

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JULY 27, 2022

REGULAR MEETING

TO: John Hidahl, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: Erica Sanchez, Interim Executive Officer

AGENDA ITEM #7: RECEIVE GRAND JURY CASE #21-10 REPORT ON
TIMELINESS OF MUNICIPAL SERVICE REVIEWS AND
CONSIDER RESPONSE

RECOMMENDATION

Staff recommends that the Commission receive Grand Jury Case #21-10 relating to the timeliness of LAFCO's municipal service reviews and consider the draft response, with or without changes.

REASON FOR RECOMMENDED ACTION

2021-2022 El Dorado County Civil Grand Jury Case #21-10 (Attachment A) investigated El Dorado LAFCO, "because it had not completed Municipal Service Reviews (MSRs) of the agencies within its jurisdiction, as required by State law."

LAFCO is named as a respondent, requiring LAFCO to respond to the case's findings and numbered recommendations. California Penal Code Section 933.05 mandates specific requirements for responding to Grand Jury reports (Attachment B). A draft response letter in the required format is included as Attachment C, as a starting point for Commission discussion. Staff recommends that the Commission review the draft response and provide any changes, additions, or clarifications.

Per Penal Code §993(c), public agency respondents shall respond within 90 days of the release of the report to the public. GJ Case #21-10 was officially released on June 27, making LAFCO's response due by September 25. In order to meet this deadline, the Commission will need to approve a response at its July 27 or August 24 meeting.

BACKGROUND

Grand Jury Findings and Recommendations

In its report, the Grand Jury details the status of LAFCOs municipal service reviews and possible reasons why the agency has not met State law requirements regarding MSR, including loss of staff and previous reprioritizing of MSR preparation.

The Grand Jury report concludes with the following findings:

- F1. State law requires El Dorado LAFCO to prepare an MSR of a local agency in its jurisdiction when updating the government agency's SOI.
- F2. Preparation of an MSR is important for the effective and efficient delivery of municipal services to the residents of El Dorado County.
- F3. In violation of its policy and guidelines, El Dorado LAFCO has not made MSR preparation a priority and has not completed MSRs as required by State law and its project plan.
- F4. El Dorado LAFCO changed the cycle for MSR preparation from five to eight years.
- F5. There is no status chart specifying the timeframe for MSR preparation of each agency.
- F6. El Dorado LAFCO has been without a permanent Executive Officer since July 6, 2021.
- F7. El Dorado LAFCO has four budgeted positions. Currently, only two and a half of the positions are filled, leaving one and a half positions vacant. This has had a direct negative effect on its ability to complete MSRs.

The report also contains the following recommendations:

- R1. El Dorado LAFCO staff should present to the Commissioners a plan for the timely completion of MSRs and SOIs for the next cycle. The plan should be presented at a regular Commissioners' meeting by December 31, 2022.
- R2. El Dorado LAFCO should complete all MSRs that are delinquent by June 30, 2023.
- R3. El Dorado LAFCO should return to its MSR preparation cycle of five years.
- R4. El Dorado LAFCO should have an updated MSR status report on its website by December 31, 2022, that specifies when the last MSR for each agency was completed and when the next one is due.
- R5. El Dorado LAFCO should make hiring a new Executive Officer a high priority.
- R6. El Dorado LAFCO should hire staff for current and future vacant positions as quickly as possible.

LAFCO Response

The report names El Dorado LAFCO as a respondent to the report and requests LAFCO's response to all findings and recommendations. The Commission should consider its response to the findings and recommendations with one of the following, as required by Penal Code Section 933.05:

As to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

As to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Staff recommends that the Commission respond that it agrees with Findings F1 through F7, with clarifying information for Findings F3 and F7, and any others as the Commission sees appropriate.

Staff recommends that the Commission respond that Recommendations R1 through R4 and R6 will be implemented by December 31, 2022, and that Recommendation R5 has already been implemented. The Commission can also direct staff to include additional clarifying information or responses as it sees fit.

Attachments

Attachment A: "Timeliness of Municipal Service Reviews," El Dorado County Grand Jury Case #21-10 (June 27, 2022)

Attachment B: Responding to a Grand Jury Report

Attachment C: Draft LAFCO Letter in Response to GJ Case #21-10