

PUBLIC & SUPPORT SERVICES COMMITTEE



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Front row, left to right:

Robert Romero, Dr. Peter Bulza, Becki Hernandez-Powell,
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Back row, left to right:

Rod Rupp, Ken Taylor, Patricia Swangel, Joyce P. Seeger,
Samuel Ferry

PUBLIC AND SUPPORT SERVICES COMMITTEE

Public and Support Services Committee (PSS) oversees the administration and budget activities of fourteen County departments charged with providing services to the public and to other County departments.

The departments of the PSS that were reviewed are as follows:

- Airports
- Architecture and Engineering
- County Fire
- County Library
- County Museum
- Fleet Management
- Facilities Management
- County Waste Division
- Real Estate Services
- Registrar of Voters

The departments not reviewed are as follows:

- Agriculture/Weights and Measures
- Land Use Services
 - Building and Safety
 - Code Enforcement
 - Planning
- Regional Parks
- Special Districts

AIRPORTS

SUMMARY

The Grand Jury looked into apparent problems with numerous managerial staff changes and dilapidated structural conditions at some of San Bernardino County airports. Our interviews with airport personnel cleared both items to our satisfaction. The staff situation movement was reasonable, and the poor hangar structural conditions at the Needles and Daggett airports were being remedied.

However, during our investigation and interviews, we found several items of interest. One was the aftermath of the radium contamination at the Chino Airport. The Grand Jury also investigated the Master Plan and the leasing environment for that airport. The Grand Jury also investigated the protection of CSA 60 (Apple Valley Airport) County cutbacks in funding, general airport safety, and insurance costs.

BACKGROUND

Last year the Environmental Protection Agency billed the County of San Bernardino nearly \$500,000 for the 2005 clean-up of abandoned aircraft gauges. The gauges' numbers had been painted with radioactive-laced paint and were stored in four hangars at Chino Airport. Airport managers did not know if, in fact, the airport's rates had increased due to the radium incident. The Grand Jury was referred to the Office of Risk Management for more information.

The Grand Jury found that the Airport Department did not have a consistent monitoring system in place for its hangar lessees, even though management was aware that hangar lessees were notorious for accumulating hazardous materials in their leased hangars. Lessees are charged a one-month advanced rent and no security deposit. The Airport Department has not contacted County Council since the radium incident for advisement on updating lease agreements in order to counter large cleanup expenses.

Our investigation determined that airport improvements at Chino Airport would be gained from a movement from agricultural leases to a reliance on aeronautical-centered lease and rental development. Such a move would be financially beneficial to the Department.

Complicated by several years of challenges by environmental groups, certain aspects of the 2003 Master Plan have not been fully implemented. That Master Plan was based on data from such organizations as the Southern California Association of Governments (SCAG). Data from SCAG has changed as much as 25% since it was used in the Master Plan. When considering worse-case scenarios, the Master Plan used data from relatively mild economic downturns, such as the recession of 1991. Forecasts of population, air traffic, development, employment and numerous other items referenced in the Master Plan are considerably outdated.

The Division of Aeronautics of Caltrans (DOA) periodically safety-inspects the County's airports. Caltrans notified the Grand Jury that its goal is to inspect each County airport annually. However, due to State budgetary problems, those inspections are much less often. According to the Division of Aeronautics, inspections are every 12 to 18 months. The Airport Department provided the results of the latest safety inspections made in 2005. A Federal Aviation Administration (FAA) runway safety inspection of the Chino Airport was performed in 2006. Thirty-eight safety related problems were noted during these inspections, and all were corrected by the Airport Department. The Airport Department does not contract for independent safety inspections of the County's airports between the periodic inspections made by the State Division of Aeronautics. Three to four years have passed since the last safety inspections at the County airports. Airport administration indicated to the Grand Jury that they expect the DOA to safety inspect the County airports in 2009. Still, a considerable amount of time has elapsed since the last inspections.

