



# COMMUNITY RESOURCES AGENCY

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Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

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**FILED**

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Honorable Judge Eric L. DuTemple,  
Superior Court of California  
County of Tuolumne  
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County of Tuolumne

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RE: Response to Tuolumne County Grand Jury 2011-2012 Report

Honorable Judge DuTemple:

The Grand Jury reviewed three of the Divisions within the Community Resources Agency (CRA) in fiscal year 2011-2012. The Grand Jury's report on these Divisions included several positive observations and offered the following suggestions for improved services:

### Road & Fleet Services

The Grand Jury provided the following findings and recommendations relative to the Roads Division and Fleet Services Division of the CRA. Responses to these findings and recommendations have been provided by Mike Young, Fleet Supervisor, Barry Bynum, Road Superintendent, Duke York, Deputy CRA Director - Roads, Bev Shane, Community Resources Agency Director, and Craig Pedro, County Administrator.

**Finding F1:** *The grounds and shops at Columbia, Jamestown, and Tuolumne City are very clean and well kept. The Big Oak Flat facility is old, but is organized. All facilities are surrounded by fencing and secured with locked gates.*

Response F1: We agree with this finding.

**Recommendation R1:** *The Road Department and Fleet Services is experiencing a severe lack of funds. The county should consider a reprioritization of spending plans to allocate additional funding for road maintenance and repairs, and equipment and vehicle replacement due to age and wear.*

Response R1: Funding for road maintenance in Tuolumne County is primarily provided through state and federal programs. The primary funding source is through the State's excise tax on gas. Unlike a sales tax which is a percentage of the cost of an item, the excise tax is based upon the amount of gas sold and not on the value of the gas. Revenue from this funding source has been decreasing each year as the amount of gas sold has decreased. Federal funding is from the Payment in Lieu of Taxes (PILT) and Secure Rural Schools Act programs. Revenue from these funding sources has also been declining. As such, we concur that there is a need to identify new funding sources for road maintenance.

In response to the diminishing revenue from state and federal programs, the Board of Supervisors has been allocating funds from the General Fund to the Road Fund for road maintenance. In Fiscal Year 2011-2012, the Board also allocated \$500,000 of the anticipated fund balance for major road maintenance projects, which included overlays for portions of five County roads. It is anticipated that the Board of Supervisors will continue to make these types of allocations of funds for road maintenance in the future when possible.

Because road maintenance funds are so limited, it is extremely important to allocate them wisely. To that end, the Engineering Division of the CRA is currently working with a consultant to update the County's Pavement Management System database. When this update is completed this fall, the Engineering Division will prepare a road maintenance program that will include a recommended priority list of major road improvement projects for consideration by the Board of Supervisors. The Board will then be able to utilize this list in allocating funds for overlay and other major road maintenance projects.

**Finding F2:** *Fleet Services has the ability to handle more of the county's vehicles from other departments. A flyer has been distributed to the county department heads to make them aware of the services offered, in an effort to generate more business and optimize utilization and efficiency of the Fleet Services Department.*

Response F2: We agree with this finding.

**Recommendation R2:** *Vehicles from all county agencies should be considered for inclusion into Fleet Services Department's workload to achieve economies of scale.*

Response R2: As noted in Finding F2, Fleet Services does have the capacity to maintain additional vehicles and has been encouraging all County Departments to utilize their services. Fleet Services has developed a flat rate schedule for many of its services and has advised all of the County Departments of these rates.

**Finding F3:** *All maintenance services and repairs are logged for each vehicle, and all equipment, for warranty coverage of parts and hourly usage of all vehicles within the fleet.*

Response F3: We agree with this finding.

**Recommendation R3:** *There is no recommendation for Finding F3.*

Response R3: No response is required.

**Finding F4:** *Equipment deemed non essential or too costly to repair or maintain are put up for auction, with all proceeds going back to the department budget.*

Response F4: We agree with this finding.

**Recommendation R4:** *There is no recommendation for Finding F4.*

Response R4: No response is required.

**Finding F5:** *Staff safety meetings are held each week. No serious injury or incidents have been recorded for the current fiscal year.*

Response F5: We agree with this finding.

**Recommendation R5:** *There is no recommendation for Finding F5.*

Response R5: No response is required.

**Findings F6:** *Heavy Equipment operators are Class A drivers. They are drug tested as outlined by the Department of Transportation guidelines. Snow equipment operators run heavy equipment during the snow removal days.*

Response F6: We agree with this finding

**Recommendation R6:** *There is no recommendation for Finding F6.*

Response R6: No response is required.

