

# **Silver Strand Mid-Beach Public Restroom Reconstruction**

## **Summary**

The 2007-2008 Ventura County Grand Jury (Grand Jury) received several complaints regarding a public restroom reconstruction project (Project) mid-beach on Silver Strand Beach (SSB) in Oxnard. Note: the project also includes two other restrooms and a lifeguard tower. The complainants cited seven common areas of concern. The Grand Jury found that the Ventura County Harbor Department (Department) acted appropriately in all areas. There are recommendations that should improve future relations with the public regarding Agency projects contiguous to private property. These recommendations are:

- Department projects that affect private property values should have a written public notification procedure which includes written records of those actions and a record of responses from the public.
- Public safety issues relating to projects contiguous to private property must be a primary consideration of the Department which should coordinate both citizens and public safety services in a "Neighborhood Watch" type program to protect the public.
- American Disabilities Act (ADA) requires access to public restrooms and the Department should provide access for all handicapped persons and not rely exclusively on balloon-tired wheelchairs.

The Grand Jury also found that the Department did not overstep its authority in the reconstruction of the Project. The Project was within its designated budget and consistent with the required permits for such a project. However, the expenditure of pass-through funds by the Department leads the Grand Jury to recommend a comprehensive audit of the Department budget for public confidence in those expenditures.

## **Background**

As a result of public complaints regarding the County owned public restroom project mid-beach at SSB, the Grand Jury initiated an investigation in January 2008. The investigation looked into seven specific areas:

- location or relocation of the mid-beach public restroom building at SSB
- project approvals by the California Coastal Commission (CCC), the building department, and the Ventura County Board of Supervisors (BOS)
- proper public notification for projects affecting private property

- public safety issues at and around the public restroom buildings
- Title 24 ADA compliance issues at the Project
- cost and total County budget set aside for the entire Project versus actual costs for the first two of three restroom/lifeguard tower replacements, one at Hollywood Beach (HB) and the other at mid-beach on SSB
- SSB mid-beach project location and its effect on private property values

## **Methodology**

The Grand Jury conducted several interviews with interested parties including one complainant, County employees, and elected County officials. The Grand Jury researched the historical documents to assemble the time line of events concerning the Project. Newspapers were searched for public input and articles about the Project. The Department Website was reviewed for public comments. Several Grand Jurors visited Project sites and at least one Grand Juror was present at the December 12, 2007 BOS meeting where the public made comments regarding the Project.

## **Findings**

### General

- F-01.** The Department is under the supervision of the County Executive Officer (CEO) and the BOS for policy and oversight. [Att-01]
- F-02.** The Project restrooms are not within the Department's boundaries and are not included in the Department's property inventory.
- F-03.** Public complaints to the Department regarding the condition of the public beach restrooms began prior to 2001.
- F-04.** The Department was assigned the task of replacing the restrooms at the request of the CEO.
- F-05.** The Department requested the County Airports Director to assist in securing the required reconstruction permits since the Airports Department had experience with the permitting process.

### Approvals

- F-06.** The Department obtained coastal zoning clearances #ZC07-0183 and #ZC07-0182 in February 2007 for public restrooms at SSB and HB.
- F-07.** Building permits #PLR07-1216 and #PLR07-1217 were issued by the Resource Management Agency (RMA) in June 2007 to remodel existing public restrooms at SSB and HB.
- F-08.** The Project was subject to the County Coastal Plan certified by the CCC.
- F-09.** In issuing building permits and coastal zone clearance for the Project, the Department used the following terms to describe the type of construction being permitted:

- construction
- remodel

**F-10.** The complainants contend that the proper term to describe the Project at mid-beach on SSB and HB is new construction.

**F-11.** The Department contractor's bid was to completely remove the former restrooms and reconstruct them in the same locations.

#### Location

**F-12.** Required coastal zone approvals from RMA were waived since this was reconstruction in the same location as the former restrooms.

