

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: Thomas M. Miller, Placer County Executive Officer
By: James Importante, Management Analyst II

DATE: June 7, 2011

SUBJECT: 2010-11 Placer County Grand Jury Report on the Placer County
Wastewater Advisory Committee – Board of Supervisors Responses

Action Requested: Authorize the Chairman to sign response letters to the 2010-11 Placer County Grand Jury report on the Placer County Wastewater Advisory Committee.

Background: On April 12, 2011, the Placer County Grand Jury issued its final report based on an investigation due to a complaint regarding the practices and procedures of the Placer County Wastewater Advisory Committee (PCWAC). The report includes facts derived from the Grand Jury's investigations, and findings and recommendations based on those facts.

In response to the Grand Jury request for Board of Supervisor response to this Grand Jury report, the County Executive Office and Health and Human Services Department prepared this response. Details of the Grand Jury's findings and recommendations are included within the attached response letter. Upon approval by your Board, the signed responses will be provided to the Presiding Judge of the Placer County Superior Court and the Grand Jury.

The Grand Jury concluded there are inconsistencies within the Committee By-Laws, follow-through of the rules of order, and the practices of the committee. They noted that it is important to keep the public informed with regular posting of the agendas, minutes, and meeting locations.

Staff recommends that the Board generally agree with all the Findings of the Grand Jury regarding the Placer County Wastewater Advisory Committee. With respect to the Grand Jury's recommendations, staff and County Counsel drafted proposed changes to the PCWAC By-Laws to address the Grand Jury's findings. The PCWAC will consider these and any other proposed changes on the afternoon of June 7, 2011. The drafted proposal was given to the PCWAC on May 6, 2011, and two members have already commented on the proposal. It is anticipated that the revision of the By-Laws will be approved at the next meeting or soon thereafter by the PCWAC.

Environmental: None.

Fiscal Impact: There is no fiscal impact related to the signing of the responses to the Grand Jury.

Attachments: *Re: 2010-11 Grand Jury Final Report – Placer County Wastewater Advisory Committee*

June 7, 2011

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Re: 2010-11 Grand Jury Final Report – Placer County Wastewater Advisory Committee

To the Placer County Grand Jury:

The Board of Supervisors would like to thank the Grand Jury for the opportunity to respond to the report regarding the Placer County Wastewater Advisory Committee. Proposed amendments to the PCWAC's By-Laws have been drafted in response to the Grand Jury's Findings and Recommendations. The PCWAC will consider these and any other proposed changes on the afternoon of June 7, 2011. The drafted proposal was given to the PCWAC on May 6, 2011, and two members have already commented on the proposal. It is anticipated that the By-laws revisions will be approved at the next meeting or soon thereafter by the PCWAC. The following is the Board's response to the individual Findings and Recommendations of the Grand Jury.

FINDINGS

F1. The PCWAC does not have annual financial interest statements or Statement of Economic Interests (Form 700) on file with the Placer County Clerk-Recorder's Office. This is a contradiction between what is stated in the Committee By-Laws and the actual practice that has been implemented.

The Board of Supervisors partially disagrees with Finding F1. The PCWAC is an advisory committee and its members are not required to file an annual Form 700 statement as a matter of County ordinance nor State Law. However, those PCWAC members who also serve on the Appeals Board or other separate decision-making hearing bodies are required to file an annual Form 700 Statement. The current PCWAC By-Laws are misleading on this point and proposed amendments to the By-Laws have addressed and clarified this issue.

F2. The PCWAC Agendas and Minutes are not consistently posted by the Director of Environmental Health for public access.

The Board of Supervisors partially disagrees with Finding F2. The Agendas are routinely posted on the kiosk outside the Community Development Resources Agency building located at 3091 County Center Drive in Auburn. The By-Laws do not require Minutes to be posted but are available to members of the public upon request to the Division of Environmental Health.

F3. The Committee By-Laws state the advisory committee “shall meet regularly on a monthly basis and no less than quarterly...” This is a contradiction and may be confusing to the public.

The Board of Supervisors agrees with Finding F3. Draft amendments to the By-Laws have addressed and clarified this issue. The PCWAC is in the process of public review and consideration of these amendments.

F4. The definition and application of a quorum in the Committee By-Laws is unclear and ambiguous.

The Board of Supervisors agrees with Finding F4. Draft amendments to the By-Laws have addressed and clarified this issue. The PCWAC is in the process of public review and consideration of these amendments.