**Finding F7:** *All fleet Services and Road Department employees are drug tested at hiring. Further testing may be done in case of incident, or upon request of the Department Supervisor.*

Response F7: We agree with this finding.

**Recommendation R7:** *There is no recommendation for Finding F7.*

Response R7: No response is required.

**Finding F8:** *First aid kits were present and mounted on the walls at all worksites and in all vehicles.*

Response F8: We agree with this finding.

**Recommendation R8:** *All first aid kits should be inspected monthly to ensure they are properly stocked with necessary supplies and replenished as needed.*

Response R8: This recommendation will be implemented by conducting first aid kit inspections in conjunction with the CRA Safety Officer's monthly fire extinguisher and fire alarm inspections. Also, if supplies are used from the kits, employees will be directed to let their supervisor know what they used so it can be recorded and replaced.

**Finding F9:** *A written hazard communication plan is available for all employees review.*

Response F9: We agree with this finding.

**Recommendation R9:** *There is no recommendation for Finding F3.*

Response R9: No response is required.

**Finding F10:** *All employees are familiar with lockout/tag out procedures, as required by OSHA.*

Response F10: We agree with this finding.

**Recommendation R10: There is no recommendation for Finding F10.**

Response R10: No response is required.

**Finding F11: All employees are provided Personal Protective Equipment (PPE) including safety glasses, gloves, chainsaw chaps, etc.**

Response F11: We agree with this finding.

**Recommendation R11: Both Road and Fleet Services should be inspected semi-annually to ensure that safety regulations are followed and all safety apparel is used as intended.**

Response R11: This recommendation will be implemented through semi-annual inspections. Also, employees will be reminded to bring up any issues with PPE at the weekly safety meeting.

**Finding F12: Employees in the Road Department and the Fleet Services Department have not had first aid or CPR training in the past three years.**

Response F12: We agree with this finding.

**Recommendation R12: All Road and Fleet Services employees, including supervisors should be required to take annual CPR and first aid classes as a condition of continued employment.**

Response R12: This recommendation relative to first aid training has not yet been implemented but will be by the end of December 2012. The CRA Safety Officer will coordinate with the County's Health Officer Dr. Todd Stolp and others to schedule first aid training for all Road and Fleet Services employees and supervisors at the frequency recommended by Dr. Stolp.

This recommendation regarding CPR training will not be implemented. Such training would be nice to do but is not required by OSHA and does not seem warranted.

**Finding F13: In the Columbia and the Big Oak Flat facilities, equipment was blocking access to the electric panels.**

Response F13: We agree with this finding.

**Recommendation R13: It is highly recommended that any equipment be removed from the front of electrical panels. A black/yellow stripe tape should be placed 36 inches around panel boxes to distinguish areas to be kept clear.**

Response R13: This recommendation has been implemented and all equipment has been moved. Areas to be kept clear have been appropriately marked.

**Finding F14: Fire extinguishers in all facilities had not been inspected monthly.**

Response F14: We agree with this finding for the Road shops but not the Fleet Services facility. The Fleet Supervisor has been inspecting the fire extinguishers

and initialing their tags every month for the past several years.

**Recommendations R14: Supervisor or lead person will inspect on a monthly basis and initial tags.**

Response R14: This is already being done at the Fleet Services facility. All other fire extinguishers will be inspected monthly and their tags initialed by the CRA Safety Officer. The CRA Safety Officer has started this in the A.N.F. Building and will coordinate with the Shop supervisors to ensure this is done in all locations. All fire extinguishers in the CRA are serviced annually.

**Finding F15: Fire extinguishers were found on the floor at both the Big Oak Flat and Jamestown Facilities.**

Response F15: We agree with this finding.

**Recommendation R15: All fire extinguishers should be mounted in marked, readily accessible locations, according to safety standards.**

Response R15: All fire extinguishers in the A.N.F. building and at the Fleet Services facility are mounted and clearly marked. Any fire extinguisher that does not meet this standard at any of the other facilities will be corrected.

**Finding F16: There were no "EXIT" signs posted over doorways leading out of the buildings at any facility.**

Response F16: We disagree with this finding.

