

FILED

AUG - 6 2008

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TRINITY**

BY: DONNA HANOVER, DEPUTY CLERK

DAH

**TRINITY COUNTY GRAND JURY
2007-2008**

**DEVELOPMENT AND ENVIRONMENTAL COMMITTEE
FINAL REPORT**

TRINITY COUNTY SOLID WASTE

**This Report was Approved
On June 10, 2008**

**2007-2008 TRINITY COUNTY GRAND JURY
DEVELOPMENT AND ENVIRONMENTAL COMMITTEE
FINAL REPORT**

TRINITY COUNTY SOLID WASTE DEPARTMENT

BACKGROUND:

The 2006-2007 Grand Jury received and accepted claim #7 that contained multiple charges against the Trinity County Solid Waste Department in a 50-page complaint.

There were five main issues listed in the complaint:

- (1) Nepotism
- (2) Mismanagement
- (3) Employees working in positions they are not qualified for and not doing the required duties
- (4) Special privileges for certain employees
- (5) Poor employee morale due to preceding complaints

The 2006-2007 Grand Jury concluded that there was merit to the complaint and assigned the Development and Environmental Committee to investigate. Due to time constraints they were unable to complete their investigation and the committee suggested that the 07-08 Grand Jury might be willing and able to continue this investigation to conclusion.

METHOD OF INVESTIGATION:

The combined efforts of the 06-07 and 07-08 Grand Juries requested and received documents relating to solid waste that included:

1. Trinity County Policy and Procedures Manual
2. 2007 Employee Flow Chart
3. Employee list covering the years 2004-2007 reflecting their job titles for each year
4. List of duties and required qualifications for all positions
5. Information guide to the Weighmasters Enforcement Program
6. Site Attendant Guidelines
7. Deputy Weighmaster self-help exam
8. List of current employees with their initial date and position of hiring and the current position they now hold
9. A 2005 flow chart to compare with the 2007 chart
10. Weighmaster Regulations

11. County Guidelines on Nepotism
12. 2007 list of Deputy Weighmasters

Interviews were conducted with customers, employees and the Director of Solid Waste. Materials were read and cross-referenced by the committee. The committee interviewed the complainant(s). Field investigation concerning weight consistency of county scales was made. The 2006-2007 chairman of the Development and Environmental Committee was interviewed.

FINDING #1 - Nepotism

Employee flow charts for 2005 and 2007 and employee lists covering employee's job titles for 2004-2007 and the cross-referencing of this material show the possibilities of nepotism based on last names and positions held.

The 2007 flow chart shows efforts to diminish the perception of nepotism and an effort to adjust the chain of command to be in compliance.

RECOMMENDATION #1:

The management is aware of concerns and is making efforts to insure that there are no violations. The committee is satisfied that the Solid Waste Department is making progress with this issue and has no additional recommendations for action.

FINDING #2 - Mismanagement

Management needs to refocus. Problems exist with handling of money both on and off site. There are concerns with rates and options at kiosks. Chain of command is unclear and the ability of all employees to carry out their required duty is brought into question. Training procedures are inconsistent and responsibilities are not clearly understood by all employees. Established procedures are not adhered to and are often changed without notice. Scheduling and lunch breaks are not consistent for all employees.

There are concerns in the way promotions are made without consideration given to seniority, experience, or merit.

RECOMMENDATION #2:

The Solid Waste Department needs a director whose main concern is the operation of Solid Waste. Mid-management positions need to be clarified and chain of command revised.

There should be clear cut regulations on the handling of cash and on site supervision and assistance given to monetary problems such as the necessity to have change available at the kiosk.

There should be adequate training available and a complete explanation of duties required of all employees. Whenever possible written information about duties should be provided.

Explanations to employees about privileges at the work site should be clarified and any inconsistencies in work schedules should also be explained. Employee promotion opportunities should be made clear to all employees.

FINDING #3 - Employees working in jobs without qualification and ability to perform duties

After reviewing personnel listing of job titles and their requirements and qualifications of all Solid Waste positions it was determined that there are areas of concern. Job titles were cross referenced with hiring dates, positions held over the last four years, employee flow charts, and a comparison of jobs hired for and jobs currently held.

Without interviewing each employee we feel that a determination cannot be made as to qualifications and abilities.

RECOMMENDATION #3:

None

FINDING #4 - Special Privileges

Employee parking restrictions don't appear to be understood by all employees and complaints imply favoritism in some instances. Some employees are given the opportunity to work extra in lieu of paying dump fees. Perquisites such as attendance and travel to conferences are not equitable.

New employees hired as Gate Attendants are not receiving the same training as Senior Gate Attendants and are not required to follow the same procedures.

RECOMMENDATION #4:

A statement of parking regulations should be posted and made known to all employees. All employees must be required to obey all regulations and requirements. Special privileges such as work in exchange for fees need to be clarified as to justification for this activity.

Guidelines and opportunity to attend and participate in conferences and training seminars should be posted and made available equally to all employees.

FINDING #5 - Morale

Did not interview enough employees to make a fair assessment.

