

DEPARTMENT OF RESOURCE MANAGEMENT

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Administrative Services Division

July 22, 2016

Honorable Robert C. Fracchia
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Ave
Fairfield, Ca 94533

Re: Solano County Department of Resource Management (DRM) Responses to 2015-2016 Grand Jury Report Entitled "Department of Resource Management Citizen Complaint procedures".

Dear Judge Fracchia:

The following is the Department of Resource Management's (Department) response to the 2015-2016 Grand Jury report entitled "Department of Resource Management Citizen Complaint Procedures." This report focused specifically on the policy and procedures related to complaints received by the Department's Environmental Health Services Division. The Department is committed to providing excellent service and protect the public health and the environment by implementing various programs and providing services, including complaint response. Between July 1, 2010 and June 16, 2016 the Department received and processed an average of 1,148 complaints each Fiscal Year (July through June) using the processes reviewed by the Grand Jury. Of these, 78 percent, or an average of 893 complaints per Fiscal Year, were related to programs implemented by the Environmental Health Services Division.

The Department appreciates the opportunity to have the Grand Jury review the Environmental Health Services Division's complaint response procedures. The Department continues to review methods to improve the efficiency and effectiveness in which it provides various public services, and has given serious consideration to the findings and recommendations of the Grand Jury. Below are the Department's responses to the Grand Jury's findings and recommendations:

RESPONSES

Grand Jury Finding #1:

The 2015-2016 Grand Jury found the current Complaint Investigation Records section of the Policies and Procedures Manual (Manual) outlines procedures for processing complaints that are received by telephone.

Department Response to Finding #1:

The Department agrees with this finding.

Grand Jury Recommendation #1:

Update the Manual to include procedures for receiving complaints delivered in person, via electronic mail, postal service, and the Division's on-line complaint form.

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Department Response to Recommendation #1:

The recommendation will be implemented by updating the manual to reflect current practices already in place for receiving complaints delivered in person, via electronic mail, postal service, and the Division's on-line complaint form. The Department has always responded to each and every complaint received by phone, in person, via electronic mail, postal service, and the online complaint form. It is anticipated that this update will be completed by July 31, 2016.

Grand Jury Finding #2:

There is no clear understanding of procedures or person(s) responsible for entering complaints into the Statewide Environmental Evaluation Planning System (SWEEPS).

Department Response to Finding #2:

The Department wholly disagrees with this finding. There are known protocols and procedures followed by Department personnel responsible for entering complaints into the SWEEPS data management system, which is used to track complaints received by the Department. Administrative staff (Office Assistants) are responsible for initial input of complaint information into SWEEPS. Once the complaint is entered, it is assigned to the field specialist who is responsible for any subsequent data entry into SWEEPS pertaining to the investigation of the complaint. All staff (administrative and field specialists) are trained on their respective roles and are knowledgeable in use of SWEEPS as it pertains to their specific duties. This system has been utilized for many years without any known issues or procedural problems.

Grand Jury Recommendation #2:

Update the Manual to clearly identify which Division personnel are responsible for entering complaints into SWEEPS.

Department Response to Recommendation #2:

The recommendation will be implemented by updating the manual to reflect current practices on entering complaints and subsequent information resulting from investigation into the SWEEPS database. It is anticipated that this update will be completed by July 31, 2016.

Grand Jury Finding #3:

There are no procedures in place for entering complaints received directly by specialists while in the field.

Department Response to Finding #3:

The Department agrees with this finding. There are no specific written procedures for receipt of complaints in the field by the specialists. All field specialists are trained to accept complaints in the field, investigate as appropriate, and to provide the complaint to administrative staff either via phone, email or in person upon their return to the office for proper complaint intake into SWEEPS. The initial receipt of a complaint by a specialist while in the field is not typical. Typically, the field specialist is in the field in response to a complaint already received and any investigation is associated with the complaint which has already been entered into SWEEPS.

Grand Jury Recommendation #3:

Update the Manual to clarify how field specialists should enter complaints into SWEEPS when received in the field.

