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MEMORANDUM

DATE: July 20, 2009

TO: Steve Danley, Performance Auditor

FROM: Director, OC Public Works

SUBJECT: Planning and Development Services Performance Audit

Attached is our formal response to the Performance Audit. Thank you for the opportunity to submit these responses.

If you have any questions or comments, please contact me at 834-4643 or Jess Carbajal at 667-3217/

(original signed and transmitted)

Bryan Speegle, Director

Attach: OC Public Works Responses

cc: Tom Mauk, County Executive Officer

Alisa Drakodaidis, Deputy CEO

OVERVIEW

This document provides OC Public Works responses to the recent performance audit findings and recommendations. We have added this brief section to provide a context in which to view Planning and Development Services (PDS) beyond what is possible within the audit's scope. It is important to point out that PDS has gone through a number of organizational changes that date back to creation of Planning and Development Services Department (PDSD) in 1996 to 2004. As a stand-alone department, Planning and Development Services Department was "merged" into Resources and Development Management Department (RDMD) in January 2004, and became what is now known as Planning and Development Services. This merger included a shift of all the PDS's administrative and finance functions to RDMD/Administration. This action was taken to free the Director of PDS and the staff to focus on planning and development, and to take advantage of the larger, specialized administration/finance resources of RDMD, now known as OC Public Works. Finally, PDS staff has been reduced from 204 positions in 2002 to only thirty-nine (39) today in response to declines in workload.

While PDS's areas of responsibility are diminishing due to annexation and incorporation, large portions of the unincorporated areas are not located in any City's sphere-of-influence. These areas outside the cities spheres-of-influence will not be annexed unless there is a major change in policy or law and PDS's business role will continue. It is important to note that PDS today is faced with more complex land use projects, major zoning and code enforcements issues, and environmental issues than ever before. Added to those complexities, PDS like other County services face a severe economic crisis that has virtually halted the development and construction industry.

As noted in the audit, PDS must continually adjust its spending and staffing levels to reflect sometimes rapid changes in workload and permit revenues. Unlike other City and County planning and development services units, Orange County PDS's revenues include a relatively small subsidy of 18% from County General Funds. Whereas, other Cities or Counties derive up to 60% to 70% of their revenue from non-fee sources usually by using general funds or redevelopment revenues to offset overhead services.

The slow down in development coupled with the staff reductions and growing mandated demands have yielded new broader divisional responsibilities and workloads with reduced resources.

PDS is focused on keeping direct costs low, revenues in line with workload, and overhead (indirect) costs to a minimum. The audit recommends many increases

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in PDS services which will likely raise direct and/or overhead costs at a time when workload is severely down and the development industry has little ability to respond to cost increases.

Within these constraints, PDS is focusing on developing and implementing an action plan that results in sound fiscal solutions, improved services, and measurable performance outcomes. Our goal is to create an environment for PDS Planning to improve customer services as a core value and establishing a clear mission and vision for the future given the new realities associated with the economic down turn.

At this time, we would like to thank the Performance Audit Director and his team for their and assistance during this audit.

OC PLANNING AND DEVELOPMENT SERVICES PERFORMANCE AUDIT: RECOMMENDATIONS AND RESPONSES

(The Performance Audit recommendations are listed below followed by the OC Public Works Response.)

Recommendation 1: The new PDS Director must formally adopt a mission for the organization, communicate it to all staff and the public, and be actively involved by taking concrete steps to align the current organization with the agreed upon mission.

OC Public Works Response: Agree.

The Chief Deputy Director and PDS employees have recently completed a review of the mission statement as part of the development of a balanced score card approach to performance management. The OC Public Works Director is developing approaches to communicate the mission within the department, to our customers, and the general public.

Recommendation 2: The PDS Director should adopt a new approach to managing PDS, one that is proactive, strategically aligned, involve in day-to-day operations sensitive to customer service, and collaborative with line staff.

OC Public Works Response: Agree.

The Chief Deputy Director has established a proactive management approach, which focuses on customer service and collaboration among the line staff.

Recommendation 3: The PDS Director must establish an intentional organizational culture built upon chosen core values and aligned with the formally articulated mission.

OC Public Works Response: Agree.

The Chief Deputy Director, PDS Managers continue to work with staff to align the organizational culture with the mission and core values.

