

ADMINISTRATIVE COMMITTEE



Sandra L. Munson, Chair



Muriel M. Alcantara



Norma M. Bancala



Alfred J. Dubiel



Victor G. Edinburgh



Veronica May



Norma L. Mays



Carl P.E. Peterson, Jr.



ADMINISTRATIVE COMMITTEE

It was the responsibility of the Administrative Committee to review the following boards, departments and agencies:

- Board of Supervisors
- Clerk of the Board of Supervisors
- County Administrative Office
- County Counsel
- Human Resources Department
- Information Services Department
- Local Agency Formation Commission
- Public Information Officer
- Superintendent of Schools

Two representatives of this committee attended the weekly meetings of the Board of Supervisors and reported on agenda topics and actions to the full Grand Jury. These reports and the monthly Project Status Reports from the County Administrative Officer were regular sources of additional information for the Grand Jury.

This committee received and reviewed three complaints. One complaint was acted upon.

The Administrative Committee established subcommittees to review the functions and operations of selected departments. Key staff members were interviewed and investigations were completed. Not all investigations resulted in recommendations.

The investigations completed by the Administrative Committee resulted in the following findings and recommendations.

COUNTY BOARDS, COMMISSIONS AND COMMITTEES

BACKGROUND

County Policy 01-12 states, "The Board of Supervisors establishes local advisory and regulatory boards, commissions and committees for the purpose of assisting in the effectiveness of County government and services. The Board of Supervisors will consider for appointment all persons willing to serve and whose interests, background, experience, perspective and talents may significantly contribute to the purpose of these various commissions." Only the Board of Supervisors can create, govern and disband boards, commissions or committees (sometimes referred to as BCC).

The Sunset Review is a process that means a board, commission or committee (BCC) is nearing the end of its legally established purpose. At the end of each term, the Board of Supervisors reviews the committee to either sunset (disband) or to continue the committee.

FINDINGS

Boards, commissions and committees (BCC) are not authorized to sign contracts, disburse funds, implement programs, employ or consider any personnel matter, or act in any other capacity that involves the direct management or operation of a program. Each commission is assigned a County organization/department to act as "Liaison Agency" for that commission. In following the Maddy Act requirements, where practical, the Liaison Agency assigns a specific County employee to act as liaison officer for the commission. The officer is considered a support person. The Liaison Agency informs the BCC members of all applicable conflict of interest statutes, ordinances, and policies.

Each BCC is reviewed annually by the Clerk of the Board of Supervisors and a letter of notification to either sunset or continue is mailed to each County department that has oversight of a particular commission. After a reply from the County department is received, a Board agenda item is prepared by the Clerk of the Board of Supervisors recommending which boards, commissions and committees should be continued or sunset. The Board of Supervisors takes action on this agenda item at a regularly scheduled Board meeting.

County Policy 01-12 and Standard Practice 01-12SP are available for reference and information on notification of commission vacancies.

At the time of our interview, the perennial roster supplying information to the public regarding boards, commissions and committees was not consistent or complete.

RECOMMENDATIONS

- 02-01 THE ROSTER OF BOARDS, COMMISSIONS AND COMMITTEES BE CONSISTENT. INFORMATION ABOUT MEMBERSHIP, PURPOSE, MEETING DATES, AND PLACES AND TIMES, COMPENSATION, AND POINT OF CONTACT SHOULD BE COMPLETED. WHEN AN ITEM DOES NOT APPLY OR IS NOT AVAILABLE FOR A PARTICULAR BOARD, COMMISSION OR COMMITTEE, IT SHOULD BE RECOGNIZED IN A LINE NOTE, E.G., COMPENSATION: **NONE** OR, COMPENSATION: **\$25.00 PER MEETING**.
- 02-02 ALL INFORMATION ON BOARDS, COMMISSIONS AND COMMITTEES BE CONSISTENTLY AVAILABLE ON THE COUNTY WEBSITE, INCLUDING VACANCIES.
- 02-03 APPROPRIATE SOLICITATION FOR CANDIDATES FOR BOARDS, COMMISSIONS AND COMMITTEES BE POSTED ON THE WEBSITE LISTING OF THAT BODY.

