO COUNTY GRAND JURY 2010-2011

SHERIFF'S OFFICE OPERATIONS BUDGET ANALYSIS Case Number GJ010-015

REASON FOR REPORT

The El Dorado County Sheriff's Office (EDCSO) accounts for approximately 20% (\$41 million) of the County's General Fund. This investigation examines the historical and current Sheriff's Office Operations budget, including cost and revenue implications, with the goal of determining how and where cost savings are possible. The Grand Jury's emphasis was to identify potential cost savings through means other than staff reductions.

BACKGROUND

The Mission Statement of the EDCSO states that *"The Sheriff's Office is responsible for law enforcement in the unincorporated areas of the County, liaison, coordination and cooperation with other law enforcement agencies at the local, State and Federal levels; court security and inmate transportation; service of Civil processes and warrants; operation of the County's adult detention facilities. The Sheriff also functions as the County Coroner and Public Administrator."*

The EDCSO is made up of three Divisions; Custody, Patrol-Investigative Services, and Support Services. The Department is headed by the Sheriff and Undersheriff. According

to the EDCSO, as of January 2011, there are 364.5 allocated positions, of which 20 are vacant and 180 are sworn deputies.

The EDCSO has experienced substantial budget reductions over the past three years and operates at reduced staffing levels. This report demonstrates there are significant budget reduction opportunities.

Comparative data for El Dorado and Placer Counties:

	<u>Placer County</u>	<u>El Dorado County</u>
Total Population	348,432	178,447
Incorporated Population	236,439 (6 cities)	34,409 (2 cities)
Unincorporated Area Population	112,000	144,038
Square miles	1,404	1,711
Allocated positions	451	364.5
Sworn positions	212	180

The population of Placer County is almost twice as large as EDC but its geographical area is about 20% smaller. The Placer County Sheriff's 2010-2011 budget is \$83 million which represents 13% of their General Fund. It is important to note that there are six cities in Placer County. Placer County Sheriff's Office provides law enforcement services in two of these cities (Colfax and Loomis) on a contract basis. There are approximately 6.5 deputies assigned to contract duties (2 in Colfax, 4.5 in Loomis). Contract patrol service is divided into beat areas which overlap adjacent unincorporated County land. Since these deputies provide service in both contract and unincorporated areas they are included in the number of sworn positions for Placer County listed above.

METHODOLOGY

The Grand Jury interviewed the following persons:

- The immediate past El Dorado County Sheriff
- El Dorado County Undersheriff
- Placer County Undersheriff
- Sheriff's Captains
- Sheriff's Lieutenants
- Correctional Lieutenant
- Chief Administrative Officer (CAO) analysts
- Sheriff's Dispatch Manager
- El Dorado County Sheriff's Financial Manager
- Placer County Sheriff's current and former Financial Managers

- Sheriff's Financial Technician

The Grand Jury reviewed the following documents:

- 2008 South Lake Tahoe Patrol Allocation Study (March 31, 2010 by Lt. Marc Adams)
- 2009 Patrol Allocation Study West Slope Patrol (undated document)
- Budget Reduction Impacts to Sheriff's Office from former Sheriff Fred Kollar (11/1/2010)
- CAO memorandum to Board Of Supervisors Re: Agenda Item #10-0990 FY 2011-2012 Budget Reduction Plan (October 29, 2010)
- CAO recommendation for 2011-2012 Budget Reductions dated 10/18/2010
- Computer generated list from EDCDOT showing EDCSO vehicle usage and maintenance data for F/Y 2009-2010 (3 pages, undated document)
- Computer generated list of all EDCSO Vehicles (93) and marked Take Home (63) or At Office (30) (undated document)
- Cook/Chill introduction information from "Victory" web site, printed from web March 25, 2011 (no URL or page numbers available)
- EDCBOS Special Meeting Agenda For Law and Justice Departments (November 1, 2010)
- EDCSO Ten Year budget history (fiscal years 2001-2002 to 2010-2011)
- El Dorado County Crime Statistics for 2007 (Criminal.com website 11/17/2010)
- El Dorado County Crime Statistics for 2007 (historical data from 1998-2006)
- FBI news story "Some Good News" (from the FBI website 01/12/2009)
- Patrol Staffing and Deployment Study (International Association of Chiefs of Police – undated)
- Placer County Annual Report from 2009
- Placer County Sheriff's Office Strategic Plan (January 1, 2006)

FINDINGS

During this investigation the Grand Jury focused on the areas listed below.

