



**COUNTY OF ALPINE
Board of Supervisors**

October 6, 2009

The Honorable Judge Richard Specchio, Presiding Judge
Alpine County Superior Court
P.O. Box 518
Markleeville, CA 96120

RE: County Response to Final Grand Jury Report-2007

Dear Judge Specchio:

The Alpine County Board of Supervisors is in receipt of the Final Grand Jury Report for 2008.

After special consideration of the findings and recommendations, the Board of Supervisors respectfully submits the prepared responses in accordance with the California Penal Code Section 933.05.

Sincerely,

A handwritten signature in cursive script, reading "Phillip D. Bennett".

Phillip D. Bennett
Alpine County Board of Supervisors, Chair

Grand Jury Response Matrix

Investigative Report

C-08/09-1 Department of Public Works

1.General Overview of the Department of Public Works

Findings

Finding	County Response	Narrative
F1	Partially Agree	Despite the lack of formalized policy employees are able to temporarily cover other jobs and receive training that helps to prepare them for promotion opportunities.
F2	Partially Agree	The facility that currently houses Community Development is aged and is not an optimum facility. The County is currently effectively utilizing the space to the best ability.
F3	Agree	
F4	Agree	

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R1	Has not yet been implemented	A reorganization was implemented in Fall 2008 and new leadership is in place at the Department of Public Works. The Community Development Director will assess and determine the areas of operation which require policies and procedures and will implement accordingly as time and budget allow.	F1
R2	Will not be implemented	The County is currently facing fiscal constraints. The County is prohibited from housing County operations at Turtle Rock Park due to a restricted use patent that exists. The facility has consistently been used for recreational purposes. The lease/purchase of temporary facilities may not be a fiscally responsible approach as it is a short term solution to the County facility issues. The County will work to develop a long term facility solution as funding allows.	F2-F4

2.DPW-Construction Project Management

Findings

Finding	County Response	Narrative
F5	Partially Agree	CD staff have received training in PW contract management, team approach to contract management in place. Staffing is limited due to financial constraints. The former Director of Public Works is no longer employed with the County and the position has been consolidated with the position of Community Development Director.
F6	Partially Agree	The Director of Public Works is no longer employed with the County. The County has latitude with respect to issuance of permits for County projects.
F7	Partially Agree	Formal competitive bidding is not required for projects of less than \$100,000. The County complied with state law and County procedures for utilizing sole source or situations in which bidding was not used because bidding did not provide a competitive advantage for the County.
F8	Partially Agree	CD Director has obtained engineering review of construction specifications and plans, flow test and building code review by CBO. Letter to WVFD chief dated August 24, 2009 indicates actions needed to make hydrant satisfy applicable code requirements
F9	Agree	
F10	Partially Agree	The MOU lacked detail regarding who was responsible for which scope of the project.
F11	Agree	

DPW Construction Project Management Recommendations (continued on page 3)

2.DPW-Construction Project Management (continued)

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R3	Will not be implemented	On Sept 1 st , the BOS approved recruitment for a P/T (50% FTE) Buildings & Grounds Senior Maint. Position; this position will include project management responsibilities	F5
R4	Has been implemented	In October 2008, the County reorganization and consolidated PW and CD, resulting in all county construction, permits and inspections under one County department (Community Development). The Director is responsible for insuring that construction projects are coordinated in accordance with applicable codes. Coordination is in effect (Hawkins Peak project example). The Community Development Director will continue to assess and determine the areas of operation which require policies and procedures and will implement accordingly as time and budget allow.	F6
R5	Has not yet been implemented	County Counsel is in process of drafting code revisions to ensure County compliance with State Law regarding purchasing. Code revisions are expected to be presented to the Board of Supervisors within 90 days.	F7
R6	Implemented	CD Director has obtained engineering review of construction specifications and plans, flow test and building code review by CBO. Letter to WVFD chief dated August 24, 2009 indicates minor actions needed to make hydrant satisfy applicable code requirements (painting and cap retention).	F8 & F9
R7	Implemented	All legal agreements are approved during the agenda review process.	F10
R8	Implemented	Bear Valley Parents Group is properly licensed and has all permit	F11

	necessary to operate the day care program	
--	---	--

3.American with Disabilities Act

Findings

Finding	County Response	Narrative
F12	Partially Agree	Full ADA compliance for County buildings and structures was not included in the scope and budget of all construction projects for which the Director-DPW was responsible. This has been rectified.
F13	Disagree	Discussions and legal review have been ongoing regarding this issue. An ADA assessment is currently in progress under the direction of the Community Development Director.