County Service Area 60 (CSA 60), the Apple Valley Airport, is a local tax-based service area consisting of 1,700 square miles of land in several high desert cities and unincorporated areas. The service area is funded by a property tax levy on businesses and residences in that area. CSA 60 contracts with San Bernardino County to provide material and personnel to operate the Apple Valley Airport. The airport receives no County General Fund money, and no money is extracted from CSA 60 to operate other County airports. Except for CSA 60's use of County operations to manage and operate the airport, no other financial arrangement has been made between the County of San Bernardino and CSA 60. Aside from the proximity of the airport to the Town of Apple Valley, there is no other relationship between the two.

FINDINGS

1. Lease agreements do not cover the County's expense for lessee's negligence.
2. The long-term financial interests of the County of San Bernardino will be better served by the Airport Department's moving from agricultural leases to an aeronautical-based development of airport-owned agricultural land.
3. The 2003 Master Plan is outdated.
4. Airport safety inspections are not being performed within the Division of Aeronautic's recommended time intervals.

RECOMMENDATIONS

- 09-70 Require lessees to provide a security deposit to cover the costs of inspections, clean-up, and damage. (Finding 1)
- 09-71 Provide financing for aeronautical-based development of the 300 agricultural acres around the Chino Airport. (Finding 2)

- 09-72 Review the Master Plan, update the data, consider the current economic circumstances of the County and of general aviation; then re-evaluate the assumptions to reflect current economic realities. (Finding 3)
- 09-73 Schedule the safety inspections at regular intervals to complement safety inspections performed by the Division of Aeronautics. (Finding 4)

ARROWHEAD REGIONAL MEDICAL CENTER (ARMC)

BACKGROUND

The Grand Jury was given a tour of the Arrowhead Regional Medical Center (ARMC) on November 14, 2008.

FINDING

1. A 17-year ARMC custodial employee was interviewed during the Grand Jury tour of the facility. The employee was on duty wearing an indistinguishable I.D. badge. The photo section was completely faded and the name and personal section practically unreadable.

The *Administrative Operations Manual* for ARMC page two, paragraph six states: "A replacement badge will be issued at no charge for normal wear and tear." The same *Manual* section contains the Human Resource's form that the employee is required to complete in order to obtain a new badge.

RECOMMENDATION

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| 09-74 | Enact a policy of renewing photo I.D. badges on a periodic basis. (Finding 1) |
| 09-75 | Require supervisors and managers to monitor employees to ensure their wearing of current, clear, and undamaged photo I.D. badges. (Finding 1) |

FACILITIES MANAGEMENT

SUMMARY

The Grand Jury began its general review of the Facilities Management custodial contract procedures. In the past there had been some lack of oversight in the area of contract compliance. During the process of research, the power outage of the West Valley Detention Center in August of 2008 occurred, and was investigated by the Grand Jury, which issued an interim final report.

BACKGROUND

The Facilities Management Department is responsible for the maintenance and custodial services of County-owned and leased buildings and parking facilities. The County Facilities Management Department employs approximately 140 workers and outsources approximately 64 more.

Contract vendors that successfully bid and are awarded a contract and provide the contract workers. There are currently approximately 12 awarded contracts active for the County Facilities Management Department.

The West Valley Detention Center in Rancho Cucamonga was constructed in 1991. Facilities Management has historically been responsible for power plant operation with 24/7 coverage. This area of responsibility includes, but is not limited to, maintaining transformers, providing live voltage from Southern California Edison, and providing emergency power when needed.

FINDINGS

The Grand Jury investigated two areas of Facilities Management Department:

1. Custodial Contracts and their compliance. Four vendor contract facilities were visited. The Grand Jury found these facilities satisfactorily complied with their contracts. The Facilities Management administration was also visited. Vendor files were provided to the Grand Jury for review. All files were checked against an internal checklist and everything was in order. A visitation to the Rancho Cucamonga Courthouse did establish one finding of concern. Supplies and equipment at this location are stored and maintained in a stairwell area near the main lobby. The stairway is in constant use by courthouse staff during working hours. This storage and work area is not conducive to a safe or secure work environment. The door to the stairwell opens onto the main lobby, and cleaning solutions are stored under employee traveled stairs. Facilities Management staff did advise the Grand Jury that their operational storage area has been moved to different locations over the years under the direction of the Court.

Further investigation showed that all the contracts specify that supervisors shall carry a pager and respond when paged. However, while one vendor did use a pager, the other three employees used cell phones to contact their supervisor.