Recommendation 4: Throughout PDS, performance standards should be established, communicated, and enforced. When basic performance expectations are not met, employee training, counseling, and then discipline should occur. The PDS Director should serve as the pre-disciplinary hearing office in all cases except for direct reports.

OC Public Works Response: Agree.

OC Public Works is building on the performance standards developed during the balanced score card program to ensure management and staff participate together in meeting these performance expectations. The Chief Deputy Director serves as the hearing officer in all pre-disciplinary hearings except for direct reports per County policy.

Recommendation 5: First, determine the base level of staffing needed to ensure an acceptable level of customer service. Second, identify those employees who may be retiring in the short or medium-term. For each of the positions, identify the knowledge, skills, and abilities required, and determine if any current employee(s) can fill these positions. If not, either train existing staff or examine recruitment options.

OC Public Works Response: Agree.

PDS in conjunction with OC Public Works/Administrative Services Division has analyzed workload demands and staffing needs and will be determining levels of staffing consistent with customer service requirements and in light of costs/revenue impacts. In conjunction with OC Public Works/ Administrative Services Division, PDS management is reviewing potential for retirements. Based on this assessment, PDS is updating the position requirements and will determine the capabilities of current employees to meet these requirements through training or propose recruiting or contracting to meet needs. PDS will identify the costs/revenue impacts of additional training, recruiting, or contracting prior to implementing any plan.

Recommendation 6: Consultants should be hired only if there are opportunities for them to add significant value and advice, and only if leadership will be receptive to the advice, especially when these findings and recommendations are strongly supported by operational realities.

OC Public Works Response: Agree.

PDS Consultants will only be used to add significant value and advice, management will ensure that their recommendations supported by operational realities and thoroughly reviewed and vetted are stakeholders, customers, County Executive Office (CEO), and the Board of Supervisors especially in terms of operational improvements and the cost/revenue impacts of consultant recommendations.

Recommendation 7: PDS needs to determine, with CEO concurrence, the minimum level of staffing needed to meet basic operational requirements and to provide a baseline level of customer service. Once this minimum level of staffing is established, PDS should formally prepare contingency plans to prepare for future financial shortfalls.

OC Public Works Response: Agree.

PDS continues to develop staffing needs analyses based on the baseline levels of operational requirements, which will be reviewed with stakeholders and the CEO. Based on the baseline levels agreed upon, PDS will prepare contingency plans including funding requirements for future financial changes.

Recommendation 9.1: PDS Management should completely reevaluate and redesign a Customer Service Plan (CSP) that will work efficiently and effectively for PDS. This would include developing an adequate tracking system for customer comments and complaints, a timely follow-up process, and adequate reporting tools.

Recommendation 9.2: PDS should ensure that the Customer Service Representative (CSR) is properly trained to perform the required responsibilities, and is informed of any operational changes that may affect the information provided to the public.

OC Public Works Response: Agree.

PDS management has commenced reevaluation of the current plan and will develop recommended improvements in customer service including the cost/revenue impacts of improving or expanding the current customer service levels. Changes in the CSP procedures have already been made and all operational changes, if any, will be communicated to the CSR.

Recommendation 10: PDS Management should review the CEO's Customer Care Tracking System reporting requirements and establish procedures to ensure the system is updated as required. PDS should designate the CSR as the central clearinghouse for all comments and complaints.

OC Public Works Response: Agree.

PDS has implemented improvements consistent with the CEO's Customer Care Tracking System including clearly designating it as the central clearinghouse for all complaints to be recorded and addressed. PDS management continues to evaluate the Customer Care System for potential improvements, including staffing, potential cost/revenue, or overhead cost impacts.

Recommendation 11: PDS should re-examine the "Project Manager" concept and its current processes. If PDS determines that the "Project Manager" concept is appropriate after this review, staff should be provided adequate training to ensure it is successful. On an ongoing basis, PDS should perform and evaluation of the concept in coordination with a review of customer service comments and complaints to determine whether modifications are needed to meet the intended business objective.

OC Public Works Response: Agree.

PDS will obtain an independent and expert review of the project manager concept with stakeholder input including recommendations for any training required to implement the approach to meet the intended business objectives. The analysis will include any modifications required to meet the intended business approach and the cost/revenue impacts of modifications and training.

Recommendation 12: PDS should continue efforts to improve the tracking and monitoring of planning applications through the APPS system.