COUNTY CONTRACTING

BACKGROUND

Two items triggered the investigation of County contracting. First, the suggestion that the County Purchasing Department could operate more effectively if restrictions on the dollar amount it could independently approve for procurement of goods and services is raised from the current \$25,000 (Board of Supervisors approval required above \$25,000). Much of this procurement is through term purchase order, e.g., one year. Second, that the Design-Bid-Build process by the County Architecture and Engineering Department should be changed to allow Design-Build on certain projects to improve efficiency and reduce costs.

In the Design-Bid-Build method of construction, a design firm is chosen through competitive process; negotiated contract is awarded to the successful design consultant. Construction bids are solicited and a construction contract is awarded to the lowest bidder. Each of these two contract cycles is reviewed and approved by the Architecture and Engineering Department and the Board of Supervisors.

In Design-Build, the winning design consultant is also responsible for securing construction bids, thus eliminating one contracting cycle. The activities of these departments involve much contracting with outside agencies for goods and services.

The investigation into County contracting took place over several months and four interviews (County Counsel, Architecture & Engineering Department, Purchasing Department and Real Estate Services Department). Details of contracts-related interviews reveal that the A&E Department follows contracting procedures as outlined in the County's Policy and Procedures Manual and the California Public Contract Code as it pertains to counties, and, additionally, has its own internal review process involving the client on a major construction program.

FINDINGS

There is no central controlling office for contracting within County government. There are, however, published procedures and guidelines in the County's Policy and Procedures Manual that an agency engaged in contracting must follow.

The County Administrative Officer (CAO) established a procurement and contracting working group in June 1999. Representatives from the following County government offices formed the group: County Administrative Office, Auditor/Controller-

Recorder, Purchasing, County Counsel, Health and Human Services System, Human Resources Department, and the Sheriff's Department.

The working group was charged with presenting recommendations to the Board of Supervisors to "ensure adequate and appropriate controls and efficient and effective practices" in procurement, purchasing and contracting. Recommendations were presented to the Board in March 2000, discussed and amended. On April 18, 2000 the Board adopted a significant number of revisions and additions to the County Code and County policies relating to procurement (Section 11, Standard Practice Manual). These updates were immediately distributed to holders of the County Policy and Procedures Manual throughout the County.

Some large County departments (e.g., Human Services System, Sheriff's Department) have contract professionals and/or staffing to administer their contracting activity. However, most departments use the services of four major departments: County Counsel, Architecture & Engineering, Real Estate Services and Purchasing.

County Counsel reviews all County contracts for "legal sufficiency" and refers to the Risk Manager in the Human Resources Department on contracts with major risks and certain insurance clauses, two major components of many government contracts.

The Architecture and Engineering Department, as an agent for other County departments in contracting for large construction or remodeling projects, has an internal review and decision system. This system involves all appropriate County departments relating to the project prior to presentation of contract approval request to the Board of Supervisors through the County Administrative Office (CAO).

The Real Estate Services Department handles its own contracting activity regarding purchase or lease of County facilities. It is staffed with real estate specialists, most with appropriate licenses and experience in real estate contracting.

The Purchasing Department handles the highest volume of procurement within County government, while the Department of Health and Human Services has the largest staff engaged in contracting and/or contract administration.

The Purchasing Department has been authorized (September 2001) to create a Contracts Unit. In addition to its departmental duties, it will serve as a core unit for contracting information and services for County departments that do not have the knowledge or staffing to do their own. Use of this unit by other County departments is not mandated through policy or code.

