



August 17, 2022

Honorable Daniel M. Wolk  
1000 Main Street  
Woodland, CA 95695

Yolo County Grand Jury Foreperson  
P.O. Box 2142  
Woodland, CA 95776

via e-mail: [grandjury@yolocounty.org](mailto:grandjury@yolocounty.org)

RE: West Sacramento City Council Response to Grand Jury Report - Inspecting the Inspectors:  
Hiring Practices at City of West Sacramento, Building Division

Dear Judge Wolk:

The City Council is in receipt of the Grand Jury's report on the Hiring Practices of the City's Building Division dated June 21, 2022. The report makes four findings (F1-F4) and five recommendations (R1-R5). Pursuant to Penal Code Sections 933 and 933.05, the Grand Jury requested the City Council respond to all findings and all recommendations within 90 days. As requested, the City Council has completed the responses requested by the Grand Jury.

## **GRAND JURY FINDINGS**

*F-1. Management failed to conduct an adequate background check and failed to properly vet the SOTC to ensure all qualifications for the position were met, as specified by the City of West Sacramento's personnel rules.*

The respondent disagrees wholly with the finding. The screening process conducted by Human Resources upon submission by the SOTC of their application for employment included evaluation and verification of the candidate meeting the Minimum Qualifications (MQs) for the position per the job description. MQs include education, experience, and required licenses/certificate. The SOTC met the MQs and was placed on an Eligibility List and selected for interview by the department hiring manager/subject matter expert. The first interview panel, comprised of subject matter experts from outside agencies/municipalities, conducted candidate interviews. Subsequent to the panel interview, the panel evaluated the candidates and made the recommendation to the department hiring manager/subject matter expert that the SOTC move to the final interview process. After the final interview was completed, the SOTC was conditionally offered the position.

Once the candidate completed the interview processes and was selected, the department hiring manager/subject matter expert contacted and vetted the employee provided job references and communicated to Human Resources that a Conditional Offer of Employment should be extended.

Non-safety personnel are subject to the Department of Justice (DOJ) Background check, which the SOTC passed.

The Building Inspector I/II job description contains the following language:

*Possession of, or ability to obtain and maintain a Building Inspector's Certificate as issued by the I.C.C. within one (1) year of employment.*

The Grand Jury Report stated, "Public records obtained from the ICC reflect that the SOTC did obtain a certification as a California Residential Building Inspector on or about October 2020. While the above requirements outline the expectation that an inspector in this position would be certified within one year of their employment, the SOTC took more than 18 months to attain this one certification."

The SOTC had until the end of their 12-month probationary period, April 22, 2020, to obtain the required ICC certification. The SOTC was scheduled to take the exam for the ICC certification in March 2020 and was notified by the ICC the exam was cancelled due to the COVID-19 pandemic with no new exam date scheduled. The SOTC's supervisor at the time exercised the option to extend the SOTC's 1-year probationary period by 6-months per Personnel Rule 3.9.2 Length of Probation. The SOTC's probationary period was extended until October 22, 2020 and an ICC certificate was obtained on October 14, 2020, within the 18-month period and complying with the requirements of the Building Inspector I/II job description.

*F-2. Management failed to verify timely completion of certifications necessary for the SOTC to independently inspect construction projects to which the SOTC was assigned during the SOTC's employment.*

The respondent disagrees partially with the finding. The SOTC was hired and supervised by the former Chief Building Official (CBO), who retired in December 2021. Until August 2021, the former CBO was supervised by the former Community Development Director, who retired in December of 2019, and an interim Community Development Director from December 2019 to August 2021. Thus, the current Building Division management staff cannot expressly confirm whether management that hired and supervised SOTC failed to verify timely completion of certifications necessary for the SOTC to independently inspect construction projects. Upon review of the SOTC's personnel file, it does contain a Memo from the CBO to the SOTC dated April 8, 2020 extending his probationary period to obtain the ICC Residential Building Inspector Certificate and also a Status Change Form with verification of the SOTC obtaining the CA Residential Building Inspector Certificate on October 14, 2020.

*F-3 For over two years, supervisory and management staff failed to address the pattern of community complaints regarding the SOTC's work.*

The respondent disagrees partially with the finding. Prior to August 2, 2021, the respondent is unable to confirm if supervisory and management staff addressed the pattern of community complaints regarding SOTC's work; and if complaints were received, how they were addressed. However, with the arrival of the new Community Development Director in August 2021, any complaints about the SOTC's work elevated to the Director's level were addressed directly with the SOTC and/or with the SOTC's supervisor and documented in writing. As mentioned previously in Finding F-2, numerous leadership changes occurred in the Building Division during the SOTC's tenure, culminating in the retirement of both the Permit Services Supervisor and the Chief Building Official in December 2021. With new leadership in the Department and Division, the level of accountability and written feedback increased significantly until the SOTC resigned from the organization on February 16, 2022.

