



County of Orange
California

Thomas G. Mauk
County Executive Officer

August 8, 2005

Bette Flick, Foreperson
FY 05/06 Grand Jury
Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Harbors,
Beaches and Parks: Riches to Rags"

Dear Ms. Flick:

Per your request, and in accordance with Penal Code 993, enclosed please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Brian Wayt at (714) 834-4104 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

Thomas G. Mauk
County Executive Officer

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2004-2005 Grand Jury Report
“Harbors, Beaches and Parks: Riches to Rags”
Response to Findings and Recommendations

Response to Findings 8.1 – 8.15:

- 8.1 HBP’s status as a division of RDMD subjects it to an additional layer of bureaucracy and HBP funds are being used to subsidize RDMD overhead.

Response: Disagrees wholly with the finding

As part of the larger Resources and Development Management Department, HBP does pay for overhead expenses that are charged by the department. However, these charges are for centralized administrative services (accounting, purchasing, human resources, information technology, etc.) and other technical services that HBP would have to add additional staff at a greater cost to complete if they did not receive them from RDMD.

- 8.2 Land grants from developers sometimes do not meet the needs of the county’s wilderness plan.

Response: Agrees with finding

It should be noted that land grants that do not meet the County’s wilderness plan happen only on rare occasions.

- 8.3 The County’s archaeological and paleontological program is under funded and lacks appropriate housing and curation for archeological and paleontological treasures.

Response: Agrees with finding

- 8.4 Innovative ideas by employees often receive no feedback.

Response: Disagrees partially with the finding

While there are likely instances of employees not receiving direct feedback on their suggestions and ideas, in the vast majority of such instances feedback is provided by management and there are existing formal ("Labor-Management Committee") and informal (monthly facility crew meetings; quarterly park ranger meetings) programs for identifying employee suggestions and obtaining management responses.

- 8.5 HBP loses the ability to control or influence projects once they are approved and funded.

Response: Disagrees partially with the finding

HBP and RDMD/Public Works have made improvements in coordination on construction projects recently that ensure that HBP has greater control and influence over construction projects once they are approved and funded.

- 8.6 Maintenance is being deferred, creating substantially higher future costs and potentially causing irreparable harm to harbors, historical facilities, paleontological specimens, and infrastructure.

Response: Disagrees partially with the finding

While it is true that maintenance was deferred in previous years due to funding constraints, that maintenance backlog was significantly reduced for the time being by the Board of Supervisors' allocation of \$13.9M in Proposition 40 grant funding to the HBP Program, primarily dedicated to deferred maintenance projects.

- 8.7 Developers are not charged to cover the cost of preparing archaeological and paleontological specimens to the point of identification and curation.

Response: Agrees with finding

- 8.8 HBP, the OC Board of Supervisors and employee unions are working together to overcome obstacles to provide citation authority to park rangers.

Response: Agrees with finding

- 8.9 HBP has no control over the scope or price of harbor patrol services, yet they bear the entire cost.

Response: Agrees with finding

- 8.10 There is a lack of coordination between HBP and the planning department in dealing with developers to ensure the completion of wildlife corridors and trail systems.

Response: Disagrees partially with the finding

While there are isolated instances where there is insufficient coordination between Planning and Development Services and HBP Divisions, they are rare exceptions.

- 8.11 HBP has no organized system of obtaining feedback from visitors.

Response: Agrees with finding

- 8.12 HBP does not maintain an interpretive specialist to oversee interpretive programs as called for in its policies and procedures.

Response: Disagrees partially with the finding

The Policy & Procedure (P&P) cited by the Grand Jury on this issue is an internal HBP Division P&P, not one adopted by RDMD or the Board of Supervisors; further, that the “interpretive specialist” Park Ranger position existed at one time, but at HBP Division initiation, the position was reassigned to higher priority duties and the internal P&P was not updated to reflect this change in position assignments and responsibilities.

- 8.13 Business practices have saved money and improved services in HBP’s operations division.

Response: Agrees with finding

- 8.14 There is no organized system to pursue donations, endowments, or other philanthropic contributions.

Response: Agrees with finding

- 8.15 Some HBP holdings are neither regional in scope nor cost-effective.

Response: Agrees with finding

Response to Recommendations 9.1 - 9.15:

- 9.1 Autonomy for HBP should be explored in light of the needs of the county.

Response: The recommendation requires further analysis.