2. West Valley Detention Center power failure of August 28, 2008. The Grand Jury interim final report was previously issued. (See Ad Hoc section of this Final Report)

RECOMMENDATIONS

- 09-76 Take immediate steps to relocate the Facilities Management custodial supply storage area to an adequate, safe, and secure area for all county employees, contracted employees, and members of the public. (Finding 1)
- 09-77 Modify vendor contracts to allow communication between employees and supervisors to include the use of either cell phones or pagers. (Finding 1)

INTERIM REPORT ON THE JOSHUA BASIN WATER DISTRICT

(Issued April 6, 2009)

BACKGROUND

On September 5, 2007, a citizen's complaint was submitted to the 2007-2008 San Bernardino County Grand Jury against the Joshua Basin Water District (JBWD). The 2007-2008 Grand Jury was unable to respond to the complaint because of time limitations and referred the complaint to the 2008-2009 Grand Jury.

The complaint made two allegations against the Joshua Basin Water District: 1) JBWD expended public money on engineering and planning studies for sewer construction in Joshua Tree prior to receiving authorization from the Local Agency Formation Commission (LAFCO), and 2) JBWD expended public money in an attempt to purchase county tax sale property for a sewer treatment plant, but JBWD did not have authority from LAFCO to purchase property for this use.

JURISDICTION

The Grand Jury has jurisdiction over this matter pursuant to Penal Code Sections 933.5 and 918.

INVESTIGATION

The 2008-2009 San Bernardino County Grand Jury reviewed the allegations and the documents provided. The Grand Jury also conducted a comprehensive review of the procedures followed by the JBWD in its dealings with LAFCO to provide sewer treatment services. Documents provided by the JBWD were reviewed and a managerial employee of JBWD was interviewed.

ALLEGATION ONE

Facts

Joshua Basin Water District did expend approximately \$40,000 from November 30, 2005, to June 30, 2006, for two feasibility studies: 1) "Joshua Basin Water District Wastewater Feasibility Study" dated May 31, 2006; and 2) "Joshua Basin Package Wastewater Treatment Plant Feasibility Report" dated April 7, 2006, rev. May 23, 2006. LAFCO granted JBWD authority to provide sewer treatment services through package sewer treatment plants and to plan and engineer sewer services on August 15, 2007.

LAFCO requires agencies requesting new authority from LAFCO to include the following information with the application form:

- A statement of the nature of the proposal and the reason therefore, and shall include (but not be limited to) general plan, growth rate, topography, and economic feasibility.
- A “Plan for Service” as defined in Government Code Section 56824.12.
- A legal description and map of the territory which is the subject of the proposal.

Government Code Section 56824.12 requires:

- The total estimated cost to provide the new or different function or class of services.
- The estimated cost of the new or different function or class of service to customers.
- An identification of the existing providers and the potential fiscal impacts to the customers of the existing providers.
- A plan for financing the new or different function or class of service.
- Alternatives for the establishment of the new or different function or class of service.

Findings

JBWD made expenditures for feasibility studies that provided information required by LAFCO and state law as part of the application process for new authority. The expenditures by JBWD for the feasibility studies were reasonable and appropriate. The Grand Jury found no evidence of other expenditures by JBWD related to planning or engineering for sewer services.

ALLEGATION TWO

Facts

On April 4, 2007, the board of directors for JWBD passed a resolution requesting that JWBD be allowed to purchase a tax defaulted property for the development of a sewer treatment plant. Subsequent to the passage of the resolution, LAFCO informed JWBD that the District did not have the authority to purchase property for a sewer treatment plant prior to LAFCO’s granting JWBD sewer service authority. Before the sale of the property, the property owner paid the taxes on the property and removed the property from the tax default list.

Findings

JWBD did not expend any public moneys to purchase property for a sewer treatment plant. The JWBD board of directors did not have authority from LAFCO to purchase property for a sewer treatment plant when the board of directors approved the April 4, 2007 resolution. However, the board’s approval of the resolution did not materially violate any law warranting further investigation or action.

PENAL CODE SECTION 933.05 RESPONSE :

No response to the Grand Jury findings is requested from JWBD.