RECOMMENDATION #5:

None

CONCLUSION:

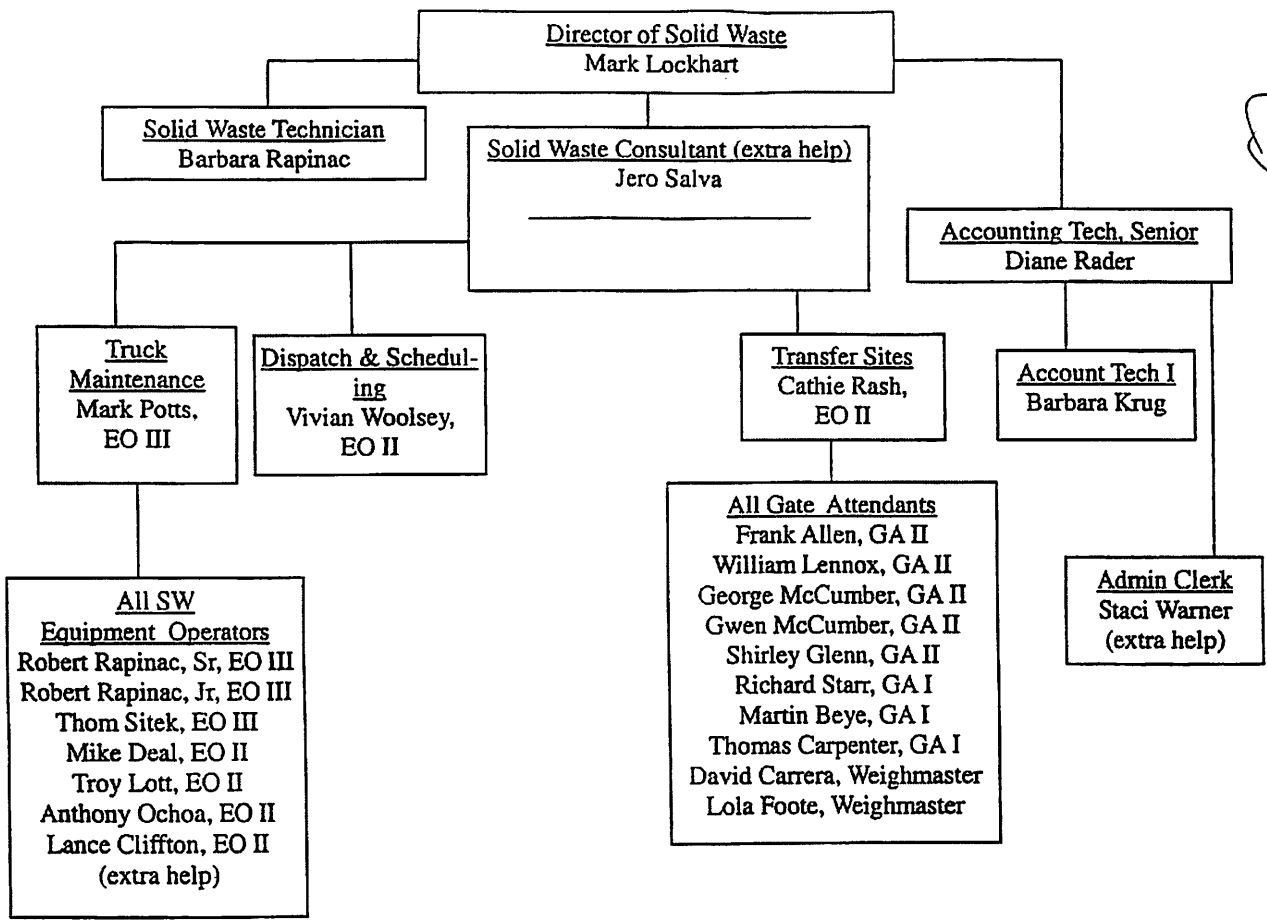
The Director of Solid Waste does not have adequate time to devote to the management of facilities and to employees concerns. This is due to the additional responsibilities of being Commissioner of Agriculture & Weights and Measures.

Solid Waste would be better served with a departmental head that was on site. Additionally, efforts should be made to revise mid-level management in a way as to be more responsive to employees and their concerns.

Policy must be made clear to all employees and must adhere to county guidelines. Privileges that are not equitable to all employees should be discontinued. All rates should be posted along with options available to each customer and concerns about the handling of cash funds should be addressed.

RESPONSES REQUIRED:

<u>Entity</u>	<u>Finding / Recommendation</u>	<u>Respond in</u>
Director of Solid Waste	1,2,4	60 days
Board of Supervisors	1,2,4	90 days
CAO	1,2,4	60 days