OC Public Works Response: Agree.

PDS is continuing its program to improve planning application reporting in the APPS system and any upgrades or modifications of the APPS system will be identified including the cost/revenue impacts of these actions.

Recommendation 13: In the short term, the PDS Inspection Manager should perform the close-complete process in addition to approving the final permit to expedite the refund process. In the long term, PDS should establish appropriate performance standards to track, monitor, and assign appropriate level staff to perform this process in a timely fashion.

OC Public Works Response: Agree.

The Building Inspection Chief will be tasked with the close-complete process and expediting the refund process consistent with ensuring that all charges has been submitted for the permits. In the long term, PDS will analyze improvements in performance standards and appropriate classifications including the cost/revenue impacts of changes to expedite turn-around times for inspection completions and refunds.

Recommendation 14: PDS should move forward quickly to implement the balanced score card in order to establish measures that comprehensively and sufficiently track and report operational effectiveness. A detailed balanced score card sample of performance measure from a benchmark jurisdiction is provided in Exhibit 3.

OC Public Works Response: Agree.

As part of the recent Board approved reorganization of OC Public Works, PDS is currently involved in developing a balanced score card performance approach. PDS will analyze the performance measures including similar jurisdictions' approaches. Based on this analysis, PDS will propose performance measures and identify the cost/revenue impacts of meeting these measures.

Recommendation 15: PDS should establish appropriate wait times for Development Processing Center (DPC) customers and require counter staff to document the time each customer was seen on the sign-in sheet in order for PDS management to monitor whether current staffing is sufficient to meet this goal.

OC Public Works Response: Agree.

PDS has made changes to the DPC wait-time tracking documentation and will continue to improve wait-time performance for sound decision-making on

staffing levels including the cost/revenue and overhead impacts of DPC staff levels.

Recommendation 16: PDS should take the necessary actions to meet the organization's performance goal of a one-day turn-around for inspection request. In addition, inspector's schedules should be adjusted to avoid creating days (e.g., Fridays) with significantly reduced staffing.

OC Public Works Response: Agree.

PDS continuously monitors inspection response time, against the performance measure and is analyzing schedule changes to optimize workloads. PDS will make recommendations on changes in work schedules including elimination of flex days or other necessary changes, and identify the process for implementing these changes in work conditions.

Recommendation 17: PDS should ensure that consultant performance may be accurately monitored through APPS, and that performance outcomes are accurately reported in reports to the public and CEO in business plans.

OC Public Works Response: Agree.

PDS is analyzing modifications to APPS to improve performance monitoring of plan check contractors, and will report and recommendation including the cost/revenue impacts of the APPS modifications and the additional reporting requirements to the CEO.

Recommendation 18.1: PDS should continue the recently-implemented quality control reviews of consultant work. The Building Official can and should be used to assist in these quality control efforts.

Recommendation 18.2: PDS should continue its efforts to enhance the APPS application to monitor and report consultant performance. PDS should periodically perform random evaluations of consultant turn-around times through review of correction lists or other data to confirm consultants are performing as required. This performance monitoring should also consider customer complaints received by the Customer Service Representative.

OC Public Works Response: Agree.

PDS will continue quality control reviews including analyzing increased review by the Building Official including the cost/revenue or overhead impacts of potential increases in reviews. PDS will also continue to analyze enhancements to APPS to improve monitoring of contractor performance and add customer complaints to the APPS monitoring data. PDS recommendations for APPS improvements will quantify improvements and estimate the cost/revenue or

overhead impacts of proposed improvements for review by management and stakeholders.

Recommendation 19.1: PDS should ensure the consultant provides documented support for any future work hours billed for services provided to JWA before final payment is made.

Recommendation 19.2: PDS should perform periodic reviews of time records for all consultants to ensure the appropriateness of billed plan check hours, not only for larger projects such as the JWA terminal, but also for smaller PDS customers whose projects are reviewed by a plan check consultants.

OC Public Works Response: Agree.

PDS, OC Public Works/Administrative Services Division, and Auditor-Controller are working together to ensure that plan check contractor billings are completely accurate for large and small projects. PDS will analyze and recommend improvements in the contractor billing systems including audits and other reviews, including the cost/revenue impacts or overhead impacts of contractor management changes.