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R9	Has not yet been implemented	Community Development is in the process of identifying actions needed on all outstanding County construction permits to insure ADA compliance; further CD is developing an action plan to address ADA compliance in all County facilities	F12 & F13

4.County Facility Maintenance and Construction Project Oversight

Findings

Finding	County Response	Narrative
F14	Partially Agree	Emergency repairs are done by vendor services (examples – A/C units in various county buildings, plumbing repairs, bat clean up in Courthouse attic). Recruitment for part time Buildings & Grounds Senior Maintenance position authorized by BOS on 9/1/09.
F15	Partially Agree	CD staff has continued oversight of County facilities, although with limited staff resources. CD staff is also working to complete all outstanding County construction projects.
F16	Agree	
F17	Agree	
F18	Disagree	The County has implemented a team approach to construction management and is using contract construction management on large projects (ex. Hawkins Peak).
F19	Agree	

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R10	Has not yet been implemented	On September 1, 2009 the Board of Supervisors approved the recruitment and hiring of a part time Building and Grounds Senior Maintenance position. Recruitment for this position is expected to begin within 30 days. Preventative maintenance and emergency repairs will be primary functions of this position. The County will also be contracting for preventative maintenance of heating systems in all County buildings within the next 60 days.	F14-F16
R11	a.Has been implemented	The Public Works, Building and Planning departments have been consolidated to the Community Development Department.	F17 & F18
	b.Will not be implemented	Due to budgetary constraints and the efficiencies gained through consolidation the positions of Facilities Superintendant and Front	

		Desk Clerk are not necessary.	
R12	Requires further analysis	The County is currently reviewing/revising the County Code as it relates to purchasing. The practice of "agreement vendors" or "master agreements" will be assessed. The County does utilize governmental purchasing through CSAC for some County purchases. The analysis should be complete within 6 months.	F19

5.County Road Crew

Findings

Finding	County Response	Narrative
F20	Disagree	Based on the analysis provided by the Grand Jury, the County has the third best staffing ratio of comparable counties for workers per mile. This includes comparison to counties with significant snow removal responsibilities (Mono, Sierra, Plumas, Siskiyou, Lassen, others)
F21	Agree	
F22	Agree	
F23	Agree	

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R13	Will not be implemented	Due to budgetary constraints, the recommendation will not be implemented. The Public Works budget has budgetary operational shortfall of \$552,335.00 for FY 09/10.	F20
R14	Has been implemented	The County has already verified that all available revenue sources are being utilized.	F21-F23

6.County Fleet Operations & Mechanical Services

Findings

Finding	County Response	Narrative
F24	Agree	
F25	Agree	
F26	Partially Agree	Due to the small size of the County, the County does not engage in large and/or frequent purchasing requisitions. Although the County is not “currently” utilizing the lease/purchase option, the County has utilized this purchasing mechanism in the past, and is considering utilizing this option for future acquisitions.
F27	Agree	
F28	Partially Agree	Disagree-The County disagrees that the single County Equipment Mechanic is well above industry standards. No standard is referenced in the GJ report. Agree-The County agrees that there is no plan to accommodate or provide additional staffing.
F29	Disagree	There are no known out-of-class assignments.
F30	Agree	

6.County Fleet Operations & Mechanical Services

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R15	Has not yet been implemented	The CD staff will be working with all County departments to develop a plan for fleet replacement. It is expected that this plan will begin to be implemented concurrent with the 2010/2011 fiscal year budget.	F24
R16	Has not yet been implemented	The CD staff have recently become aware of a lease/purchase program available through the California State Association of Counties (CSAC). The CD staff will propose funding in the final FY 2009/2010 budget, if funding allows, for replacement of at least 2 large snowplow units through this program. As funding allows, the CD department will be making recommendations to expand and/or continue the use of this program to replace heavy equipment in future years.	F25
R17	Has been implemented	See response to R16	F26
R18	Requires further analysis	The option to use outside vendors to provide back up for vehicle maintenance needs to be evaluated before a recommendation as to feasibility can be made. Other options to provide back up should also be considered (ex. – cooperation with ACUSD fleet maintenance)	F27
R19	Will not be implemented	Due to fiscal constraints, this recommendation	F28

		will not be implemented.	
R20	Has been implemented		F29
R21	Requires further analysis	The cost and feasibility of installing this equipment within the existing County shop is unknown. Evaluation is needed before a recommendation can be made.	F30

7.Department of Public Works-Office Staffing & Training Issues

Findings

Finding	County Response	Narrative
F31	Disagree	The County initiated a desk audit as part of the re-organization. Employees were not working out of class prior to the reorganization.
F32	Agree	
F33	Agree	

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R22	Has been implemented		F31 & F32
R23	Has been implemented	County Personnel and Department Heads collaborate regarding appropriate training	F33

8.Radon Gas Element Issue-Sheriff Department & Public Works Office

Findings

Finding	County Response	Narrative
F34	Partially agree	There is evidence of radon gas however the number of tests which have been completed is not confirmed.
F35	Disagree	Testing has been conducted as noted by the Grand Jury in F34.