2

RUN DATE: 02-27-07

(3) A

KIDDER **, PHILIP A	Gate Attendant I
LOTT, TROY J	SW Equip Operator Driver II
SALVA JR., JERO C	Project Specialist III
ENNIS, JEROD O	SW Equip Operator Driver I
STARR, RICHARD A	Gate Attendant I
CARPENTER, THOMAS A	Gate Attendant I
MCCUMBER, GEORGE P	Gate Attendant II
KRUG, BARBARA J	Accounting Technician I
DEAL, MICHAEL T	SW Equip Operator Driver II
RAPINAC SR, ROBERT M	SW Equip Operator Driver III
BEYE, MARTIN E	Gate Attendant I
LENOX **, WILLIAM	Gate Attendant II
ALLEN **, FRANK B	Gate Attendant II
CARRERA, DAVID S	Weighmaster
RADER, DIANE M	Senior Accounting Technician
RAPINAC JR, ROBERT M	SW Equip Operator Driver III
SITEK SR, THOMAS C	SW Equip Operator Driver III
RAPINAC, BARBARA J	Solid Waste Technician
GLENN, SHIRLEY L	Gate Attendant II
FOOTE, LOLA J	Weighmaster
WARNER **, STACI L	Administrative Clerk I
RASH, CATHLEEN J	SW Equip Operator Driver II
CLIFTON **, LANCE B	SW Equip Operator Driver II
* WADE, CHRISTINE R	Gate Attendant I
OCHOA, ANTHONY M	SW Equip Operator Driver II
* WOOLSEY, VIVIAN J	SW Equip Operator Driver II
POTTS, MARK K	SW Equip Operator Driver III
MORGAN **, WILLIAM A	Gate Attendant I

RUN DATE: 03-30-06

WOOLSEY, VIVIAN J	SW Equip Operator Driver II
SALVA JR., JERO C	Project Specialist III
KIDDER **, PHILIP A	Gate Attendant I
CARRERA, DAVID S	Weighmaster
POTTS, MARK K	SW Equip Operator Driver III
DEAL, MICHAEL T	SW Equip Operator Driver II
BEYE, MARTIN E	Gate Attendant I
SITEK SR, THOMAS C	SW Equip Operator Driver III
GLENN, SHIRLEY L	Gate Attendant II
RAPINAC, BARBARA J	Solid Waste Technician
MURPHY, KEVIN	Solid Waste Supervisor
ALLEN **, FRANK B	Gate Attendant II
ENNIS, JEROD O	SW Equip Operator Driver I
RAPINAC SR, ROBERT M	SW Equip Operator Driver III
FOOTE, LOLA J	Weighmaster
RAPINAC JR, ROBERT M	SW Equip Operator Driver III
LENOX **, WILLIAM	Gate Attendant II
LEYH, BARBARA A	Gate Attendant II
STODDARD, ALFRED L	Gate Attendant II
KRUG, BARBARA J	Accounting Technician I
FARRAR **, SAM L	Gate Attendant I
MURPHY, KEVIN	SW Equip Operator Driver II
RASH, CATHLEEN J	SW Equip Operator Driver II
MCCUMBER, GEORGE P	Gate Attendant II
LOTT, TROY J	SW Equip Operator Driver II
RADER, DIANE M	Senior Accounting Technician
CARPENTER, THOMAS A	Gate Attendant I

3 B

RUN DATE: 03-31-05

LOTT, TROY J	SW Equip Operator Driver II
CARRERA, DAVID S	Weighmaster
RAPINAC JR, ROBERT M	SW Equip Operator Driver III
RASH, CATHLEEN J	SW Equip Operator Driver II
LEYH, BARBARA A	Gate Attendant II
SCOTT, SHARON I	Administrative Svs Officer
GLENN, SHIRLEY L	Gate Attendant II
FOOTE, LOLA J	Weighmaster
SITEK SR, THOMAS C	SW Equip Operator Driver III
ENNIS, JEROD O	SW Equip Operator Driver I
MURPHY, KEVIN	Solid Waste Supervisor
RAPINAC, BARBARA J	Solid Waste Technician
BEYE, MARTIN E	Gate Attendant I
POTTS, MARK K	SW Equip Operator Driver III
LENOX **, WILLIAM	Gate Attendant II
WOOLSEY, VIVIAN J	SW Equip Operator Driver II
RADER, DIANE M	Senior Accounting Technician
KRUG, BARBARA J	Account Clerk II
MURPHY, KEVIN	SW Equip Operator Driver II
DEAL, MICHAEL T	SW Equip Operator Driver II
STODDARD, ALFRED L	Gate Attendant II
RAPINAC SR, ROBERT M	SW Equip Operator Driver III
FARRAR **, SAM L	Gate Attendant I
MCCUMBER, GEORGE P	Gate Attendant II
CARPENTER, THOMAS A	Gate Attendant I
ALLEN **, FRANK B	Gate Attendant II