Recommendation 20.1: PDS management and Information Technology (IT) staff should determine the specific information needed to effectively measure/monitor workload and performance, and ensure that this information is accurately tracked in the APPS system.

Recommendation 20.2: PDS should formally assign one PDS employee to be the lead on the management of the APPS application. This employee should be adequately trained on the APPS application and work as a liaison between PDS and OC Public Works/Information Technology. Any ad hoc reports or system enhancements should be reviewed by this APPS lead person on a case-by-case basis before sending them to IT for creation.

Recommendation 20.3: PDS should evaluate APPS ongoing support needs as well as planned enhancements in order to determine a realistic budget for these services that may be included when determining billable rates. PDS should also consider establishing a surcharge (as has been done in other benchmark jurisdictions) for each permit issued, based on a percentage of permit costs, which can be used to directly fund APPS IT support.

Recommendation 20.4: Given current financial constraints, PDS should: (1) in the short term, pursue cost effective modifications to APPS that will streamline the user interface for management, and (2) in the medium/long term, prepare a thorough comparison of costs and capabilities resulting form the retention and/or enhancement of APPS versus the purchase and implementation of a replacement system.

OC Public Works Response: Agree.

PDS and OC Public Works/Administrative Services IT staff will design a study of the APPS system including improving measurement and monitoring of workload and performance; ongoing yet to be determined support needs and planned enhancements. PDS and OC Public Works/Administrative Services IT will identify the required tasks and the estimated cost/benefits of APPS modifications. PDS will analyze the assignment of a full-time APPS liason including the cost/revenue or overhead cost impacts of this assignment. Finally, PDS and OC Public Works/Administrative Services Division Information Technology will undertake a comprehensive study of the short-term improvements in APPS versus long-term costs of continuing with APPS versus alternative approaches. The cost/benefits of alternative approaches will be identified for CEO and Board of Supervisors' consideration in budgeting decisions.

Recommendation 21: PDS should ensure that a Building Official is available on a full time basis in the appropriate organizational capacity to establish, direct, and enforce all provisions of the building codes and County ordinances. The Building Official position should report directly to the PDS Director to ensure these requirements are interpreted by an independent, qualified employee in a timely manner.

OC Public Works Response: Agree.

PDS is reviewing the current approach to staffing the Building Official tasks, and will make recommendations for changes including the cost/revenue or overhead impacts of any proposals to the CEO.

Recommendation 22.1: PDS should clarify and formally notify inspectors that significant unsafe building conditions observed during the course of their assigned duties must be reported to Code Enforcement, regardless of where the unsafe condition exists. PDS should also ensure compliance with this policy.

Recommendation 22.2 PDS should ensure that all Code Enforcement fees allowable or required by County ordinances are charged and collected.

OC Public Works Response: Agree.

PDS will confirm in writing to all inspectors that the law and PDS management requires that they report all unsafe building conditions observed in the course of their duties to Code Enforcement regardless of where the unsafe condition exists. PDS will include this in the annual performance expectations for inspectors. PDS will also continue to charge the full Code Enforcement costs or fees allowable by the Building Code.

Recommendation 23: PDS should immediately determine if any NPDES inspections from the most recent rainy season have not occurred. In addition, PDS should ensure that all required NPDES inspections are performed and documented accurately in the future. The APPS system reports should be used to record and monitor this activity.

OC Public Works Response: Agree.

PDS has reviewed the NPDES inspections for the most recent rainy season and non-rainy season NPDES erosion control inspections to ensure compliance with both the Santa Ana and San Diego RWQCB municipal stormwater permit requirements. PDS and OC Public Works/Administrative Services Information Technology have analyzed needed modifications for APPS recording data and recommend improvements to modifying the input of these inspections, including the costs of these APPS modifications.

Recommendation 24: PDS should ensure that oil well inspections are performed as required annually. The oil well inspection fee should be reviewed and revised to appropriately cover the cost of performing this mandated inspection, per the Board policy of full cost recovery. If the fee cannot be adjusted, PDS should pursue General Fund revenue to support this countywide public safety responsibility.

OC Public Works Response: Agree.

PDS has estimated the costs of providing these inspections and proposed a revised fee for adoption by the Board of Supervisors. The hearing on the fee increase is scheduled for Board consideration on August 25, 2009.

