

# **PLANNING DEPARTMENT**

## **REASON FOR THE INVESTIGATION**

The Nevada County Civil Grand Jury received two formal complaints concerning the Planning Department. These complaints made multiple allegations about mismanagement or lack of management.

## **PROCEDURE FOLLOWED**

The Grand Jury interviewed the following employees during this investigation:

Assistant County Administrative Officer Tom Miller  
Community Development Agency Director  
Interim Planning Director  
Eight staff employees

In addition, telephone logs, the Code Enforcement Manual, specific code enforcement cases, e-mails and internal documents were reviewed.

## **FINDINGS**

1. The Planning Department is one of three departments which report to the Community Development Agency (CDA) director. Prior to the formation of the CDA in late 1997, the department director reported to the County Administrative Officer (CAO).
2. The Planning Department has been without a permanent director since 1992. The department was managed by the Director of Transportation until 1997 as an additional duty. He had an employee acting as assistant director handling day-to-day management. Since 1997, the assistant director has held the titles of acting director and, later, interim director. The county advertised for a permanent director in November 1998, and in March 1999 hired a replacement.
3. The Grand Jury has learned from interviewing staff that uncertainty and vagueness of direction since 1992 has put their department in disarray and has had a negative effect on employee morale. Employees reported to the Grand Jury that the Board of Supervisors (BOS) put very little value on the Planning Department's contribution to the County.
4. Time keeping and work hour practices received limited to no oversight by department management. The Grand Jury learned from employee interviews that some employees are repeatedly absent from work, often for hours at a time, then turn in questionable time cards. It was reported to the Grand Jury that department management signed the time cards of at least two employees which had been identified as false.
5. The use of telephones for personal matters is not controlled. An analysis of telephone logs revealed an unusual number of calls from one number to a local area number. The Grand Jury researched that number and found it to be a local motorcycle shop. In addition, the Grand Jury found a significant

number of long distance calls from that same number to areas where it seems doubtful that Planning Department business would be of concern.

6. It was alleged that a senior manager has a long history of taking extended lunch hours and of poor managerial habits. This has been well known to staff and to immediate and next level supervisors.
7. The department has a history of sexual innuendo and abusive behavior directed toward female employees. This reached such a stage that one individual's actions were reported to the CAO since it was alleged that Planning management would take no action. The female who reported this individual was later told by Planning management that her actions amounted to insubordination by reporting this to the CAO.
8. The female staff stated that they feel threatened by some of the department customers but have no effective method to summon police help, although assistance has been requested of Planning management.
9. Voluntary Time Off (VTO) was a plan developed during the county downsizing period to allow employees to work less than a 40 hour week, at a salary commensurate with the number of hours worked. The program allowed management, in spreading the work load, to retain more employees. The VTO plan is still in effect even though the downsizing period has long passed. However, employees testified that the rules for the VTO program are not enforced in an even-handed manner by management.
10. The function of code enforcement is to uphold regulations contained in the General Plan and ordinances passed by the BOS regarding Planning. Planning management hired a senior code enforcement officer in October 1998 who had a history of short tenures in many different organizations, with a pattern of consecutively reduced salaries, all documented on his application. The Interim Planning director stated that he checked the references of the candidate and found them to be satisfactory. The senior code enforcement officer was terminated for inappropriate conduct by the CDA director only 24 days after beginning work for the county.
11. Supervision for code enforcement has since been moved from the Planning Department to the Building Department. As of June 1, 1999, no recruitment for a Senior Code Enforcement Officer has been initiated.
12. The department has certain State of California mandated responsibilities to inspect mining activities within the county, charge for this inspection service and report its findings back to the State of California. There is evidence that inspections may not have been made for the time charged to the mining company. In 1998 a mining company protested the county charge for inspections and reports. The charge was for more than \$3,000 for a nine month period. The Grand Jury could not find adequate department-recorded information to support the charge in question.
13. Employees stated that the CAO has tolerated these problems in the Planning Department while knowing of their concerns. Interviewed employees stated that this lack of concern has reduced morale to what they call "an all time low".