As part of the overall restructuring process that created RDMD in January 2004, HBP is currently undertaking a large-scale strategic planning process. As this strategic plan is developed, HBP will engage county staff, the public, various

commissions and other stakeholders in the process. In the end, this will allow HBP to streamline their operations to: optimize facility operations and efficiency, protect natural and cultural resources, support and maintain facility infrastructure and generate additional revenues.

- 9.2 Land set aside as open space by developers should be negotiated in concert with the county's master corridor and trail plan.

Response: The recommendation has been implemented.

The County's policy guidance for RDMD staff negotiating dedications of lands and easements in the planning process for regional parks, open space, and regional bikeways and riding and hiking trails is the County General Plan, specifically the Resources Element and the Recreation Element. Conditions of development or mitigations that require such dedications are subject to Planning Commission and/or Board of Supervisors approval. Major land dedications that were negotiated and conditioned in the planning process are also typically documented in a dedication agreement and deed for which the formal acceptance by the County requires Board of Supervisors approval.

- 9.3 Priority should be given to finding appropriate funding for housing the county's archeological and paleontological treasures.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

Long standing County policy has required public agency and private developers to secure and donate to the County, archeological and paleontological materials excavated in the course of project excavations, which the County has then stored in a warehouse. The County's existing warehouse used for this purpose is not of sufficient size and does not have climatic and other controls to meet Federal standards for protection of the stored materials, or adequate workspace for their curation.

There is a need for on-going funding support for the recovery and curation of archeological and paleontological specimens. Suitable storage and curation facilities are needed to house and properly identify current discoveries, and there is an identified need for expanded facilities and staff or outsourcing if the policy choice is to continue to be responsible for and accept these specimens.

A 3-year study was done through a grant with CSUF that developed a program for these resources. The decision now should be 1) what entity or institution should appropriately have the responsibility for fossils and artifacts discovered in Orange County, 2) how is the program funded, 3) identify and secure in perpetuity appropriate storage facilities, 4) what is the eventual disposition of these fragile

and important discoveries? Are they to be studied, curated, exhibited, all or none of the above, by whom, and under whose authority?

To fully carry out the existing policy of accepting and storing these materials HBP is seeking appropriate warehousing facilities and, subject to evaluation of competing priorities, funding to achieve appropriate facilities; or, alternatively, other approaches to properly securing the materials.

HBP is pursuing opportunities to obtain substitute warehouse space at the closed El Toro MCAS and Tustin LTA military bases, utilizing existing but vacated warehouse buildings at the former bases. HBP has also had preliminary discussions with officials of California State University at Fullerton about establishing a cooperative program for the care, curation and study of archeological materials that may be warehoused at the former El Toro MCAS facility (where CSUF has also established a satellite campus). If these efforts are not successful within the next six months, HBP will explore alternatives involving partnering with other academic institutions and/or southern California museums to ensure the materials are properly cared for and protected, which can be expected to require no less than six to twelve months to accomplish.

- 9.4 A protocol for encouraging, tracking and responding to employee suggestions should be established.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

The County Labor/Management Committee (LMC) currently exists for that purpose. The LMC process was designed to ensure among other objectives that employee's suggestions were considered and responded to by management in a collaborative, structured committee system. An RDMD Labor/Management Committee regularly meets and reports its results to the Director RDMD.

In addition, HBP Operations has an informal "employee suggestion program" whereby employees at all levels are encouraged to make suggestions to improve their assigned facility's operations, maintenance and public services. If the suggestion is determined to benefit the facility and, is economically feasible it is acted upon.

All employees are encouraged to and do submit suggestions and ideas for facility and administration improvement projects and public service enhancements. These ideas are reviewed by the employee's supervisor(s) with the employee and, if the project has merit (which is usually the case) and, is economically feasible, it is performed by the employee. There are numerous examples of such projects throughout the HBP system.

Additionally, RDMD will work with other internal County partners to ensure that policies and procedures (P&P) are clear to employees within 6 months specifically

amplifying the program aimed at improving communication with employees that encourages, tracks and better responds to employee suggestions.

- 9.5 A provision for continuing HBP input on construction of projects should be established.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

Over the past three years the HBP management has progressively assumed a more active role than had previously been the case in reviewing the progress, costs, need for and approval of proposed construction contract change orders for construction projects involving HBP facilities. Currently, HBP participates significantly in HBP construction projects. HBP construction (capital) projects are transitioned from HBP Design to Public Works Construction Division for construction management and administration following the award of a construction contract by the Board. Public Works Construction assigns a construction inspector and resident engineer to the project to be the direct contact with the contractor. During construction, HBP Design continues to monitor construction progress, answer technical questions, liaison with stakeholders, and report on project status to the CEO and Board of Supervisors offices, but has a less active role than existed during the project's entitlement and design phases.

