

County of Tuolumne
Department of Public Works

PETER REI, R.C.E., P.L.S.
Director of Public Works

A.N. Francisco Building
48 West Yaney Avenue
Mailing: 2 South Green Street
Sonora, CA 95370

Engineering Division
(209) 533-5601
Road Operations Division
(209) 533-5601
Transportation Division
(209) 533-5603
County Surveyor Division
(209) 533-5626
Solid Waste Division
(209) 533-5588
Fax (209) 533-5698

June 24, 2010

Honorable Eric L. DuTemple
Presiding Judge of the Superior Court
60 N. Washington St
Sonora Ca 95370

Re: Response to 2009-10 Grand Jury Report from Tuolumne County Public Works

Judge DuTemple:

Please consider the following our response to the recommendations included in the 2009/10 Tuolumne County Grand Jury report:

Recommendation #1:

For Finding 1, additional effort should be made to resolve conflicts and lack of project confidence expressed by engineering staff members.

Response:

This recommendation cannot be implemented entirely as stated due to state laws that govern the responsibility for work performed and stamped by licensed engineers. However, we agree in concept that every attempt should be made to reduce the number of conflicts on projects performed for the County by consultant engineers.

The Jamestown Landfill Closure project dates back to the late 1990's and the work of our consultant engineer has been reviewed by many Tuolumne County Public Works Department staff members during the years since. As noted by the Grand Jury it is true that there were some staff members who had reservations about aspects of the landfill closure strategy proposed by the County's hired consultant, Brian Stirrat and Associates. It is also true that the County does not have staff trained in the closure of landfills as this is not an item of work that we historically have performed with in-house staff. As such any review on our part was minimal and would not have been based on experience with this type of project. That is why an outside engineering consultant was hired.

The concerns that were raised by our staff members occurred very late in the design process and were made by staff engineers who were not familiar with the industry

standard techniques used in closing landfills. Such concerns are normal and often a part of the review process of all consultant engineering projects.

Following our concerns being expressed our staff was assured by the consultant that the closure strategy was indeed viable and that they would stand behind their work. California state law requires a Civil Engineer to stamp and seal all work performed with their state license number. This stamping and sealing is intended to assure the client that the work was done correctly and that the engineer will take full responsibility for all work that is stamped and sealed.

Based on this legal requirement the County relied on the professional expertise of the consultant engineer for all decisions pertaining to the closure plans and specifications for the Jamestown Landfill closure project. Further questioning of the design, as proposed by the Grand Jury, would not have changed the fact that the consultant engineer is legally responsible for standing behind his/her work.

Recommendation #2:

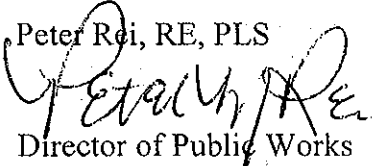
For Findings 2 and 3, the experiences of both the RWQCB and other counties should be researched (known as best practice) as a due diligence action prior to releasing very costly projects, should they be necessary in the future.

Response:

The County has only two landfills which required closure by the RWQCB. Both landfills are now closed. Thus there are no further landfill closure projects which are necessary.

The general concern of the Grand Jury with performing additional due diligence is valid and we agree this is good practice and will be implemented on future projects within the Public Works Department.

Peter Rei, RE, PLS


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