(3) c

RUN DATE: 04-29-04

STODDARD, ALFRED L	Gate Attendant II
CARPENTER, THOMAS A	Gate Attendant I
SITEK SR, THOMAS C	SW Equip Operator Driver III
FOOTE, LOLA J	Weighmaster
SCOTT, SHARON I	Administrative Clerk II
RAPINAC, SR., ROBERT M	SW Equip Operator Driver III
WHITNEY, MARK D	SW Equip Operator Driver I
FARRAR **, SAM L	Gate Attendant I
MCCUMBER, GEORGE P	Gate Attendant II
MURPHY, KEVIN	Solid Waste Supervisor
ALLEN **, FRANK B	Gate Attendant II
THORKELSON, DENNIS M	SW Equip Operator Driver II
GUNNERSON **, ALICIA ANN	Gate Attendant I
RAPINAC, BARBARA J	Solid Waste Technician
LEE, JIM DAVID	SW Equip Operator Driver III
LEYH, BARBARA A	Gate Attendant II
GLENN, SHIRLEY L	Account Clerk II
POTTS, MARK K	SW Equip Operator Driver III
RASH, CATHLEEN J	SW Equip Operator Driver I
MYERS **, EDWARD M	Gate Attendant I
LENOX **, WILLIAM	Gate Attendant II
RADER, DIANE M	Senior Accounting Technician
ENNIS, JEROD O	SW Equip Operator Driver I
WOOLSEY, VIVIAN J	SW Equip Operator Driver II
CARRERA, DAVID S	Weighmaster
PIERINI **, PATRICIA J	Gate Attendant II
DEAL, MICHAEL T	SW Equip Operator Driver II

(3) D

4

DIRECTOR OF SOLID WASTE

Page 1 of 33

DEFINITION

Under general direction, to plan, organize, direct, and manage the Trinity County Solid Waste Department; including commercial and residential collection and disposition; recycling functions and maintenance activities at County Solid Waste facilities; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is a top-level management classification for the position, which has responsibility for managing and supervising the functions of the County Solid Waste Department.

REPORTS TO

Board of Supervisors through the County Administrative Officer

CLASSIFICATIONS SUPERVISED

Solid Waste Supervisor, Solid Waste Technician, Solid Waste Equipment Operator/Drivers, and other administrative support.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES *(The following is used as a partial description and is not restrictive as to duties required.)*

Plans, organizes, directs, and manages the functions and activities of the Solid Waste Department; develops and implements short and long term Department goals, objectives, and priorities; provides supervision, training, and work coordination for staff, through subordinate supervisors, responds to complaints from the public; develops and implements solutions to complex and sensitive situations impacting the public and County services; deals with customer complaints; develops and administers landfill and transfer station contracts; maintains current awareness legislation and issues which effect the functions and responsibilities of the Solid Waste Program, including hazardous materials and hazardous waste disposal; inspects and ensures the safety and quality of work; meets with other County officials as required; ensures that safety standards are observed; develops budget; maintains fiscal controls and oversees Department fiscal reports; interprets policies and regulations for the public; represents the Solid Waste Department with local boards, commissions, and other government agencies.

1

5

page 1 of 8

Weighmaster Enforcement Program



*California Department of Food and Agriculture
Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826
www.cdfa.ca.gov/dms/*



INFORMATION GUIDE

6

B.

Site Attendant Guidelines

pg 1 of 9

Hours of Operation

<u>Weaverville Transfer Station</u>	Sunday, Monday, Tuesday, Friday & Saturday	7:30 am - 4:00 pm
<u>Hayfork Transfer Station</u>	Sunday, Monday, Tuesday, Friday & Saturday	8:00 am - 4:00 pm
<u>Trinity Center Transfer Station</u>	Monday, Tuesday, Friday & Saturday	8:00 am - 4:00 pm
<u>Burnt Ranch Transfer Station</u>	Monday, Tuesday, Friday & Saturday	8:00 am - 4:00 pm
<u>Junction City Transfer Station</u>	Monday, Tuesday, Friday & Saturday	8:00 am - 4:00 pm
<u>Van Duzen Transfer Station</u>	Monday, Tuesday, Friday & Saturday	8:00 am - 4:00 pm
<u>Big Bar & Hyampom</u>		
Summer Hours	Tuesday & Saturday	8:00 am - 2:00 pm
Winter Hours	Saturday Only	8:00 am - 2:00 pm
*Hours Change at Daylight Savings Time		
<u>Ruth Transfer Station</u>		
Summer Hours	Sunday, Monday, Thursday & Friday	8:00 am - 4:00 pm
Winter Hours	Sunday & Tuesday	8:00 am - 4:00 pm
*Hours Change at Daylight Savings Time		
If a holiday falls on a Monday, the site will be open on Tuesday		
Temporary until board approval		

As Transfer Site Attendants you are responsible for being on site during these hours. Before and after these hours, the site entrance must be closed and locked, period. There is no exception to this rule unless directed by the Trinity County Solid Waste Department.

Holidays

Trinity County Solid Waste recognizes the following holidays:

New Year's Day	Martin Luther King, Jr.
Lincoln's Birthday	President's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Day after Thanksgiving Day	Christmas Day

①

DEPUTY WEIGHMASTER SELF HELP EXAM

pg 1 of 5

A statewide random survey to determine the baseline compliance levels for weighmaster's providing a public weighing service was conducted within California from December 2000 through February 2001. Weighmaster certificates were purchased undercover throughout the state at randomly selected locations that weigh the public for hire. The results of the survey indicate that many deputy weighmasters at these scales committed violations in the following areas:

- Weighing the vehicle with a person remaining in the vehicle.
- Inserting a tare weight of the vehicle without actually weighing the vehicle.
- Failing to eliminate unused weight spaces with "Gross Only", "Tare Only", or "Net Only".
- Using initials or an incomplete signature when signing the certificate.
- Failing to sufficiently identify the commodity.
- Failing to identify the owner or agent and consignee – the buyer and seller.
- Failing to identify the vehicle(s) by license number(s).
- Weighing without being licensed as a deputy weighmaster.