The final phase of RDMD's multi-year restructuring effort includes the implementation of a new process for delivering capital projects. Once this is completed, RDMD will be moving to implement a new Project Management (PM) system and assign specific project managers to capital projects from inception to completion, thus improving project accountability. When fully implemented, this PM system should insure that HBP has direct input and control over its capital projects during all project phases.

Over the next six months RDMD/HBP will develop an internal department Memorandum Of Understanding based upon the Project Management system model with the two RDMD divisions that provide or oversee inspection services for HBP construction projects to clearly document expectations, active coordination and related procedures for HBP input to construction project inspection processes aligned with the RDMD Project Management Plan.

- 9.6 Careful analysis of the future costs of deferring maintenance is needed to ensure projects are prioritized properly.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

In order to diminish higher future costs and system failures a formal and on-going "Deferred Maintenance" program must be implemented to include infrastructure

evaluation, projected date for needed rehabilitation, project scope and budget. An annual “deferred maintenance fund” needs to be established and these projects should be considered of highest priority. Such annualized needs assessments should include a facility and project inventory, current conditions survey, costs estimates, and preventative maintenance schedule. HBP will include an initial Annual Deferred Maintenance Program in the FY 06-07 Budget.

- 9.7 The Board of Supervisors should charge developers the same rate for processing and curating archaeological and paleontological specimens as other counties do.

Response: The recommendation will not be implemented because it is not warranted.

The County’s unincorporated area is essentially fully developed or entitlements have been adopted for all major unincorporated areas, and future developments are subject to Development Agreements that preclude the County from imposing new development exactions including fees. An alternative approach to development exactions would be a general fee ordinance, although the fee would apply to limited areas and may have the effect of discouraging developers from contributing the materials to the County collection. For these reasons, HBP concludes that a developer fee is not warranted.

- 9.8 HBP, the OC Board of Supervisors, and employee unions should continue to work together to provide citation authority to park rangers.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

The Board of Supervisors granted citation Authority to Rangers for certain civil offenses in September of 2004. The implementation plan was subsequently authorized by the Board in May of 2005, and is currently in process for full implementation in the fall of 2005.

- 9.9 All beneficiaries of harbor patrol services, including coastal cities, should contribute to costs. HBP should be consulted about the appropriate level of service to be provided by harbor patrol at HBP expense.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

On June 14, in conjunction with budget hearings for the FY 2005/06 Budget for RDMD’s HBP Fund, the Board of Supervisors directed that a study be conducted of Harbor Patrol budget to determine all of the appropriate sources for funding of those services, and to report back to the Board of Supervisors in ninety days. This recommendation will be addressed in this study.

- 9.10 The county planning department should better coordinate with HBP so RDMD speaks with one voice to ensure easements and dedicated land in new developments meet the county's needs.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

This Board of Supervisor's approval of the CEO's reorganization consolidating the formerly separate PDS and PFRD departments into RDMD was a major organizational improvement toward ensuring that the County "speaks with one voice" in evaluating and processing development projects for Planning Commission and/or Board of Supervisors approval.

Professional and expert or core business or specialty differences of opinion on requirements and negotiations involving development projects understandably will occur at times between RDMD's PDS Division and other RDMD divisions, including HBP. Unresolved professional differences of opinion are resolved by cooperative deliberation and ultimately if necessary, a decision by the RDMD Director and the County Executive Officer that then constitutes the "one voice" of County staff recommendations to the Planning Commission or the Board of Supervisors for project approvals. While professional differences of opinion are respected all RDMD division staff and management are expected to support the department's recommendations and to implement the results of Board of Supervisors decisions.

RDMD ensures that differences do not occur through means such as: ensuring that the PDS Division is in close coordination with the HBP Division in review of pertinent documents and agreements, and participation in pertinent meetings when a proposed development project involves existing or master planned HBP Program lands, easements or other property interests. Additionally, a Technical Advisory Committee and Policy Advisory Committee have been established to ensure that PDS, HBP and other key RDMD divisions collaborate on RDMD recommendations on development and major public works projects.