**F-13.** In June 2007, the California State Lands Commission (CSLC) was contacted by the Department inquiring into the feasibility of locating the mid-beach SSB restroom on State property in La Jenelle Park, which is located at the south end of SSB. No further action was taken by the Department due to costs.

**F-14.** The County has leased La Jenelle State Park since 1973.

**F-15.** Relocation of the SSB mid-beach Project to the south end of SSB could be accomplished:

- through the approval of the CSLC which would negotiate price and terms for relocation on State property at La Jenelle Park
- with new Environmental Impact Study Checklist
- with new RMA approvals

**F-16.** The additional budget expense for the relocation of the SSB project would also require:

- an Environmental Impact Report at an estimated cost in excess of \$500,000
- additional time to secure permits which has a cost value
- new County building permits at an undetermined cost

#### Public Notification

**F-17.** Public notification for the Project was conducted in several acceptable ways:

- mailings to the affected private property owners through water bills
- public meetings held by the Department for the public to voice their opinions
- Website for the County and Department announcing meetings and or related agenda items
- hand delivered notices to affected private property owners

- BOS meeting agenda items concerning the Department posted on the BOS Website.
  - site postings (this was not used due to vandalism experience)
- F-18.** BOS public hearings and agenda items relating to the Project occurred on October 3, 2006, November 14, 2006, December 12, 2006, and November 20, 2007.
- F-19.** The Department held public meetings related to the Project in June 2006 and October 2007.

#### Public Safety

- F-20.** Beach restroom maintenance is provided by the Department at the request of the CEO.
- F-21.** Public safety issues of beach restrooms are shared responsibilities of the Department's Harbor Patrol (water), the Oxnard Police Department (land), and the Ventura County Sheriff's Department (land).

#### ADA Access

- F-22.** The construction of the public restrooms is in compliance with all Federal, State, and County building code ordinances including Title 24/ADA. (The Department intends to continue its program of providing balloon-tired wheel chairs to cross the sand at SSB and HB restrooms.)

#### Budget and Costs

- F-23.** The Project was first referenced in the 2000-2005 County Capital Improvements Report and in several successive County reports:
- 2003-2008 County Capital Improvements Report
  - 2003 County Budget line item note Structural and Improvements Contracts
  - 2005-2006 Operation of Enterprise Fund Report
  - CEO 2002-2007 5-Year Report for Capital Improvements
  - CEO 2003-2008 5-Year Report for Capital

The Project was deferred due to lack of funds.

- F-24.** In the 2003-2008 County Capital Improvements Report, it was noted that the lifeguard/public restroom facility at the north end of SSB was earmarkeddemolished as a result of a 2002 storm and the HB public restroom was noted to be in poor condition and beyond renovation status.
- F-25.** The BOS initial funding pass-through of \$1.2 million was in FY2005-2006 budget for the Project.
- F-26.** The budget adopted for FY2006-2007 added \$1.0 million additional pass-through revenue for the funding of the Project.

- F-27.** The BOS allocated a total pass-through of \$2,259,000 which included a \$59,000 payment from the insured storm damage to complete the three public restrooms/lifeguard tower projects.
- F-28.** The 2007-2008 Ventura County Preliminary Budget Book noted in the Accomplishments section that construction drawings for the replacement of two public beach restrooms were completed and out for bids.
- F-29.** The cost of architectural (blueprints and engineering) is normally about 10% or less of the construction cost. This was exceeded for the two public restrooms due to thirteen redrafts of the plans as a result of public and staff recommendations.
- F-30.** The cost of construction for the Project included:
- permits
  - demolition
  - utility off-sites (utilities brought to the site from the utility vendors, not utilities within the project site)
  - facility construction to coastal zone standards
  - construction oversight consultant
- F-31.** Qualified architectural bids for the Project were awarded to bidders based on experience with coastal zone construction standards required for this Project.
- F-32.** Qualified construction bids for the Project were awarded to bidders based primarily on cost.
- F-33.** Three contracts were awarded for the construction of public restrooms at mid-beach SSB and HB. (A third public restroom/lifeguard tower combination building at SSB was put on hold.) The cost breakdown was:
- architecture and engineering \$154,930
  - facility construction \$595,001
  - construction oversight consulting \$63,920
- [Att-02]
- F-34.** The cost for the two public restrooms conformed to typical governmental contracts for similar projects in other southland coastal counties. The total was \$813,851 or approximately one third of the BOS allocation for the three public restroom/lifeguard tower projects.  
[Att-03]
- F-35.** The Department has a budget of approximately \$10,000,000 per year and the last comprehensive County audit was in the late 1990's.