1. **Salaries:** Salary schedules were reviewed for Sheriff's Departments in the following Counties: Amador, El Dorado, Placer, and Yolo. Some of these agencies report actual base salaries, while others show salaries including incentives. For comparison purposes the lowest and highest base salaries of each agency were used and compiled to form a median salary, which was \$5,264 per month. The median salary for El Dorado County deputies is \$5,420. While El Dorado County is slightly above the median (\$156), the variables mentioned

indicate El Dorado County deputy salaries are in line with those in several nearby jurisdictions.

2. **Overtime:** EDCSO achieved a substantial reduction in overtime. It is reported that at the end of Fiscal Year 2007-08, overtime costs were \$4,095,143. In the third quarter of Fiscal Year 2009-2010, overtime costs were \$2,015,511. When extrapolated to a full year, that number is \$2,687,348, a reduction of \$1,407,795, or approximately 34%.
3. **Budget:** The CAO budget proposal for F/Y 2010-2011 provides a ten year history of Sheriff's Office financials and staffing patterns. In F/Y 2001-2002 the Sheriff had 362 Full Time Equivalent (FTE) positions and a budget of \$22.5 million. The budget and staffing peaked in F/Y 2007-2008 at 399 FTE and a budget of \$43.3 million. During the three intervening years since F/Y 2007-2008, the Sheriff's Office had to adapt to substantial reductions in budget and staff, with staffing reduced from 399 FTEs to 377, and the budget reduced from \$43.3 million to \$40.5 million, a \$2.8 million reduction.
4. **Position classifications:** Sworn deputy sheriffs are the front line for law enforcement responsibilities. Sworn positions have a rank structure including deputy sheriff, sergeant, lieutenant, captain, undersheriff, and sheriff (an elected official). The majority of jail personnel are non-sworn correctional personnel, but also have a rank structure including correctional officer, sergeant, and lieutenant. Many other civilian personnel are assigned who perform financial, dispatch, and other administrative support functions throughout the Department.
5. **Patrol Staffing:** It is incumbent on law enforcement to deploy their limited resources in the most efficient and cost-effective manner possible. The EDCSO deploys patrol personnel based on a nationally recognized Patrol Allocation and Deployment Study developed by the International Association of Chiefs of Police (I.A.C.P.). This study is a workload-based analysis using information produced by the Computer Aided Dispatch system (CAD). The computer captures raw data and compiles it in ten different categories of officer status. The predominant category is dispatch related activity which includes calls for service, report writing, and time spent at the jail resulting from an arrest. Also factored into the equation are vacation, sick time and training. The compilation of this data is used to make staffing decisions for the number of deputies required in each of the EDCSO patrol zones. The Patrol Allocation Study indicates the South Lake Tahoe patrol zone has three to four more positions than are justified by the workload. These figures were affirmed by the former Sheriff in printed material used in his budget presentation to the EDCBOS November 1, 2010. The Patrol Allocation Study contrasts sharply with the historical method of making decisions based on one officer per 1,000 population. This had been the historic method used in making patrol deployment decisions and is still used in many patrol

jurisdictions. The CAD based patrol staffing and deployment approach is a superior method in making sound personnel and geographic patrol coverage decisions.