Department Response to Recommendation #3:

The recommendation will not be implemented because it is not warranted. Only administrative staff can initially enter a complaint into SWEEPS. The Department intends to continue this practice to ensure a level of control for data entry. The manual will be updated to reflect processes for field

specialists to accept complaints while in the field and methods to forward the complaints to administrative staff for entry into SWEEPS. The manual will also be updated to include responsibility of field staff to input information about the complaint once it has been initiated into the SWEEPS database by administrative staff. It is anticipated that this update will be completed by July 31, 2016.

Grand Jury Finding #4:

There is a lack of clarity regarding which Division personnel have access to various SWEEPS modules, and who can edit data.

Department Response to Finding #4:

The Department partially disagrees with this finding. All administrative and Environmental Health Division staff have access to the SWEEPS modules pertinent to their roles and have been trained on what data they can enter and edit. For example, all Environmental Health staff have access to the complaint module in SWEEPS since all Environmental Health staff respond to complaints. Conversely, only Environmental Health staff in the Consumer Protection Section have access to the SWEEPS electronic retail food inspection module since only staff in that section perform those inspections.

Specific to the complaint module, once a complaint log is created in SWEEPS by administrative staff, the field specialist cannot edit the complainant's information and the original complaint. Field staff can enter inspection notes and attach pictures and documents, such as notices of violation related to the complaint. Field staff can also edit their notes, and any attachments that they have created while the complaint is active. Once closed, staff can add still additional entries if needed to the complaint.

The Department acknowledges that the manual does not include written information that details the modules each Environmental Health Division staff position can access. While this may impact written clarity, it has not created any known confusion or lack of clarity on the use of modules pertinent to specific staff positions and roles.

Grand Jury Recommendation #4:

Update the Manual to identify who has access to SWEEPS, its various modules, and who has the authority to edit data.

Department Response to Recommendation #4:

The recommendation will be implemented. It is anticipated that the manual will be updated by July 31, 2016 to reflect the current practice.

Grand Jury Finding #5:

The Division does not have a system in place that requires routine review and updating of its Manual to ensure it reflects changes in environmental laws, operational procedures, and information technology.

Department Response to Finding #5:

The Department partially disagrees with this finding. The Department concurs that there is not a written policy providing for a routine systematic review of the Environmental Health Services Division's policy and procedures. Division personnel belong to a variety of professional organizations that stay abreast of potential and actual changes to laws and regulations implemented by the Environmental Health Services Division. This allows the division to routinely track changes to laws and regulations and update its policy and procedures on an as needed basis to address changes to requirements or additions of new programs.

Grand Jury Recommendation #5:

The Grand Jury recommends a review of all policies and procedures on a routine basis, not to exceed three years, to ensure Division compliance with changes in environmental laws and information technology, which could affect its services. It is also recommended staff be trained on a regular basis for consistency in following procedures.

Department Response to Recommendation #5:

The recommendation will be implemented. It is anticipated that the manual will be updated by July 31, 2016 to include a process for the Department's Environmental Health Division to review all existing policies and procedures at least once every three years. The policies and procedures will be reviewed prior to the three-year period if warranted by a change in rules and regulations implemented by the division or by any other change in the information technology, or change in any inspection equipment used by the division staff. All division staff will be trained on these policies and procedures on a regular basis.

Grand Jury Finding #6:

There is no formal recusal policy for field inspectors.

Department Response to Finding #6:

The Department agrees with this finding. Solano County has requirements for specific positions to complete and file a Statement of Economic Interest (Form 700). Field specialists responsible for complaint response are not included in this County requirement.

Grand Jury Recommendation #6:

The Manual should include a section on recusal.

Department Response to Recommendation #6:

The recommendation will be implemented by providing a section on recusal in the policy and procedures manual. Staff recusal will be evaluated on a case by case basis for any conflict of interest to the assigned field staff. The Department is un-aware of any conflict of interest issues involving any field specialists. It is anticipated that the manual will be updated by July 31, 2016 to include a section on recusal.

The Department thanks the Solano County Grand Jury for its time invested in this matter, and for its report of findings and recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Bill Emlen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bill Emlen, Director
Department of Resource Management

Cc: Solano County Grand Jury
County Administrator's Office