Each of these violations is a misdemeanor punishable by a fine of up to \$1,000, plus penalty assessments, and/or six months in jail.

The California Business and Professions Code, Division 5, Chapter 7, Section 12710 states the following:

"A weighmaster may employ or designate any person to act for the weighmaster as a deputy weighmaster and shall be responsible for all acts performed by that person." (Bold added for emphasis)

The Division of Measurement Standards, Weighmaster Enforcement/Petroleum Products Branch, Special Investigations Unit will continue to purchase undercover weighmaster certificates at scales that weigh the public for hire. Violations found may result in enforcement action being taken against both the principal weighmaster and the deputy who committed the violation.

In an effort to help principal weighmasters with their responsibility to train their deputies, the Division of Measurement Standards has created a self-administered fifteen question examination. The examination is on this web site and covers the important responsibilities of deputies regarding the completion of weighmaster certificates.

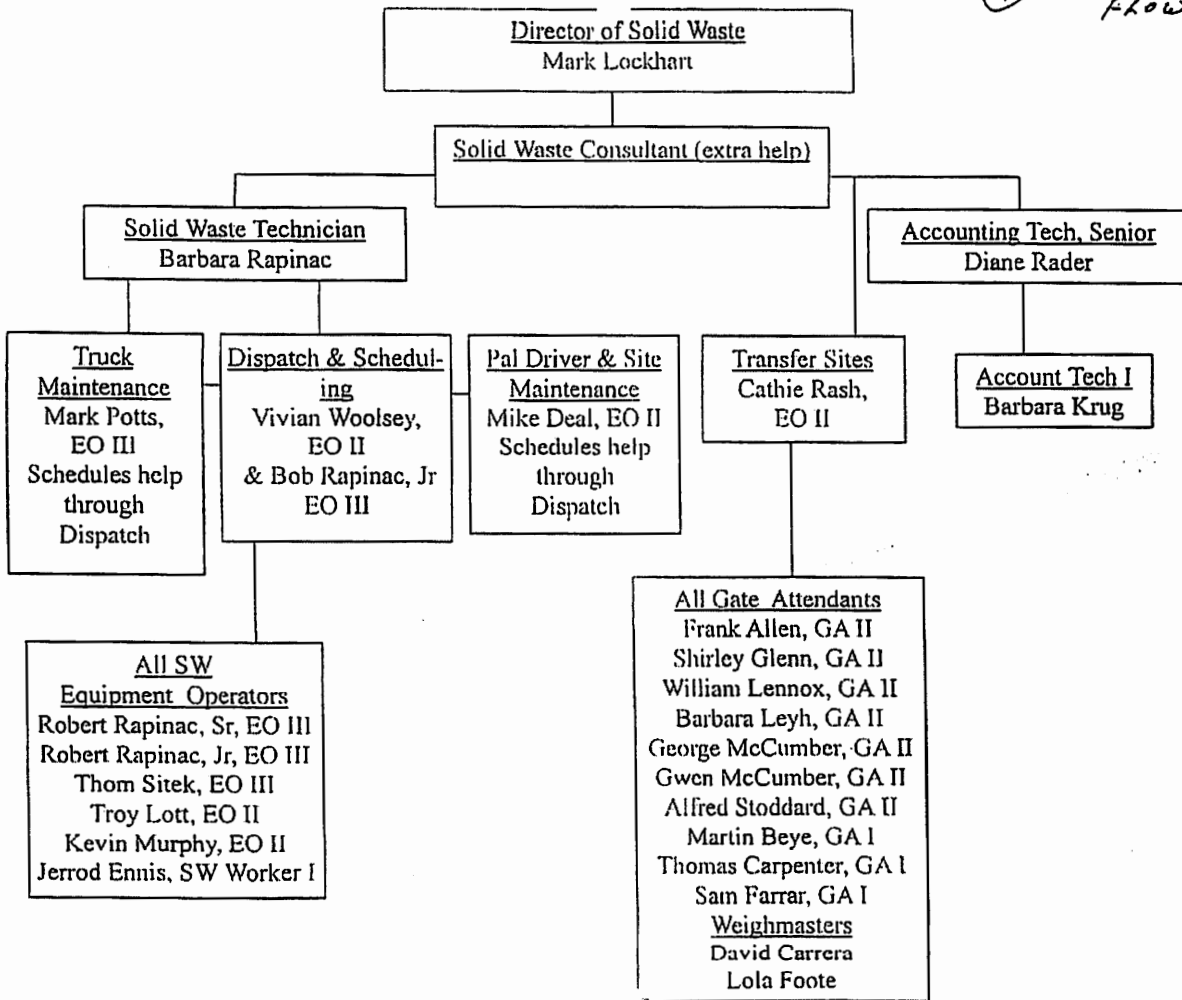
2

CURRENT EMPLOYEES with starting dates and starting positions and current position