- 9.11 HBP should establish an ongoing program to obtain and use information from visitors regarding their experiences and perceptions of parks and programs.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

A key component of the upcoming HBP strategic planning process will be public outreach via user surveys and public workshops. The outreach program will include separate surveys of County residents and facility visitors to ascertain patron recreational needs, satisfaction with, and knowledge of County recreational facilities.

The Strategic Plan is targeted for completion in Fall 2006. As an integral part of that process, in the next several months HBP will be conducting workshops for the County Executive Office, the Board of Supervisors and the Commission, stakeholder briefings, surveys and other outreach efforts to obtain information from visitors and the general public regarding their experiences and perceptions of parks and programs. Additionally, feedback could be easily received via more frequent surveys, the HBP web site and park offices/entry booth handouts and “drop boxes”.

- 9.12 HBP should hire an interpretive specialist or establish an alternative way to ensure interpretive programs are appropriate, accurate, cost-effective, and consistent system wide.

Response: The recommendation requires further analysis.

HBP has an established interpretive program at many facilities including Clark, Carbon Canyon, Mile Square, Peters Canyon, Santiago Oaks, Irvine, Orange County Zoo, Upper Newport Bay NP, Laguna Coast, Aliso and Wood Canyons, Laguna Niguel, Riley, Limestone-Whiting, Caspers, Modjeska NP, Heritage Hill, Arden-Modjeska and Key Ranch. These interpretive programs have been underway since the opening of most of these facilities to public use. Interpretive Programs are within HBP’s “mission statement” and annual goals. Presently, programs are conducted by highly skilled and trained park rangers and docents.

While it is accurate to state that there is not currently a position classified as Interpretive Specialist, HBP has proposed that due to many upcoming retirements of park rangers, an excellent opportunity exists for RDMD/HBP to establish several non-park ranger classifications to better-fit position roles. The “Interpretive Specialist” position was identified as one of these classification changes important for historical and natural resource facilities.

HBP proposes over the next six months to evaluate creating an interpretive specialist position from among existing park ranger positions, or during this six month period to otherwise establish clear staffing responsibilities and procedures to evaluate and assess the consistency and performance of existing and future interpretive programs.

- 9.13 Business practice analysis should be extended to all levels of HBP.

Response: The recommendation has not yet been implemented, but will be implemented in the future.

It is standard operating procedure for all RDMD divisions, including HBP, to review core business practices as part of the annual development of business plans and budgets. Examples of implemented analyses include computerized telephones (VOIP), automated maintenance and project management programs, financial data

programs, contract-tracking programs, and the recently implemented web based reservations system.

In addition to these efforts, HBP proposes to perform a business practice analysis for all levels of HBP as a review of office business systems and applications, including technology enhancements, for potential efficiencies and cost savings and to complete this review and make recommendations as practicable in the next business plan and FY 06-07 budget.

- 9.14 Establish a centralized program for obtaining donations, endowments, and other philanthropic contributions.

Response: The recommendation will not be implemented because it is not warranted.

The County does not assign staff to soliciting funds, donations or endowments from private parties, however, the County and RDMD do have procedures in place for accepting unsolicited donations and reporting them to the Board of Supervisors.

County RDMD/HBP programs are currently supported by a number of active 501(c) 3 Foundations representing groups of volunteers dedicated to the interests of individual HBP facilities, primarily wilderness and historic parks and the Orange County Zoo. Some of these groups provide volunteer/docent services while these and others serve as conduits to promote and receive donations on the County's behalf of services and historic artifacts. Generally these groups endeavor to actively raise funds for specific projects at the HBP facilities they support. The HBP Program receives donations of artifacts, services and funds averaging several hundred thousand dollars annually, in addition to thousands of hours of volunteer/docent services.

- 9.15 As part of the strategic planning process, HBP lands and facilities should be analyzed for their appropriateness as county-level holdings

Response: The recommendation has not yet been implemented, but will be implemented in the future.

HBP staff has begun assessing HBP property/facility assets for consistency with HBP's mission and its core business. HBP has identified several facilities as questionable in fulfilling County regional recreational services, and has negotiated with other entities to assume responsibilities for these facilities. To date the Board of Supervisors has approved reassignment of former HBP responsibilities to others for Centennial Park, Ladera Sports Park, and portions of Laguna Coast Wilderness Park ("Buck Gully" area and five roadside "pocket parks"). This assessment of properties and the potential for more appropriate entities to assume

responsibilities and ownership and/or control of the properties continues and will be further addressed during the strategic planning process.