**Recommendation R16: "EXIT" signs should be placed over all doors leading out of any building.**

Response R16: All of the doors in the A.N.F. Building and the Fleet Services facility are clearly marked. The Road shops will be inspected and "EXIT" signs will be posted if any door is found to be lacking required signage.

**Finding F17: Doors which do not lead to exits were not properly posted as such at any facility.**

Response F17: We disagree with this finding.

**Recommendation R17: "NOT AN EXIT" signs should be posted over doors with no access to the outside of any buildings.**

Response R17: The Fire Department has advised that these signs are not required; consequently, this recommendation will not be implemented.

**Finding F18: The Columbia, Tuolumne City, and Jamestown facilities hold weekly safety meetings on topics related to their job. At the Big Oak Flat facility safety meetings are not held on a weekly or bi-weekly basis.**

Response F18: We agree with this finding.

**Recommendation R18: It is highly recommended that the Supervisor of the Big Oak Flat facility establish weekly safety meetings.**

Response R18: This recommendation has been implemented. All of the Road Crews and Fleet Services staff are required to conduct weekly or bi-weekly safety meetings.

**Finding F19:** *Employees of the Big Oak Flat facility were not aware of the location of the MSDS's. In all other facilities the employees had access and understood the importance of MSDS's.*

Response F19: We agree with this finding.

**Recommendation R19:** *The Supervisor of the Big Oak Flat facility should discuss the MSDS's with employees and inform them of the MSDS's binder, per OSHA requirements.*

Response R19: This recommendation has been implemented. The Road Supervisors and Fleet Supervisor have discussed the MSDS location and importance at their respective safety meetings.

**Finding F20:** *Columbia has a functioning eyewash station. The Jamestown facility eyewash is not functional.*

Response F20: We agree with this finding.

**Recommendation R20:** *Eyewash stations should be installed, maintained, and inspected monthly in all facilities.*

Response R20: Eyewash stations already exist at all facilities. The Jamestown facility eyewash will be relocated inside the main shop to prevent from freezing in winter. The Fleet Services eyewash station is inspected weekly by the Fleet Supervisor and inspection records are maintained for two years. This recommendation will be implemented by inspecting, repairing and maintaining eyewash stations in all of the facilities.

**Finding F21:** *Fuel tanks (gasoline and diesel) are identified with a green rectangular label on the ends of each tank. Some tanks have additional labels indicating Combustible or Flammable liquid.*

Response F21: We agree with this finding.

**Recommendation R21:** *Recommend using an alternate placard from the Emergency Response Guide Book, ERG guide number 127 for gasoline and number 128 for fuel oil. Ref. USDOT Hazmat Placard, Class 3 Flammable Liquids. This should be placed on the side of the tank adjacent to their respective liquids. This will provide a visual aid to emergency response individuals and the Fire Department.*

Response R21: This recommendation has been implemented and the new placards have been installed.

**Finding F22:** *Only one Fleet Service employee is a certified welder.*

Response F22: We agree with this finding.

**Recommendation R22:** *The Jury recommends at least two employees be certified in welding at Fleet Services.*

Response R22: There is nothing in the Fleet Services operation that requires a certified welder. The main reason the County has a certified welder is to be able to perform work that requires a welder in-house, such as bridges and similar jobs. At this time, there is no need to have multiple certified welders but it would be beneficial. The Flee Supervisor will encourage the Equipment Technicians to seek certification if funding becomes available for training.

**Finding F23:** *The County Human Resources Manager is currently serving as the Risk Manager.*

Response F23: We agree with this finding.

**Recommendation R23:** *The Jury recommends that a Risk Manager be rehired at the county level, such that one person can fully dedicate their attention to issues of workplace safety.*

Response R23: Implementing this recommendation is predicated on the availability of funding for a Risk Manager position.

**Finding F24:** *OSHA standards are not being followed on a daily basis.*

Response F24: We disagree with this finding.

**Recommendation R24:** *The Jury recommends that the Risk Manager review OSHA standards and address compliance issues within the Road & Fleet Services Departments.*

Response R24: The management staff of the Road & Fleet Services Divisions are knowledgeable of OSHA standards; however, we concur that a review of current standards and additional safety training for employees would be beneficial. The CRA staff will work with the Human Resources Manager to conduct the recommended review.

**NOTE:** It should be noted that a copy of the Grand Jury's findings and recommendations was given to the Road, Shop and Fleet Services supervisors who immediately began implementing the recommendations.