### Property Values

**F-36.** Complainants stated that their property values are affected by:

- types of public structures
- loss of viewsapes
- graffiti
- behavior at public restroom facilities

**F-37.** The mid-beach SSB public restroom has been in its current location for over 30 years.

### **Conclusions**

**C-01.** The Department did not exceed its granted authority in contracting the demolition and reconstruction of the public restroom at mid-beach SSB. (F-04)

**C-02.** The Department followed building codes for the Project. (F-06 through F-09, F-11, F-12)

**C-03.** Department notification of pending public projects and records of those notices are not formalized or maintained. (F-17 through F-19)

**C-04.** The public shares responsibility with Public Safety Departments for safety at public restrooms by reporting suspicious activities and not relying entirely on surveillance of those facilities by the Departments. (F-20, F-21)

**C-05.** ADA approved wheelchairs used to cross sand do not meet all the needs of handicapped and disabled citizens. (F-22)

**C-06.** The budget for the Project is typical considering:

- its location in the coastal zone
- prevailing wage requirements
- type of bidding required to perform the type of project

(F-23 through F-34)

**C-07.** The original public restroom at mid-beach SSB was over 30 years old and the new mid-beach restroom, properly maintained and protected, should not further affect private property values. (F-37)

**C-08.** The County would be better served if comprehensive agency audits were performed on a regular basis. (F-35)

### **Recommendations**

**R-01.** The Department should continue to notify affected private property owners near a County project which may affect private property values. A formal written procedure of public notification should be added to the

Department Manual of Policies and Procedures. Records of notifications and resulting public comments should be maintained. (C-03)

- R-02.** The Department should continue to hold public meetings and maintain records of public comments. (C-03)
- R-03.** Appropriate steps should be taken to assure that all disabled and handicapped members of the public have beach restroom access instead of relying exclusively on County provided balloon-tired wheelchairs. (C-05)
- R-04.** The Department should assist residents to form a type of "Neighborhood Watch" program for the safety issues surrounding public beach restrooms and coordinate efforts with Oxnard Police Department, Ventura County Sheriff's Department, and the Harbor Patrol which together are responsible for public safety at County beaches. (C-04)
- R-05.** The Department should inform the public of costs, locations, and construction procedures for similar coastal projects prior to implementation. (C-06)
- R-06.** The Auditor-Controller should perform a comprehensive audit of the Department at least every three years. (C-08)
- R-07.** The Auditor-Controller should audit the use of funds for this Project when it is completed. (C-08)

## **Responses**

### Responses Required:

Board of Supervisors, County of Ventura (R-01 through R-05)

Auditor-Controller, County of Ventura (R-06, R-07)

### Responses Requested:

Harbor Department, County of Ventura (R-01 through R-05)