F5. There are specific rules stated in The California Political Reform Act regarding recusal. If there is a conflict of interest, the member must state there is a conflict; he/she must summarize the conflict and then must leave the podium and/or the room during consideration of that agenda item. This is not uniformly practiced and not clearly defined in the Committee By-Laws.

The Board of Supervisors agrees with Finding F4. Draft amendments to the By-Laws have addressed and clarified this issue. The PCWAC is in the process of public review and consideration of these amendments.

F6. There appears to be inconsistency in following Robert’s Parliamentary Rules or the rules of order stated in their Committee By-Laws.

The Board of Supervisors agrees with Finding F4. Draft amendments to the By-Laws have addressed and clarified this issue. The PCWAC is in the process of public review and consideration of these amendments.

RECOMMENDATIONS

R1. The By-Laws be revised regarding recusal of a member. In the event of a conflict of interest, the member recusing them self must leave the room.

Recommendation R1 has not yet been implemented but will be implemented in the future. Drafted amendments to the By-Laws have addressed and clarified this issue. It should be noted that a conflict of interest only occurs on action items before the PCWAC (or in the case of the Appeals Board, those appeals before it). If the conflict of interest involves real property owned by the PCWAC member, that member may testify to the PCWAC as a member of the public and property owner. In all other instances, the member must recuse him/her self and leave the hearing room. The By-Laws have been amended to state this procedure.

R2. Redefine a quorum to be one more than 50% of the committee membership. A quorum be present at the time of voting.

Recommendation R2 has not yet been implemented but will be implemented in the future. The PCWAC is comprised of 13 members. The draft amendment to the By-Laws has been proposed to define a quorum as 7 members present.

R3. The PCWAC practices be consistent with the revised By-Laws.

Recommendation R3 has not yet been implemented but will be implemented in the future. Draft amendments to the By-Laws include a new section outlining the PCWAC's meeting practices and procedures.

R4. Keep the public informed as to how they function as an advisory committee to the Director of Environmental Health.

Recommendation R4 has been implemented. The Division of Environmental Health strives to keep the public informed of all of its activities and functions, including assisting in the dissemination of matters considered and discussed by the PCWAC in its meetings and will continue to do so in the future.

R5. The PCWAC require the members to complete the Statement of Economic Interests (Form 700), and submit the forms to the Placer County Clerk-Recorder's Office.

Only those members of the PCWAC who serve on the Appeals Board or who are required through another committee appointment or County employment to file a Form 700 must complete the form. The Director will ensure that those members file a Form 700 with the Placer County Clerk-Recorder's Office no later than July 31, 2011 and will ensure that these same members file every year thereafter. The By-Laws include an amendment to correct and clarify the Form 700 requirements for the PCWAC members.

R6. The Director of Environmental Health be responsible for posting the meeting agenda and location of the meeting 72 hrs in advance:

- *At the front office of the Environmental Health Department,*
- *The meeting board located at the Placer County Board of Supervisors' Office,*
- *On the Placer County Website (www.placer.ca.gov),*
- *If the committee has no agenda items and there is no reason to meet, a cancellation should be posed in the same manner.*

Proposed amendments to the By-Laws are proposed to address the above issue. These amendments will outline the noticing and posting procedures for regular and special meetings as well as cancellations.

Specifically, for regular meetings the agenda will be posted at the following locations 72 hours in advance of the meeting:

- On the kiosk outside the CDRA building (Please note, since moving into the CDRA building, there is a community public counter but no general public access to the Division of Environmental Health. As a result, the Division along with other departments and divisions in CDRA post meeting notices in this kiosk.)
- On the meeting board located at the Placer County Board of Supervisors' office located at 175 Fulweiler Avenue, Auburn; and
- On the Placer County Website (www.placer.ca.gov).

In addition, the proposed amendments to the By-Laws will include 48 hours in advance posting and noticing provisions for any special meetings and 24 hour posting of meeting cancellations procedures at the above identified locations.

The By-Laws will also outline the procedures for ensuring that copies of the agenda, minutes and any staff reports for action items be made available in advance to the PCWAC members and upon request to members of the public.

The Board of Supervisors appreciates the opportunity to respond to the report on the Placer County Wastewater Committee. Richard J. Burton, Placer County Health Officer and Director of Health & Human Services, has been asked to respond to this report as well and will provide additional information relative to this matter, and describe the final amendments to the By-laws as approved by the PCWAC.

Sincerely,

Robert M. Weygandt, Chairman
Placer County Board of Supervisors

cc: Jill Pahl, REHS, Environmental Health Division Director
Placer County Wastewater Advisory Committee

