



REPORT TO COUNCIL

City of Sacramento

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Consent
September 29, 2009

Honorable Mayor and
Members of the City Council

Subject: Responses to the Findings and Recommendations of the 2008-09
Sacramento County Grand Jury Final Report

Location/Council District: Citywide

Recommendation: Approve responses to the findings and recommendations
contained in the 2008-09 Sacramento County Grand Jury Final Report.

Contact: Patti Bisharat, Director of Government Affairs, 808-8197

Presenters: NA

Department: City Manager's Office

Division: Government Affairs

Organization No: 0301

Description:

Issue: On June 26, 2009, the 2008-09 Sacramento County Grand Jury issued the Grand Jury Final Report. Included in three issues of the report are findings and recommendations that are specific to the City of Sacramento (Sacramento Fire Agencies: "Where There's Smoke There's Fire", Department of Utilities: "Credit Where Debit is Due"; and Convention Culture and Leisure, Haggin Oaks Golf Course: "Teeing Off on Safety"). The California Penal Code requires specific responses to these findings and recommendations be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2009.

Policy Considerations: One of the duties of the Grand Jury is to inquire into, and investigate if necessary, the operations of local government agencies and officials to ensure that activities are valid and services are efficiently and legally provided. Responses to the Grand Jury findings and recommendations are required by law and provide an opportunity for clarification and correction.

Environmental Considerations: Not applicable.

Sustainability Considerations: Not applicable.

Rationale for Recommendation: A team of representatives from the City Manager's Office, Utilities Department, Fire Department and Convention, Culture and Leisure Department have reviewed the findings of the Grand Jury and developed a response that reflects the City's policies, corrects misinformation and addresses the issues raised.

Financial Considerations: Not applicable.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully submitted: _____


for Ratti Bisharat
Director of Governmental Affairs

Recommendation Approved:



Ray Kerridge
City Manager

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**City of Sacramento
Responses to Findings and Recommendations of the
2008-09 Sacramento County Grand Jury Report**

“Where There’s Smoke, There’s Fire”

Please be advised that all of the responses below are made on behalf of the City of Sacramento Fire Department only, and do not speak to any findings or recommendations relating to the Sacramento Metropolitan Fire District.

Finding 1: Firefighters in both Sac Fire and Metro departments took advantage of a poorly developed and poorly administered policy of providing salary enhancement for college degrees without regard to the source or quality of the education provider.

Response: *The City of Sacramento disagrees with this finding, in part. The policy, which had been in place for approximately 18 years, was not poorly developed nor poorly administered. Rather, the policy, which is instrumental in facilitating the development and further education of firefighters, was abused by a small number of individuals.*

Recommendation 1: None. Steps have been taken by both departments to more clearly define and ensure accreditation compliance.

Response: *None required.*

Finding 2: Management of both departments were remiss in approving requests for incentive pay without verifying that they were complying with the spirit if not the letter of the appropriate policy.

Response: *The City of Sacramento disagrees with this finding, in part. The 'spirit' of the policy was violated by submission of degrees that do not require substantive academic work. However, management personnel were not remiss in the processes they followed in approving requests.*

Recommendation 2: Leaders in both departments should be reminded that they are guardians of the public trust and that it is their responsibility to ensuring that public funds are spent in a cost-effective and appropriate manner.

Response: *Sacramento Fire Department human resources staff have been directed to verify all college degrees submitted by fire employees. This verification includes that the school meets the City of Sacramento’s accreditation policy. Prior to processing incentive pay, the Division Manager must approve the Personnel Action Request [PAR].*

“Credit Where Debit is Due”

Finding 1. The Interim Director reduced the number of employees authorized to have a debit card from 33 to 11. This limits the potential for misuse and facilitates the audit process.

Response: *The City of Sacramento agrees with this finding.*

Finding 2. The review of transaction statements did show some questionable transactions, but the dollar amounts were not material and the reduction of authorized employees facilitates oversight of card usage.

Response: *The City of Sacramento agrees with this finding.*

Finding 3. The Internal Audit findings confirmed that the program has received appropriate scrutiny and is currently well managed.

Response: *The City of Sacramento agrees with this finding.*

Recommendation: The Grand Jury commends the Sacramento Assistant City Manager/Interim DOU Director for his diligence and recommends he pass on his revised procedures to the new Director.

Response: *The recommendation has been implemented. New policies and procedures have permanently been put in place to assure that there is proper usage of debit cards and usage is monitored.*

“Teeing Off On Safety”

Finding 1.1: The City of Sacramento does not require a permit when work is completed on City property; however, the CCL did obtain permits for these projects.

Response: *The City of Sacramento agrees with this finding.*

Finding 1.2: According to City records during the past five years all construction projects have been completed under a building permit.

Response: *The City of Sacramento agrees with this finding.*

Recommendation 1. None. The Grand Jury commends the Department of Convention, Culture and Leisure for going beyond the City’s construction requirements.

Response: *None required.*

Finding 2.1: The cart washing machine was added to eliminate water standing in and around the cart barn. This machine conserves water by recycling and filtering it as carts are washed without polluting the creek.

Response: *The City of Sacramento agrees with this finding*

Finding 2.2: This machine was operational after installation, but as of this writing out of service because of a broken part. The manufacturer and the contractor are negotiating a repair under terms of the warranty.

Response: *The City of Sacramento disagrees with this finding. Except for minor servicing, the equipment has been operational since April 2008.*

Recommendation 2. It is recommended that the course Operations Manager notify CCL as soon as the equipment is operational.

Response: *The recommendation will not be implemented as it is unwarranted since the equipment has been operational since April 2008.*

Finding 3.1: This installation used the Request For Quote process to identify the most responsive contractor.

Response: *The City of Sacramento disagrees with this finding, in part. The contractor was procured through the formal bid process to identify the lowest responsive and responsible bidder.*

Finding 3.2: At the time of the complaint the contractor had not filed for bankruptcy.

Response: *The City of Sacramento disagrees with this finding, in part. The contractor, C & C Construction, has not filed for bankruptcy. The manufacturer, Environmental*

Solutions Corporation, was purchased by ESD-Waste Water. ESD holds the maintenance contract and warranties on the equipment.

Recommendation 3. None

Response: *None required.*

Finding 4.1: The City is aware of the tree problem and is addressing the issue by hiring an arborist to visually inspect the trees.

Response: *The City of Sacramento disagrees with this finding. The City is not aware of problems with the trees at the Haggin Oaks Golf Course. In addition, the City retained an arborist who visually inspected the trees along the course. There are no immediate plans for another inspection.*

Recommendation 4. The Grand Jury recommends that the CCL post along the course signs warning of possible falling trees.

Response: *This recommendation will not be implemented because it is unwarranted. The City is not aware of any health or maintenance issues with the trees at Haggin Oaks. Trees are a natural condition. In addition, the City retained a certified arborist to visually inspect the trees at Haggin Oaks in 2008, and the arborist did not report any conditions that warranted immediate attention or that indicated the trees on the golf course were dangerous to patrons of the course.*