



BOARD OF SUPERVISORS

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INTEROFFICE MEMORANDUM

TO: HONORABLE JUDGE WATSON, PRESIDING JUDGE - SUPERIOR COURT
FROM: NIKKI TURNER, DEPUTY CLERK OF THE BOARD OF SUPERVISORS
SUBJECT: RESPONSE TO 2011-12 GRAND JURY REPORT 2012-PW-01
DATE: MAY 14, 2012

The 2011-12 Grand Jury has issued report 2012-PW-01 and the Board of Supervisors is required to respond to recommendations R1 through R8. I recommend that the Board respond as follows:

Recommendation R1: *Burden rates used in the calculation of hourly billing rates for cost recovery purposes should be an average of the realized rate applicable to a given civil service employee class, rather than a specific employee. For example, the billed rate for work performed by a senior planner should be the same across that classification.*

This recommendation will be implemented.

The Planning Division has stated that they will work to modify their billing system to use average hourly rates instead of individual employee hourly rates effective June 1, 2012.

Recommendation R2: *The billing software should be modified to allow for an hourly rate to be expressed; listed for each task appearing on the billing summary statement.*

This recommendation has been implemented.

This change was implemented by the department in January 2012. The billing software has been modified and billing statements should now show the time spent on a particular task as well as the hourly rate.

Recommendation R3: *A detailed description of services rendered should be provided for each task appearing on the billing summary statement. Any billing for an activity lacking a coherent description should be subject to dispute by the applicant without penalty.*

This recommendation will be implemented where warranted.

The Planning Division has committed to review all task descriptions and will make modifications as needed to make sure that the billing activity clearly communicates the work that was performed. However, it is not

evaluated and modified by Planning with a goal of promoting clear billing communication in the most cost effective manner. This will help minimize the costs to the applicant while improving the detail appearing on the billing statements.

There currently should not be a charge or penalty to customers for time spent by Planning answering billing questions or dealing with disputes and this practice is not anticipated to change.

Recommendation R4: *All documents received by the Planning Division should be identified by date and time of receipt. Affixing an inked stamp revealing the date and time of receipt is preferred. All documents so received should reside within the official file established for the matter under consideration.*

This recommendation will be partially implemented, because it is not possible in all cases.

The Board of Supervisors agrees that date stamping documents for official case files is an important practice. Planning will work to provide training and reinforcement to staff on the procedure of date stamping to ensure that it is done consistently on official documents. However, some original legal documents and maps that are ultimately filed with the Recorder cannot be date stamped.

Recommendation R5: *Detailed notes of substantive telephone conversations or other verbal conversations resulting in agreements, or possibly construed as understandings in principal, should be logged and a copy of such log entered into the applicable case file.*

This recommendation will be implemented.

The Board of Supervisors agrees that keeping records of verbal agreements with applicants in the applicable case files provides better documentation. Planning has stated that notes of key telephone conversations are routinely made by planning staff and permit specialists. This practice will be continued by Planning and training and reinforcement of the policy will be conducted to ensure that it is done consistently by all staff and that the records are put into the case file.

Recommendation R6: *The full and complete file for all ministerial and administrative transactions should be maintained without purging for a period of time commencing with the conclusion of the particular transaction and concluding with the lapse of the statute of limitations applicable to civil action.*

This recommendation will be implemented.

File retention policies and practices will be evaluated and modified as necessary to ensure that no records other than drafts and duplicates are purged prior to the close of applicable statute of limitation periods.

Recommendation R7: *Personnel of equivalent rank and meeting the minimum qualification for their positions should be both capable of and available for substituting for their peers. All senior planners should be able and available to perform administrative and ministerial actions. They should stand ready to substitute for one another without delay to the queue of customers being served. Management should ensure that planning personnel are afforded training. Management might consider an internal program testing and certifying the skills of planners according to their ranks, ensuring consistency and competence.*

This recommendation has been implemented and will continue to be implemented where warranted.

The Planning Division has already partially implemented this recommendation and currently has experienced employees that can and do substitute for each other for most planning functions. Creating a balance between specialized knowledge and skills and fully cross trained staff is a challenge faced by many County departments. For Planning there appear to be two factors that inhibit full implementation of personnel substitution for all cases. They are complexity of the function or of the specific project.

The first limitation is related to the complexity of the subject matter and level of experience needed for the work. For example the Determination of Status process and the application of Subdivision Map Act requirements are some of the most complex planning functions of the Planning Division. Because of the difficulty it has not been feasible for Planning to train multiple staff on these functions and currently there is only one staff member responsible for this work. Over the last year, Planning has been training a second staff member to add more coverage in these areas.

The second limitation is related to the intricacy of ongoing project applications. The ability to substitute staff on projects varies with the complexity of the project and importance of the project history in processing and decision making. For a complex project, a planner that does not understand the project is not in a good position to help the customer without first becoming familiar with project details. In many cases due to the time involved to accomplish this it is not reasonable or cost effective to cross train staff on individual projects. Additionally having projects assigned to dedicated staff provides better continuity of service for the applicant.

Recommendation R8: *Applicants should be afforded an estimate of the time required to process their applications concurrent with the cost estimates already provided at the time of initial consultation. The PD should then either complete the transaction within the estimated time period or, if unable to do so, transmit in writing an explanation for the delay to the applicant and enter a copy into the case file. The written notification would identify the reason for delay whether attributable to the applicant, County offices, or other parties. The notification would supplant the original completion time estimate with another date. If that ensuing date is not met, then the process would repeat. The use of this suggested system might allay future allegations of purposeful delay by establishing a clear and coherent record.*

This recommendation will be implemented.

According to the Planning Division this practice is informally followed under current procedures and as such may not be applied consistently and/or in all cases. Based on the Grand Jury recommendation this practice will be formalized by the Planning Division and should be fully deployed effective June 1, 2012.