- 6. Vehicle “take home” policy:** Currently, all EDC Sheriff’s detectives, managers above the rank of sergeant, and selected other positions are authorized take home County vehicles without restriction. This policy represents significant cost to the County and does not appear to be in line with current trends in law enforcement. The ability for employees to take EDC vehicles home seems to fall somewhere between operational need and a departmental perk, depending on the position. There are approximately 63 EDC Sheriff’s Office take home vehicles being driven by staff.

A vehicle summary prepared in January, 2011 showed the following costs associated with the 63 take home vehicles:

Fuel	\$134,883
Maintenance	\$346,500
Total	\$481,383

In addition to the above costs, three vehicles listed as “take home” are unassigned (two in narcotics, one in detectives). A Ford F350 crew-cab diesel truck for boat patrol is listed as “take home.” This is a particularly expensive commute vehicle.

Recently, Placer County Sheriff’s Office restricted the practice of “take home” vehicles and saved approximately \$500,000.

- 7. Fleet Management of Patrol Vehicles:** Until recently deputies assigned to patrol were not assigned a particular vehicle for their shift, but would obtain a vehicle based on personal preference. This practice was not a good model for fleet management. EDC Department of Transportation (EDCDOT) and EDC Sheriff’s Office informed the Grand Jury this practice has changed. Vehicles are now being assigned to and shared by one officer on day shift and another on night shift. It is reported that in addition to the obvious benefits of improved accountability, maintenance, and damage tracking, the vehicles are receiving better care as the assigned officers tend to take greater pride in assigned equipment they feel is “theirs.”
- 8. Institutional Food:** Food served to inmates meets State standards for nutrition and quantity. It is currently prepared on site by a combination of county employees and inmates.

The South Lake Tahoe Jail Facility runs a model culinary program in partnership with the local community college. In addition to preparing food for inmates and staff, food is prepared for community events on a contract basis.

A significant cost reduction of \$12,000 per year for inmate food was achieved recently by shifting the cost of condiments from the County to the inmate population through the commissary program.

9. **New Personnel:** Two key vacant positions have been filled in the EDCSO since January 1, 2011, which will potentially contribute significant improvement in the organizational development and management of the EDCSO, particularly as it relates to financial and operational controls.

First, the new Undersheriff brings qualifications and experience to the agency which will allow him to employ effective management of day to day operations, and apply discipline to financial controls. Second, the appointment of a new financial manager brings a background in financial management to the Department, gained as a senior staff member for the Los Angeles County Board of Supervisors. Both of these individuals bring what has been missing in the management of the Sheriff's Office, and both fill critical positions that have been vacant for more than one year. The fact that both are new to the department and neither is tied to the past in the organization is a major plus.

RECOMMENDATIONS

1. It is imperative that future cost cutting be achieved through careful analysis, rather than simply eliminating staff by across the board cuts.
2. **Take Home Vehicles:** The EDCSO practice on take home county vehicles should be revised and made job related, which would provide substantial savings. Take home vehicles for command staff may be appropriate. Other take home vehicle assignments should be made based on careful analysis. For example, a take home vehicle policy should consider how frequently an employee is called from home outside of normal working hours. Detectives should not be taking cars home just because they are detectives, the weekly on-call detective should be the only detective to routinely take a vehicle home. It is rare that numerous detectives are required to respond to a crime scene without delay. Some other disciplines require a great deal of personal gear (SWAT Team, Bomb Squad, and K-9), although the 24/7 on-call factor should apply here as well. An exception to this would be with the narcotics unit, since the nature of this job and working hours required must remain flexible.

Even where it is deemed proper for an employee to take a county vehicle home, there should be restrictions. Some jurisdictions restrict commute driving only to locations within the county of employment. It would, by extension, seem proper to restrict vehicles to the State of California as well. Employees living outside these boundaries can leave their vehicles at the duty station nearest their residence and commute from there. Another option would be to charge the current county mileage rate for all commute driving.

A reform of the take home vehicle policy may not be popular among the staff, but it represents a prudent use of public funds. As mentioned earlier Placer County realized substantial savings by implementing such a policy.