Recommendation 25.1: PDS should establish estimates of staff time needed to perform customer service activities, assign these tasks to specific personnel, and monitor these activities to ensure they are performed as required. This will require a predetermined amount of non-billable hours included as overhead in the billable rate.

Recommendation 25.2: PDS should continue tracking and monitoring customer service activities where there is no permit to bill in order to establish reasonable and appropriate staff time for customer service activities when determining billable hour estimates.

Recommendation 25.3: PDS should update current and develop new use-friendly customer service information, including but not limited to items such as the Web site, flow charts, forms, and instructions.

OC Public Works Response: Agree.

PDS will continue to estimate staff time for customer service and review current assignments of specific personnel to the Development Processing Center (DPC) and other customer service tasks. PDS will review actions to enhance customer

service including the cost/revenue or overhead impacts of these actions. Updated estimates of customer non-billable services will be prepared as a part of Fee Ordinance updates. PDS will continue its current program of improving customer service information, the Web site, and other E-materials.

Recommendation 26: PDS should evaluate its current billing practices and determine whether the billing activities are appropriate considering the staff resources needed to perform them, minimal staffing available, and the number of billing adjustments required due to customer complaints. PDS should consider building these activities into the overhead rate charged for plan check and inspection.

OC Public Works Response: Agree.

PDS will obtain an audit of the billing procedures, policies, and practices in relation to the staff resources available. The audit will include an estimate of the cost of these activities for inclusion in a revision to the overhead rate.

Recommendation 27: PDS needs to improve, formalize, and better document the process for estimating future employee billable hours as part of the rate calculation.

OC Public Works Response: Agree.

PDS will work with OC Public Works/Administrative Services and Auditor-Controller to improve the documentation of the estimates of billable hours for the Fee Ordinance updates.

Recommendation 28: PDS should consider standardized hourly rates for major categories of service, if a T&M system is retained.

OC Public Works Response: Agree.

PDS will review the standard hourly rates in the adopted Fee Ordinance to determine if data support the standardized rates by categories of services and recommendation to the CEO.

Recommendation 29: PDS should ensure that the full-time Building Official has commercial plan check experience to negotiate reasonable time requirements with consultants and can perform periodic reviews of consultant documentation to support actual hours charged.

OC Public Works Response: Agree.

As a part of the review of the Building Official role, PDS will ensure that contract services have some form of validation to establish contractor schedules. Random reviews or audits of contractor documentation will be conducted.

Recommendation 30: PDS should consider adopting standard travel times to apply to each inspection request.

OC Public Works Response: Agree.

PDS will review the current pro-rated travel times to determine if there is a standard travel time that responds effectively to the very wide variation in inspection trip lengths. Based on this review, PDS will prepare any revisions to the Fee Ordinance required to reflect improvements in travel time computations.

Recommendation 31: PDS should establish procedures to immediately notify A-C staff of any unpaid balances that still remain and request that A-C perform all collection efforts to recover revenue for billed services on both discretionary planning applications and ministerial building/grading permits.

OC Public Works Response: Agree.

PDS and OC Public Works/Administrative Services Division will work with Auditor-Controller management to improve notification including any enhancements of APPS to provide an automated notice.

Recommendation 32: In the short term, PDS should revise its procedures to ensure deposit balances are monitored and additional deposit amounts are received before plan check services are continued. In the long term, PDS should work with OC Public Works/Information Technology to determine whether billing controls can be implemented in APPS to prevent recording of hours to deposits with insufficient balances. PDS will need to actively monitor these deposits and ensure timely request for additional deposit amounts. PDS should consider reviewing deposit amounts and determine if deposits should be adjusted depending on permit type to avoid collecting insufficient deposit amounts.

OC Public Works Response: Agree.

PDS will assign a Senior Engineer to assess deposit amounts and make modifications to APPS, and monitor contractor charges in real time to ensure that charges are up-to-date versus deposits. PDS will review the need for a separate deposit for General Plan, Specific Plan, Zoning, Conditions of Approval, WQMP, subdivision and other Land Use planning clearances, and make recommendations to the Board for revisions to the Fee Ordinance to reflect required improvements. PDS will obtain an audit of the current deposit schedule against costs by permit type and recommend adjustments to the deposit schedule to ensure 100% recovery of costs.