## CONCLUSIONS

1. The Grand Jury concludes that the BOS and the CAO permitted the Planning Department to languish for seven years without a permanent director, allowing the department to stumble into a state of disarray. Failure to deal decisively with this problem resulted in poor employee morale, abuse of job attendance standards, misuse of telephones and the breakdown of internal department work relations.
2. Further departmental morale erosion occurred due to the lack of a senior code enforcement officer. Lack of direction affects the efficiency of a program, and code enforcement undoubtedly was adversely affected by a lack of direction. The Grand Jury believes that pressure was put on department employees directly and indirectly to revise some enforcement actions, thus responding to constituent complaints made to members of the BOS.
3. The hiring of a senior code enforcement officer in October, 1998, who was terminated 24 days later, raises questions about the thoroughness of the department's hiring process. With a resume showing many short-span job tenures and consecutively reduced salaries, this individual's work background record should have "raised flags" in the minds of those considering his employment with the county. The Grand Jury believes this incident highlights failure of Planning Department management and senior county management direction and oversight.
4. Records investigated show evidence of telephone misuse, inaccurate record-keeping of time and validation of these records by Planning Department management. The Grand Jury concludes that some people in the Planning Department believed that there would not be any oversight of these records.
5. Adequate substantiation of mining inspections and time involved are not required by management, which has resulted in questionable information being reported and subsequently approved by the interim department director. Again, knowing there is little managerial supervision opens the opportunity for lackadaisical record-keeping.
6. The Grand Jury concludes that employees experiencing harassment and abusive behavior felt there was no point in reporting it to department management because nothing would be done. They had to learn to live with offensive language and degrading comments from fellow employees, superiors and others. The county provided no effective method for employees to obtain help, if needed.

## RECOMMENDATIONS

1. The BOS should develop a policy that mandates random audits of county employees' time keeping and telephone use practices. These audit results should be reviewed regularly by department management.
2. The Grand Jury recommends that the BOS amend all county hiring policies to include a more complete procedure for reviewing applicant work-related references, primarily in the hiring of key personnel.
3. The Grand Jury recommends that the CAO direct the Planning Department to institute a procedure of keeping detailed records for time and type of work performed in connection with mining activities which would be reviewed regularly and approved by the Planning Director.
4. The Grand Jury recommends that the CAO develop and make available a confidential process designed for employees' use to report work problems which they consider to be of a serious nature. Employees should be asked to sign reports but be assured of anonymity if desired and that the matter will be addressed. The importance of future follow-up is stressed.
5. The Grand Jury recommends that the CAO immediately institute some form of silent alarm system to alert law enforcement in the event that the counter employees feel threatened.
6. The Grand Jury recommends that members of the BOS, in such areas as planning and code enforcement problems of constituents, go through the protocol of the management structure of the CAO.

## REQUIRED RESPONSES

Board of Supervisors  
Due September 30, 1999

County Administrative Officer  
Due August 30, 1999

**IV. GRAND JURY INVESTIGATION:**

**Nevada County Planning Department**

Follow-up on complaints of multiple allegations about mismanagement or lack of management.

**A. RESPONSE TO FINDINGS & RECOMMENDATIONS:**

**Findings:**

1. Agree.
2. Partially agree. Office tenure dates are not precise. Also, the County Administrator, Douglas Latimer, with approval of the Board of Supervisors, decided to wait for completion of the General Plan Update before hiring a new Planning Director.
3. Cannot agree or disagree.
4. Partially agree. Department management reviewed employee time keeping and work practices until February 1997. Oversight resumed in January 1998 with appointment of the CDA Director.
5. Partially agree. Telephone logs were reviewed and personal telephone use controlled until February 1997. Oversight resumed in January 1998 with appointment of the CDA Director.
6. Partially agree. After appointment of the CDA Director in January 1998, the senior manager was directed to correct this problem.
7. Disagree. Prior to 1997 one related incident was reported to senior management and resolved through formal disciplinary action.  
  