Employee	Date of Hire	Position hired in	Current Position
Troy Lott	12/29/2004	Solid Waste Equip Oper Driver II	Sw Equipment Operator Driver II
William Lenox	02/24/97	Gate Attendant I	Gate Attendant II
Barbara Rapinac	10/01/92	Gate Attendant	Solid Waste Technician
Jerod Ennis	01/02/01	Solid Waste Worker I	Sw Equipment Operator Driver I
Cathleen Rash	04/29/02	Gate Attendant	Sw Equipment Operator Driver II
Jero Salva**	06/11/76	Maintenance Supervisor	Project Specialist III
William Morgan**	01/30/07	Gate Attendant I	Gate Attendant I
Christine Wade**	10/12/06	Gate Attendant I	Gate Attendant I
Thomas Sitek	06/01/01	Environmental Services Worker	Sw Equipment Operator Driver III
Shirley Glenn	01/14/99	Gate Attendant	Gate Attendant II
David Carrera	09/06/02	Gate Attendant	Weighmaster
Frank Allen	07/01/98	Gate Attendant	Gate Attendant II
Lola Foote**	09/30/02	Gate Attendant	Weighmaster
George McCumber**	12/14/99	Gate Attendant	Gate Attendant II
Michael Deal	06/19/01	Solid Waste Worker II	SW Equipment Operator Driver II
Thomas Carpenter**	09/25/03	Gate Attendant	Gate Attendant I
Barbara Krug	09/01/87	Administrative Clerk I	Accounting Technician I
Philip Kidder**	11/12/05	Gate Attendant I	Gate Attendant I
Sandra Rechel**	10/02/00	Administrative Secretary	Administrative Clerk I
Richard Starr	07/25/06	Gate Attendant	Gate Attendant I
Robert Rapinac Sr.	10/14/99	Solid Waste Worker III	SW Equipment Operator Driver III
Martin Beye	10/29/04	Gate Attendant	Gate Attendant I
Hazel Fry	05/21/07	Gate Attendant I	Gate Attendant I
Mark Potts	10/24/99	Solid Waste Worker II	SW Equipment Operator Driver III
Robert Rapinac Jr.	06/14/04	Solid Waste Equip Oper Driver II	SW Equipment Operator Driver III
Lance Clifton	05/01/07	Solid Waste Equip Oper Driver II	SW Equipment Operator Driver II
Diane Rader	09/14/98	Account Clerk II	Senior Accounting Technician
Vivian Woolsey	12/14/99	Gate Attendant	SW Equipment Operator Driver II

** Extra Help Employee

⑨ 2005
Flow chart



10

A.

Revised: 9/99

Pg 1 of 20

**WEIGHMASTER REGULATIONS
TITLE 4, DIVISION 9, CHAPTER 9**

Section

Content

ARTICLE 1. GENERAL PROVISIONS

4400 Repealed (4-86)
4401 License Availability

ARTICLE 2. WEIGHMASTER CERTIFICATES

4410 Recording Gross Only, Tare Only, Net Only
4411 Repealed (4-86)
4412 Repealed (4-86)
4413 Repealed (4-86)
4414 Repealed (4-86)
4415 Repealed (4-86)

ARTICLE 3. PREDETERMINED INDIVIDUAL TARE WEIGHTS

4420 Defined
4421 Establishment Procedure
4422 Recording Procedure
4423 Condition of Use

ARTICLE 4. SEASONAL TARE WEIGHTS

4430 Defined
4431 Establishment Procedure
4432 Recording Procedure
4433 Conditions of Use

ARTICLE 5. COMMON TARE WEIGHTS

4440 Defined
4441 Establishment Procedure
4442 Sampling Procedure
4443 Rounding Procedure
4444 Recording Procedure
4445 Conditions of Use
4446 Verification and Enforcement

Negotiation

W pg 1 of 3

2.60.270 Underfilling, appointment of department heads and emergency appointments. A. The board of supervisors, in coordination with the personnel officer, shall establish the procedures for the appointment of department heads and county officials where appropriate under law.

B. The board of supervisors, in coordination with the personnel officer, shall establish the procedures for the appointment of department heads where appropriate under law. The following department heads shall be appointed according to the listed terms and conditions:

1. The chief probation officer shall be appointed by the presiding judge of the superior court. Deputy probation officer may be appointed by the chief probation officer with approval by the presiding judge of the superior court. Court executive officer, court reporter and marshal are appointed by and serve at the pleasure of the presiding judge of the superior court.

2. Chief building inspector, counseling center director, county administrative officer, director of emergency services, director of transportation, general services director, health officer, librarian, and planning director serve at the pleasure of the board of supervisors, with thirty days written notice of termination.

3. County counsel and sealer of weights and measures shall be appointed by the board of supervisors.

4. Director of health and human services/public guardian is appointed by the county administrative officer with approval by the board of supervisors and serves at the pleasure of the county administrative officer with thirty days written notice of termination.