*F-4. The grand jury was not given access to the HR file of the SOTC or to the electronic tracking system, Acela, despite formal and lawful grand jury requests.*

The respondent disagrees wholly with the finding. Human Resources provided all of the documentation that was requested by Santos Cervantes, Chair, Detention & Public Safety Committee for the Grand Jury, including current and former employee contact information; current

and former employee hire dates; former employee dates of resignation; Harassment and Sexual Harassment Policy; 60 Administrative Policies specific to Human Resources; specifics regarding interview panels; information regarding employee hired to replace a retired building inspector; names of employees who were building inspectors when COVID-19 restrictions/lockdown began; and, names of individuals who acted as temporary building inspectors.

Human Resources never received a request from Mr. Cervantes, or from any other person on behalf of the Grand Jury, to provide the SOTC, or any other employees' HR (Personnel) File.

Community Development is not aware of a request from Mr. Cervantes or from any other person on behalf of the Grand Jury, to provide the access to the Accela electronic permit tracking system. Please know that the Chief Building Official, the Permit Services Manager and the Senior Plans Examiner in place at the time of the initial request from Mr. Cervantes are no longer with the organization and requests to, and responses by, those staff members cannot be verified.

## **GRAND JURY RECOMMENDATIONS**

*R-1. The City of West Sacramento should update the personnel rules to guide management to conduct more thorough background checks of an applicant's work history and implement a vetting process to ensure the candidate selected for hire is fully qualified for the position.*

The recommendation will not be implemented as it is not warranted. As described in the response to Finding F-1, the screening process conducted by Human Resources upon submission of a candidate's application for employment includes evaluation and verification of the candidate meeting the Minimum Qualifications (MQs) for the position per the job description. MQs include education, experience, and required licenses/certificate. The department hiring manager/subject matter expert conducts and vets the employee job references pertinent to work history.

*R-2. The City of West Sacramento should update the personnel rules to require that the building department management conduct follow-up annual reviews of professional licenses, certifications and training requirements, to ensure employees are current with requirements for their positions.*

The recommendation will not be implemented as it is not warranted. The Personnel Rules govern all employees of the City of West Sacramento and addresses broad employment practices and not individual departmental operating procedures. The Building Division has recently established a process to ensure an annual review of professional licenses, certifications, and training requirements, to ensure employees are current with requirements for their positions and practice.

*R-3. The City of West Sacramento should ensure that supervisory and management staff adhere to the employee complaint policy and act to resolve any verbal or formal complaints filed by staff.*

The recommendation will not be implemented as it is not warranted. All reasonable efforts are made to ensure supervisory and management staff act to resolve any verbal or formal complaints filed by staff. Human Resources staff are readily available to employees, supervisors and managers to resolve any issues. Training is and will continue to be made available to ensure staff adhere to the employee complaint procedure and act to resolve employee raised issues.

*R-4. The City of West Sacramento should ensure that management staff are trained in the HR processes when a staff member lodges a complaint against another City of West Sacramento employee.*

The recommendation will not be implemented as it is not warranted. Human Resources staff actively provide counseling and best practice guidance to managers and supervisors in addressing employee concerns and complaints and the processes to follow when an employee comes to them with a complaint.

*R-5. The City of West Sacramento should consider an independent audit of the SOTC's work to ensure the safety and compliance of projects inspected by the SOTC for the safety of the public.*

The recommendation will not be implemented because it is not reasonable. During the SOTC's tenure from April 2019 – February 2022, he conducted an estimated 1,000+ inspections. Many of the projects inspected by the SOTC have been completed and buildings are occupied. An audit of the SOTC's work would result in widespread disruption to businesses and residents and would be cost prohibitive. If there are safety concerns raised by the public on specific aspects of a project inspected by the SOTC for which the SOTC was not certified to inspect, the respondent will arrange for an inspection at no charge to the property owner. To date, there have been no such requests.

Sincerely,

DocuSigned by:  
*Martha Guerrero*  
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Martha Guerrero  
Mayor of West Sacramento

cc: Yolo County Grand Jury Foreperson (via email only)