



# CITY OF COSTA MESA

P. O. BOX 1200, CALIFORNIA 92628-1200

ADMINISTRATIVE SERVICES DEPARTMENT—HUMAN RESOURCES DIVISION

September 24, 2013

The Honorable Thomas J. Borris  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Judge Borris:

Following are the City of Costa Mesa's responses to the finding and recommendations of the Orange County Grand Jury's 2012-2013 report "The Goal of Equal Employment Opportunity: NO VICTIMS". Comments on the findings and recommendations pertain to the items required from the City of Costa Mesa, responding agency.

## Comments to Findings

F1.

***Municipalities in Orange County cities are well-versed in EEO issues and maintain exemplary compliance strategies.***

Comment:

Agree

F4.

***Complaint ratios between OC Cities and the County of Orange are similar; but differences in how previous complaints were handled in the County led to major problems.***

Comment:

The City of Costa Mesa, not having OC Cities and the County of Orange claim statistics, is unable to agree or disagree with the above finding.

F5.

***The County and several cities do not offer, or provide limited, training in harassment, discrimination, and retaliation, particularly for line staff. At this time, although line staff training is not required, all staff benefit from EEO training.***

Comment:

Agree, this respondent would like to stipulate, the City of Costa Mesa does offer harassment training to line level staff and encourage line level staff to attend harassment training.

F6.

***There are several Risk Management Joint Powers Insurance Pools (of which most cities are members) to ensure adequate coverage and sharing of liability with other member entities.***

Comment:

The City of Costa does not participate in a Joint Powers Insurance Pool. It is our understanding many cities do participate in Joint Powers Insurance Pools to ensure adequate coverage and sharing of liability.

## Comments to Recommendations

R1.

*All OC cities and County government shall include funding for training of management and supervision as required by law and ensure training for all employees every two to three years.*

Comment:

Recommendation R1 had been implemented, prior to the Grand Jury report.

The City of Costa Mesa budgets and allocates funds for harassment/discrimination/retaliation prevention training on an annual basis. Twice a year (Spring and Fall), Liebert Cassidy Whitmore (LCW) legal services is retained to provide workshops in compliance with AB 1825. The City of Costa Mesa will continue to ensure that this training will be budgeted for and provided every year.

R2.

*OC cities shall review SIR aggregate limits every five years to assess changes in risk management economies and insurance pool mix.*

Comment:

Recommendation R2 had been implemented, prior to the Grand Jury report; however not through an insurance pool.

Rather every two to three years the City of Costa Mesa's Risk Management staff independently review our SIR aggregate limits in relation to our risk assessment.

R3.

*OC cities and the County of Orange government shall continue efforts to utilize best practices with respect to Harassment, Discrimination, and Retaliation*

Comment:

Recommendation R3 had been implemented, prior to the Grand Jury report.

Harassment, discrimination, retaliation prevention training is required for management and supervisory employees per AB 1825. In addition, such training is also offered to non-management/supervisory (line level) employees.

During new hire orientation, employees are provided with a copy of the City's Administrative Regulation (AR) 2.21 "Harassment in Employment."

In addition, designated Human Resources staff are trained in handling/investigating complaints/grievances. However, depending on the nature and scope of a complaint, an outside investigator may be retained to perform the investigation (e.g. LCW or Norm Traub and Associates).

Should additional information be required, please feel free to contact me at (714) 754-5172.

Sincerely,



Lance M. Nakamoto  
Human Resources Manager

C: Orange County Grand Jury