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R24	Has been implemented	Radon mitigation was implemented in September 2009.	F34 & F35
R25	Will be implemented	The solution will be implemented as soon as funding allows.	F4, F34-F35

9. Recruitment & Selection of the Director of Public Works

Findings

Finding	County Response	Narrative
F36	Disagree	The Assistant to the Board was not on the interview panel.
F37	Agree	
F38	Partially disagree	The candidate did not have civil engineering or land surveyor qualifications, however he did possess other qualifying experience and was the best fit for the position.
F39	Disagree	The applicant had project management experience of large and small construction projects.
F40	Agree	
F41	Agree	
F42	Agree	
F43	Agree	
F44	Disagree	The Board of Supervisors selected the best applicant.

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R26	Has been implemented	New administration is in place and all applicable policies, procedures, and accepted public sector hiring protocols are followed. At-will and/or exempt positions may be appointed without a formal recruitment or interview process.	F36-F44

10.Current & Future Organization of the Department of the Public Works

Findings

Finding	County Response	Narrative
F45	Partially Agree	Organizational barriers were being addressed prior to the Grand Jury conducting the investigation. The reorganized department of Community Development is meeting the needs of the County.
F46	Agree	

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R27	Has been implemented	The Director of Public Works position has been consolidated with the duties and responsibilities of the Director of Community Development.	F45 & F46

11. Assistant to the Board

Findings

Finding	County Response	Narrative
F47	Disagree	Issues surrounding personality conflicts surfaced and were addressed.
F48	Disagree	The Assistant to the Board worked under a job description and employment contract.
F49	Disagree	Issues surrounding personality conflicts surfaced and were addressed.
F50	Disagree	There is no evidence or documentation to support this finding.
F51	Unable to respond	The County assumes the grand jury has this information.

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R28	NA	NA	F47-F51

12. Interview Issues with the Alpine County Board of Supervisors

Findings

Finding	County Response	Narrative
F52	Agree	
F53	Partially Agree	County Counsel provided authority to the Presiding Judge who reviewed the authority regarding privacy and attorney client privileges as well as other concerns under the Brown Act. The Presiding Judge did not disagree with County Counsel’s legal analysis. The Board of Supervisors has been provided Brown Act training and they do not lack knowledge regarding the Brown Act.
F54	Disagree	The BOS did not avoid the interviews but obtained the opinion of County Counsel regarding the interviews and the legal obligations of the BOS. After obtaining legal advice and information the Board members agreed to the interviews. The public exchange with the Grand Juror was not an attempt to circumvent being interviewed. One member of the Board, was not notified of the Grand Jury request for an interview and sought to obtain information from the Grand Jury member.
F 55	Disagree	The Board of Supervisors had legitimate concerns about the Grand Jury interview and obtained legal advice from County Counsel who properly declared and advised the Grand Jury and the Board of Supervisors regarding the conflict of interest and acknowledged his duty to represent his primary client, the Board of Supervisors. County Counsel followed statutory and ethical duties by notifying the Grand Jury that it may have to engage independent legal representation at County expense.

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R29	Will not be implemented	The recommended training is not warranted. Training is conducted in accordance with legal mandates. Annual training of the Brown Act will be provided by County Counsel.	F52-53

Investigative Report

C-08/09-2

USFS Guard Station Relocation

Findings

Finding	County Response	Narrative
F1	Partially agree	The County has the option to acquire the Markleeville Guard Station property, however no action has been taken by the Board.
F2	Partially agree	The property in question is located in a floodplain and may not be suitable for facilities.
F3	Agree	
F4	Disagree	Discussion with the USFS is underway and the Townside Act application was completed on December 4, 2004. Further action is limited until the USFS vacates the Guard Station location.
F5	Partially agree	The USFS has relocated some of their operations to Turtle Rock Park.
F6	Agree	
F7	Agree	
F8	Agree	

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R1	Has not yet been implemented	This meeting is tentatively scheduled for November 3, 2009.	F1 & F2
R2	Has not yet been implemented	The County is working with the USFS to address	F3-F6

		many of the items listed in a-f.	
R3	Has not yet been implemented	A Townside Act application has already been processed by the County. The USFS is currently going through their process to obtain an appraisal of the property. Discussions with the USFS and the County will take place, as appropriate regarding consideration, if any, for the property.	F7 & F8

Investigative Report

C-08/09-3

Bear Valley Resort Employee Issue

Findings

Finding	County Response	Narrative
---------	-----------------	-----------

Recommendations

Recommendation	County Response	Narrative	Related to Finding
R3	Has Been Implemented		R3