5. The hospital administrator shall be appointed by, and serve at the pleasure of, the hospital board of directors as defined in the California Code of Regulations, Title XXII, Article 7, Section 70701(2). (Ord. 1226 §1, 1999; Ord. 1183 §4(part), 1993; Ord. 1152, 1991; Ord. 1143 §1(part), 1990; Ord. 1087 §1 (part), 1986)

2.60.280 Personnel and payroll notification. A. Upon an offer and acceptance of employment, the appointing authority shall forward a payroll personnel form for the successful candidate to the personnel officer at least three working days prior to the employee's first day of work, or no later than one working day following the acceptance of employment when the first date of employment is less than three working days prior to the date of acceptance. (Ord. 1087 §1(part), 1986)

2.60.290 Nepotism. A. Appointing authorities, department heads, or any person having influence over the appointment, dismissal or promotion of persons on behalf of the county, within their department, shall not appoint or promote any person who is related to them whether by blood or marriage.

D.

April 2007

12

CERTIFIED DEPUTY WEIGHMASTERS

RASH

GLENN

WOOLSEY

POTTS

STARR

FOOTE

RAPINAC, B

RECEIVED

OCT - 6 2008

TRINITY COUNTY
SUPERIOR COURT



TRINITY COUNTY

DEPARTMENT OF AGRICULTURE

Mark T. Lockhart, Agricultural Commissioner
Sealer of Weights and Measures
Director -Solid Waste & Facilities Maintenance
P.O. Box 2700, Weaverville, California 96093
Phone (530) 623-1356 Fax (530) 623-1391
e-mail: mlockhart@trinitycounty.org

Memo

To: James P. Woodward, Presiding Judge, Trinity County Superior Court
From: Mark T. Lockhart, Ag Commissioner, Director of Solid Waste & Facilities
Subject: 2007-08 Grand Jury Report Response
Date: August 15, 2008

Finding # 1 – Nepotism: *The 2007 flow chart shows efforts to diminish the perception of nepotism and an effort to adjust the chain of command to be in compliance.*

When I assumed the Solid Waste directorship in June 2005 there were employees of the same family working in the division, one of whom was supervising another. I made reassignments as soon as practicable and have adhered to the county nepotism policy in hiring and promotions since. My understanding is that the previous director petitioned the Board of Supervisors to waive the policy to allow the hiring of another family member in this case. The petition was granted per the provisions of the policy. I am unaware of other concerns in regard to the nepotism policy.

Finding # 2 – Mismanagement: *Management needs to refocus...There are concerns in the way promotions are made without consideration given to seniority, experience, or merit.*

When I assumed the Solid Waste directorship there were no management employees in the division. The previous director and assistant director had retired and there was a vacancy in the division's superintendent position. As a part of the reassignments noted above, I put two employees, working out of class, in charge of the operations and transfer site branches of the division. I recommended to the Board of Supervisors that we establish mid-level management positions in the various branches of the division. I also hired the former assistant director as a part time annuitant to provide direction when my other duties prevented my presence on site.

The Board wanted to review the solid waste program before making any structural changes. The establishment of these mid-level positions was not accomplished until April 2008 and made retroactive to July 1, 2007. While these interim management individuals were diligent in their duties, there was confusion in the chain of command and misunderstanding by other employees of the short and long term goals of the reorganization.

Regarding money handling, this has been one of my main focuses, having

issued a memorandum on the subject in August 2005 and specifically disciplined several employees for violations of the county's and department's policies.

Clearly, an operation as varied and spread out as solid waste cannot be consistent in lunch breaks or scheduling. We have nine widely separated transfer sites which are not open on the same days and vary seasonally in their operations.

Without specifics I cannot address the Jury's concerns about hiring and promotion other than to say that I follow county hiring and promotion policies and consult with the personnel analyst regularly on these issues.

Recommendation #2: *The Solid Waste Department needs a director whose main concern is the operation of Solid Waste.*

I agree that the solid waste division requires a full time director and have recommended to the Board that one be hired when the money becomes available. I have always maintained that the county agricultural commissioner/sealer of weights and measures position is my first responsibility.

There should be clear cut regulations on the handling of cash and on site supervision and assistance given to monetary problems such as the necessity to have change available in the kiosk.

There are clear cut written regulations for the handling of money, both for the county as a whole and for the division in particular. The division gives regular collective and individual training in these procedures. Employees who repeatedly violate these policies are reprimanded and given specific training, accommodation, and reassessment until their practices conform to the policies. Change funds are issued to gate attendants.

Explanations to employees about privileges at the work site should be clarified...

I am unclear what the report means by "privileges at the work site" and therefore cannot respond. I have an "open door policy" with all employees and anyone is free to ask me about scheduling or other concerns at any time, in person, on the phone, by email, or any other means. Employee promotion opportunities follow the county's personnel policies.

Finding # 3 – Employees working in jobs without qualification...

I have no comment.

Finding # 4 – Special Privileges: Employee parking restrictions, training differences...

With the exception of one employee there are no assigned parking spaces. This exception is an accommodation for an employee's physical condition and has the employee's name painted on the parking space.

Recommendation #4: *A statement of parking regulations should be posted...*

Parking regulations or policies are not needed.

Special privileges... need to be clarified...

Special privileges where work is exchanged for fees do not exist and, I believe, would be a violation of state labor laws and the Fair Labor Standards Act. There is no policy or practice of allowing employees to "work extra in lieu of paying dump fees."