Cannot agree or disagree. The Board has no knowledge of the lack of senior management response to allegations of sexual innuendo or abusive behavior towards female employees since 1997.
8. Cannot agree or disagree. Such concerns were not reported to the Personnel Department, the County Administrator, or the Board of Supervisors.
9. Partially agree. The VTO program is no longer offered to Planning Department personnel. Personnel Code procedures exist for investigating grievances related to VTO abuses.
10. Agree.
11. Partially agree. Recruitment for a Senior Code Enforcement Officer is presently underway and is expected to be complete in October 1999.
12. Partially agree. Record keeping for the referenced inspection is incomplete but there is no evidence the inspection service charges are inaccurate.

13. Cannot agree or disagree with what was said by county employees to the Grand Jury.

Disagree with the finding that the County Administrator did not act to resolve Planning Department problems. When senior management in the CDA and Planning Department did not correct identified problems, the County Administrator made changes in management. The County Administrator has also been directed to develop and include a performance measurement objective within the strategic planning process to provide specific timelines for resolving these types of management problems and reporting them to the Board in a timely manner.

#### Recommendations:

1. **The BOS should develop a policy that mandates random audits of county employees' time keeping and telephone use practices. These audit results should be reviewed regularly by department management.**

The recommendation will be implemented by January 2000. The County Administrator has been directed to develop a policy for the random audit and review of time keeping and telephone use practices by county employees.

2. **That the BOS amend all county hiring policies to include a more complete procedure for reviewing applicant work-related references, primarily in the hiring of key personnel.**

The recommendation will not be implemented. The problems in the Planning Department identified by this investigation resulted from the failure of senior department management to follow existing procedures for performing background checks. These procedures were reviewed by the County Administrator and found to be complete and effective if properly followed. The problem identified by the Grand Jury was corrected by the replacement of senior department management.

3. **That the CAO direct the Planning Department to institute a procedure of keeping detailed records for time and type of work performed in connection with mining activities which would be reviewed regularly and approved by the Planning Director.**

The recommendation has been implemented. A standard time accounting system was implemented in the CDA in June 1999. Monthly reports of time tracking activity related to mining oversight activities are also personally reviewed and approved by the Planning Director.

4. **That the CAO develop and make available a confidential process designed for employees' use to report work problems which they consider to be of a serious nature. Employees should be asked to sign reports but be assured of anonymity if desired and that the matter will be addressed. The importance of future follow-up is stressed.**

The recommendation will not be implemented. The county presently has two formal processes for addressing employee workplace grievances. The County Sexual Harassment Policy and the Grievance Policy both provide a formal structure for addressing serious workplace issues directly with the Personnel Department and senior county management. Employees are also instructed to first attempt to resolve other less serious workplace issues with their supervisor and department head. Procedures also exist for elevating issues that can not be resolved at the department level to senior county managers. The establishment of another process for addressing employee-

defined problems of a "serious nature" without departmental involvement and outside of existing Personnel policies could undermine departmental effectiveness and degrade provision of county services.

5. **That the CAO immediately institute some form of silent alarm system to alert law enforcement in the event that the counter employees feel threatened.**

The recommendation will be implemented by January 2000. The County Administrator has been directed to develop and present a proposal to the Board by January 2000 for installation of silent alarm systems for all county customer service locations.

6. **That the members of the BOS, in such areas as planning and code enforcement problems of constituents, go through the protocol of the management structure of the CAO.**

The recommendation has been implemented. Board members have been reminded to follow the established protocol of directly contacting the County Administrator, CDA Director, or Department Head regarding constituent issues related to planning and code enforcement issues.

The Board of Supervisors will also develop a comprehensive protocol for interacting with the County Administrator, department and agency heads, and other County staff and include it in Board policies and procedures.

B. **OTHER RESPONSES REQUIRED:**

County Administrative Officer.