Currently, a Computer Aided Facilities Management (CAFM) software system is being developed in a few County departments. This CAFM system can accommodate a contract data collection function activity for the Purchasing Department. Details of

individual contracts can be retained and made available to originating departments. A tag line on each basic contract listing in the procurement department database could be a reference contact point (phone, e-mail, department and/or person, etc.) to the originating agency for further detail.

RECOMMENDATIONS

- 02-04 REVISE COUNTY CODE OF PROCUREMENT POLICIES AND PRACTICES TO FUNCTION FOR A PERIOD OF TIME FOR EFFECTIVENESS, BASED ON THOROUGH AUDIT OF PROCUREMENT LEDGERS DURING NORMAL DEPARTMENT AUDITS.

- 02-05 THE COUNTY PURCHASING DEPARTMENT BE DESIGNATED AS THE COUNTY GOVERNMENT CONTRACTING DATA CENTER FOR GATHERING, MAINTAINING, UPDATING AND PROVIDING BASIC INFORMATION ON ALL COUNTY CONTRACTS.

RISK MANAGEMENT DIVISION OF THE HUMAN RESOURCES DEPARTMENT FORT IRWIN ROAD

BACKGROUND

The Grand Jury was told by the County Risk Manager that "there had been seven or eight deaths on Fort Irwin Road" in the last ten years. Concerned about the number of deaths, a Grand Jury subcommittee toured Fort Irwin Road with knowledgeable representatives from the County's Public Works Department. The tour took approximately 40 minutes.

FINDINGS

Fort Irwin Road is maintained by San Bernardino County and patrolled by the California Highway Patrol. A recent study by the Department of Public Works shows speeds along this road to be 65 to 70 MPH, in a 55 mile per hour zone.

There will be three phases of road repairs by Year 2004. Paving of the first five (5) miles of the road, beginning at the Fort Irwin exit off the I-15 freeway, (noted as Phase I) began around October 2001, and has been completed. During this portion of the tour, known as Project Location #1, the Jurors noted "Do Not Pass" signs as well as "No Passing" signs posted at regular intervals on both sides of the road. At one point along the side of the road there was a low fence to contain the endangered Desert Tortoise. There were no call boxes installed along Phase I, Location #1. This fact was called to the attention of the Public Works personnel. Also, there was no evidence of streetlights. We were advised that in the first week after the new paving of the road was completed, there were five vehicle rollovers, but no fatalities.

The tour continued along a rough-surfaced road with three curves without warning signs posted. This section of the road had marked emergency call boxes installed at intervals. We were told that the call boxes were outdated, but serviceable.

After ten (10) miles began another five-mile section of newly paved road with the appropriate road signs and emergency call boxes. This section was known as Phase I, Location #2.

During the tour of Fort Irwin Road, 23 marked crosses were counted on both sides of the road. These indicate that deaths occurred at that particular spot. The dates on the crosses were from 1983 through 1998.

The tour group traveled the old Irwin Road for the return trip. In earlier years this road was the only road used to reach the Fort Irwin Training Camp. The road was very rough. During the trip, a car passed our vehicle at a very high speed. The tour vehicle was traveling the posted 55 miles per hour speed limit.

Along old Irwin Road, on both sides of the road, were ten (10) more marked crosses designating accident sites that resulted in deaths, with dates from 1983 through 1994. We were advised the commander of Fort Irwin was quite concerned with the accidents and deaths occurring on Fort Irwin Road and is issuing restrictions to Army personnel.

A detailed map and a copy of the "Proposed Department of Public Works Fort Irwin Road Project" information sheet were provided to the Grand Jury. This improvement project is in cooperation with the U.S. Army.

RECOMMENDATIONS

- 02-06 INSTALL PROPER STREET LIGHTING ON FORT IRWIN ROAD.

- 02-07 INSTALL EMERGENCY TELEPHONE CALL BOXES ON FORT IRWIN ROAD
 AND OLD IRWIN ROAD.

- 02-08 INCREASE LAW ENFORCEMENT PATROL OF FORT IRWIN AND OLD IRWIN
 ROADS.