Guidelines of travel and training...

Opportunities for training and travel are made on the basis of job requirements. Attendance at required training or conferences is determined on the basis of the division's participation in various professional associations. There are required qualifications and/or maintenance of required certificates. Solid Waste has commercial truck drivers who must maintain their licenses. The Solid Waste Association of North America (SWANA) offers training and certification in various areas of solid waste and landfill operations which certain classes of employees must maintain. Opportunities for cross training are provided. Clearly, there are training and travel opportunities that are required for some job descriptions and not for others. Training and travel are determined on the basis of the needs of the various job descriptions. Any other policy would be ineffective, inequitable and wasteful.

Finding # 5

I have no comment.

Conclusion:

I agree that direction of the solid waste division should be under a single director. The long term goal is to do so when resources become available.

Changes in the mid-level management have been made and training and consistency are addressed continuously.

Special privileges are not accorded to certain employees. Money handling policies are provided to employees in writing; procedures are uniform and enforced. Appropriate collective training is provided on a regular basis and individual training when needed. Rates are posted at the various kiosks and the solid waste office. The fees resolution is adopted by the Board of Supervisors at a public hearing annually and published in a newspaper of general circulation.



TRINITY COUNTY
Office of the County Administrator
DERO B. FORSLUND

County Administrative Officer
P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613
PHONE (530) 623-1382 FAX (530) 623-8365


RECEIVED

OCT 10 2008

**TRINITY COUNTY
SUPERIOR COURT**

Date: October 3, 2008

To: Anthony Edwards
Presiding Judge of the Trinity County Superior Court

From Dero Forslund 
Trinity County Administrative Officer

Re: Response Trinity County Grand Jury, Development and Environmental Committee Final Report Trinity County Solid Waste

Finding #1: Nepotism

Response: The County's nepotism policy has been waived in several instances in the Solid Waste Department. It is the policy of the County and the current Department Head to are discontinue the request waivers and to eliminate instances of nepotism within the restrictions of the labor MOU and State statutes.

Finding #2: Mismanagement

Response: Elements of cash handling, promotions and other employee duties have been the subject of many adjustments to the operations of the Solid Waste Department over the last year. Many of these issues have been review by the Personnel Department and County Administration. An example is the recent changes in operating hours to accommodate employee lunch breaks. We expect the dedication of the Department Head to resolve the issues identified by the Grand Jury.

Finding #3: Employees working in jobs without qualification and ability to perform duties.

Response: No response

Finding #4: Special Privileges

Response: The only restrictions regarding parking at County facilities are in the County Code. Any other procedures should be codified or approved by the Board. Any policy that allows an employee to work in lieu of paying dump fees would be a violation of County Code and will not be permitted. Training requested by the department is generally approved by

Administration when requested as long as adequate information is provided identifying the need.

Conclusion: The director of Solid Waste does not have adequate time to devote to the management...

Response: Current budgetary requirements do not allow for a dedicated Director of Solid Waste. Additional training of mid level management personnel should help resolve most of the issues observed by the Grand Jury. The Department Head and County Administration have been meeting frequently to help resolve the identified concerns.

RECEIVED

DEC 29 2008

TRINITY COUNTY
SUPERIOR COURT



TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable James P. Woodward,
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors

SUBJECT: Response to Recommendations of 2007-08
Grand Jury Development and Environmental Committee
Trinity County Solid Waste Department Final Report

DATE: November 18, 2008

The Grand Jury Development and Environmental Committee has requested a written response to their final report on the Trinity County Solid Waste Department. The response of the Board is as follows:

Finding #1: Nepotism. The Board of Supervisors agrees with finding of the Grand Jury.

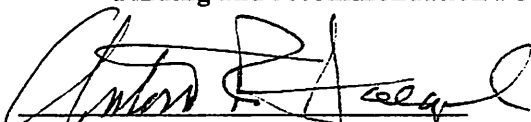
Recommendation #1: The Board agrees with the recommendation of the Grand Jury and the response of the Chief Administrators Officer. Nepotism rules are set by the county code and county policy. Department Heads and other supervisory employees will be in compliance.

Finding #2: – Mismanagement. The finding of mismanagement is currently under review through follow up of the previous program review of the solid waste division. The Board, CAO, and Auditor performed a program review of Solid waste in 2005 and corrections are continuing. This review is ongoing and will be periodically reviewed and accomplishments or lack thereof documented. Cash handling procedures should be reviewed and controls modified to assure compliance.

Finding and recommendation # 3- No response needed.

Finding and recommendation # 4. Parking regulations are defined in the County Code and are available to all employees. Were no regulations exist it is the responsibility of the Department Head to develop rules and manage the parking in their areas. Special privileges in exchange for fees will not be permitted.

Finding and recommendation # 5. No response required.



ANTON R. JAEGEL, Chairman

-33-

JUDY PFLUEGER
DISTRICT 1

JEFF MORRIS
DISTRICT 2

ROGER JAEGEL
DISTRICT 3

HOWARD FREEMAN
DISTRICT 4

WENDY REISS
DISTRICT 5