Recommendation 33: PDS should evaluate the inspection requirements in accordance with the deposit collected with the goal of establishing a deposit that appropriately covers the inspection costs. This may require changes to the APPS application to provide the option of two different deposit amounts depending on whether the project is in the San Diego or Santa Ana Regional Water Quality Control Board jurisdictions.

OC Public Works Response: Agree.

PDS will obtain an audit of deposits and costs as noted in the response to Recommendation 32 which include costs of NPDES erosion control measure inspections as required by high, medium, and low project classifications of permits.

Recommendation 34: PDS should devote reasonable amounts of staff time to training and professional development. PDS should pursue other training opportunities, such as peer training sessions and regular training/workshops provided by the Building Official to reduce training time and costs.

OC Public Works Response: Agree.

PDS will develop training program proposals for each functional area or group of classifications, including cost/revenue impacts or overhead cost implications for inclusion in the Fee Ordinance update. As a part of the review of the Building Official tasks, PDS will evaluate increasing time for training above the current State requirements, including cost/revenue impacts.

PERFORMANCE AUDIT'S ADDITIONAL RECOMMENDATIONS REGARDING THE TIME & MATERIALS ORDINANCE

1. The audit team recommends that PDS move toward a hybrid charging structure over the next couple of years for building plan checks and inspections. T&M would continue to be used for discretionary planning applications, building plan rechecks, re-inspections, and uniquely complex development.

OC Public Works Response: Agree.

PDS will recommend to the Board to replace the current T&M Ordinance for conventional building permit plan checking and inspection with a graduated flat fee system used by most jurisdictions with fees set to recover 100% of costs, including a T&M approach for inspections over specified maximums by permit type.

2. The Fund 113 Reserve would be more efficiently managed if it required only CEO approval rather than Board of Supervisors approval for using the Reserve. PDS management must be able to react quickly in response to temporary shortages with sustained shortages being elevated to the Board of Supervisors.

OC Public Works Response: Agree.

3. CEO/Budget should work with PDS and OC Public Works to determine activities the Board of Supervisors intends to be covered by General Funds and determine

the true cost of these services rather than providing an annual allocation including the costs and impacts of pursuing the three options in the Audit Report.

OC Public Works Response: Agree.

4. The CEO in conjunction with OC Public Works Management should consider the merits of combining Agency 080-8000 and Fund 113 into one General Fund budgetary organization. Such a combination would not preclude efforts to achieve full cost recovery for billable services if an additional General Fund subsidy was not provided.

OC Public Works Response: Agree.

While a similar approach was proposed but rejected in 2004, PDS supports presenting this proposal to the stakeholders, CEO, and Board of Supervisors for reconsideration.

OTHER PDS COMMENTS ON TIME & MATERIALS ORDINANCE

This audit includes observations about the history of PDS, especially Fund 113, the Barratt litigation, etc... Since these observations do not directly relate to a recommendation, we will not respond to them. We note that no forensic audit has ever been done on the Fund 113 "reserve" increase under the EMA/Building Department. However, several reports were done on the PDS events of 2002-2003 including two by Internal Auditor. The audit does conclude that cities have successfully defended fixed building fee ordinances in Barratt-type lawsuits. This is accurate. Note however, that these cities subsidize their building permit costs (as noted earlier) with non-fee revenues. This makes Barratt challenges that fees are higher than costs very difficult to sustain. Finally, the audit suggests that if revenues are inadequate (e.g., oil, NPDES, etc. inspections) the solution is to simply raise the fees or charges. However, any increase in fees or charges will be strongly opposed by stakeholders. Fee/charge increases in response to unfunded State or Federal mandates are particularly controversial.

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CONCLUSION

In closing, we wish to thank the Performance Audit Director and his team for their review and guidance during this process. While we may not have seen issues on the same plain, the Performance Audit has revealed weaknesses that require our quick attention and has also highlighted strengths and concepts that we can build on.

As stated before, PDS chooses to look forward in a new direction with the hope of being creative in our approach to customer services, fiscally responsible in using a sound business practices, and managing our organization resources; all of this to assist in the development of a new PDS that is motivated and focused on developing an efficient organization poised to meet the challenges ahead. We have used the audit to perform our own examination of PDS and will use these results as a springboard that galvanize this small division into action; initiating changes that will propel this team of hardworking employees into a new generation of future PDS leaders.