The Grand Jury was informed there is no written policy on vehicles or take home vehicles. A written policy on vehicles should be developed as soon as possible and distributed to all personnel in the office.

3. **Patrol Staffing:** Staffing in the SLT patrol zone should be reduced to the level indicated by the Patrol Allocation Study.
4. **Re-classifying Positions:** In other jurisdictions cost savings have been achieved by reclassifying positions and staffing them with civilian personnel. Further study is required to determine if any potential cost saving with the EDCSO could be achieved. Several job functions that could lend themselves to potential savings include:
 - Converting sworn civil court bailiffs to civilian court attendants
 - Civilian personnel monitoring building security X-ray machines
 - Lower level process serving in the Civil Unit
 - Vehicle abatement (abandoned vehicle removal)

There may be merit and cost savings associated with the consolidation of some support staff positions. This would be done by cross-training selected personnel who are currently performing support services in a single unit. By cross-training, their skills would be enhanced, enabling them to assume responsibilities in multiple units and broader job responsibilities.

This concept has the potential to reduce personnel costs while affording greater flexibility in staffing patterns. Such a practice follows a general trend in law enforcement in moving from specialist to generalist duties, and it has been adopted in other jurisdictions successfully.

5. **Institutional Food Reform:** Another area for potential savings may exist if the method for food preparation is modernized. This could be accomplished by switching from traditional food preparation to a “Cook/Chill” system. Cook/Chill

is a process whereby food is prepared on or off site, chilled for preservation, reheated and kept warm at the service area just prior to serving. While Cook/Chill is commonly associated with larger institutional food service operations, new compact quick chill equipment designs place a Cook/Chill system within the reach of many types and sizes of food service operations. Cook/Chill methods are used extensively by restaurants, hotels, caterers, and on airplanes and ships. It was learned during interviews that a Cook/Chill program had been considered, but was not adopted. The projected savings of \$50,000 was not considered cost effective. However, if substantial annual savings can be achieved in a reasonable time frame, it is worth further consideration.

6. **Additional areas worthy of mention:** Two additional areas of potential savings were brought to our attention by an official outside EDC. These were not investigated by the EDCGJ due to time constraints but are mentioned here as being deemed worthy of consideration;

- **Telephones:** A substantial amount of money is spent each month by duplicating telephone service. Basically all EDCSO personnel have a desk set telephone in their work area, the cost of which (currently about \$179,000 per year) is billed to the Sheriff's Office. Some of these same employees may be assigned cell phones. It seems prudent to maintain a limited number of desk telephones to guarantee service in the event of a cellular outage, but routinely maintaining both types of telephones for an employee seems to serve no purpose other than spiking the cost of communication.
- **Service Centers & Leased Facilities:** The Sheriff's Office currently spends approximately \$200,000 per year on rent or leases. Also, the leased facility on Pierroz Road in Placerville houses the investigative unit and narcotics units. We understand this space was leased in anticipation of planned expansion of the investigative section which has not occurred. It would be beneficial for the EDCSO to evaluate physical plant needs at all Sheriff's facilities, and analyze those needs to identify areas which might lend themselves to space consolidation and ultimately a cost saving.

RESPONSES

Responses to both numbered findings and recommendations in this report are required in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to the El Dorado County Sheriff, El Dorado County BOS, and El Dorado County CAO for response.

Elected officials under statute are given 60 days to respond, and non-elected officials are provided a 90-day response period from the release date of this report.

El Dorado County Grand Jury
PO Box 472
Placerville, CA 95667

EL DORADO
BOARD OF SUPERVISORS
EL DORADO COUNTY

2011 JUN -9 AM 11:15

Delivered to the Clerk of the Board's office
June 9, 2011 11:15 A.M.
Addressed to Ray Nutting, Chair
Envelopes were not opened until June 13, 2011 4:00 P.M.

Grand Jury Reports - Rec'd 6/9/11 11:15 AM

RAY NUTTING, CHAIRPERS
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