### **Environmental Health**

The Grand Jury provided the following findings and recommendations relative to the Tuolumne Utilities District (TUD) and the Environmental Health Division (EHD) of the CRA. Responses to these findings and recommendations have been provided by Robert Kostlivy, Environmental Health Director, and Bev Shane, Community Resources Agency Director.

**Finding F1:** *The Twain Harte Interceptor pipeline is reaching its limits. Each hook-up in the PLB area weakens the line and increases the potential for a major spill.*

**Finding F2:** *If the Twain Harte Interceptor pipeline were to fail along the large inverted siphon, especially around Phoenix Lake it would result in a major catastrophe to the PLB and potentially to the water supply to Sonora.*

**Finding F3:** *TUD has identified potential solutions to eliminating the large inverted siphon in the Twain Harte Interceptor, but has not yet put a plan in place to do so.*

Responses F1-F3: These findings are related to TUD's facilities and, consequently, no response is required from the Environmental Health Division.

**Recommendation R1:** *It is recommended that TUD and EHD limit septic system hook-ups to the PLB interceptor pipeline to only cases of extreme hardship, where no viable alternative exist.*

Response R1: The Environmental Health Division is in the process of partnering with TUD to assist with professional expertise and to provide written testimonials and in person testimonials to grant committees, legislative panels, and public outreach, in order to assist TUD in obtaining grant funds to upgrade its infrastructure.

On August 8, 2012, a meeting between TUD and EHD took place to discuss the PLB interceptor. It was determined that even though the PLB was not designed to accommodate untreated septic waste, the added connections from residences would not impact the line in a way that would cause a catastrophic failure. It was also determined that during the connection process, the PLB interceptor line would be reinforced at the connection point with the appropriate joint material to restore the integrity of the line.

The Grand Jury Report mirrors the current practice of the EHD and TUD in regards to requiring and allowing connection of a private septic system with the PLB interceptor line. EHD only requires connection to the PLB interceptor line when there are few to no other options. Future meetings between TUD and Environmental Health will be scheduled to discuss connections prior to any capital improvement.

**Recommendation R2:** *The County should consider an ordinance requiring septic system property owners to file a report signed by the septic pumping contractor that the septic tank is pumped at least once every five years. Failure to file the report should result in a fine and other appropriate action by the County at the expense of the property owner.*

Response R2: The Environmental Health Division currently requires engineered septic systems that are installed in the County to be serviced by a third party qualified professional (QP) one (1) to two (2) times per year. This program is called Operations, Maintenance & Monitoring (OM&M). The QP submits service records to the Environmental Health Division for review. During these inspections, the QP will recommend various repairs or pumping if needed.

The Environmental Health Division disagrees with the recommendation that all septic systems should be required to have their tank pumped every five years. The view of our Division is that we educate the public with the best management practices for septic systems. This concept is covered in the next response. Also, this Division would rather have the homeowners utilize their monetary funds for system maintenance rather than an overly burdensome regulation.



**Recommendation R3:** *The Jury is convinced that public enlightenment is key to improving septic system maintenance within Tuolumne County. Therefore, the County should establish and continue a public education program via newspaper, radio, and internet on proper septic system maintenance and other preventive measures.*

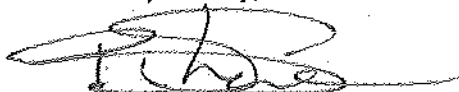
**Response R3:** The Environmental Health Division will be conducting a free septic training class for homeowners on September 19, 2012. This training session will include information from the Environmental Health Division, consultants, Public Utility Districts, and septic contractors. This session will describe the wastewater treatment processes that occur in septic tanks, design features that improve tank function and facilitate operations and maintenance, and the importance of tank capacity, structural integrity, preventative measures, and finally, the best management practices. We intend to provide this training at two locations in the County. One session will be held in the Sonora area and the other in Groveland. The success of this outreach will determine the actual frequency of future trainings.

**Recommendation R4:** *TUD should prepare a plan and implement the plan to eliminate the potential for disaster with the large inverted siphon in the Twain Harte Interceptor.*

**Response R4:** This recommendation is related to a TUD's facility and, consequently, no response is required from the Environmental Health Division.

Please do not hesitate to contact me if you have any questions concerning this response to the Grand Jury's comments relative to the Community Resources Agency.

Respectfully,



Bev Shane, AICP  
Community Resources Director

BJS:cm

cc: Tuolumne County Board of Supervisors  
Craig Pedro, County Administrator