## **Attachments**

Att-01 County Organization Chart

Att-02 County Construction and Consulting Contract Cover Pages

Att-03 Aerial Photos of Public Restroom Projects

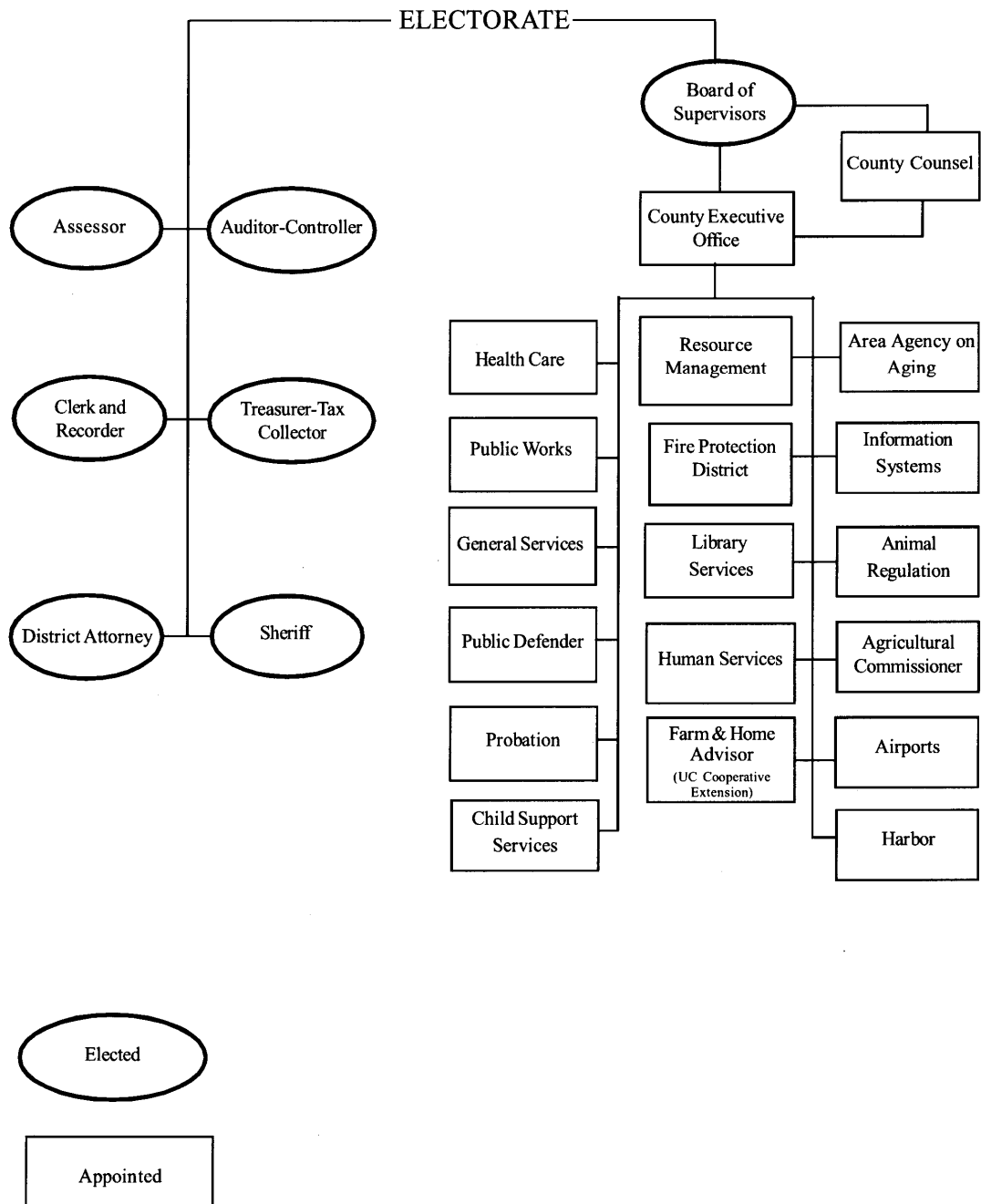
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**Attachment-01**  
**County Organization Chart**

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## COUNTY OF VENTURA ORGANIZATION CHART



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**Attachment-02**  
**County Construction and Consulting Contract Cover Pages**

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CONTRACT

Spec. No.: HD 08-01

## CONTRACT

PROJECT: County of Ventura – RESTROOM RECONSTRUCTION  
Hollywood Beach & Midway Beach  
Specification No.: HD 08-01 Project No.: HD-001 & HD-002

The names and addresses of the parties to this contract, who shall be referred to as "Agency" and "Contractor" respectively, are as follows:

AGENCY: COUNTY OF VENTURA – HARBOR DEPARTMENT  
3900 PELICAN WAY  
OXNARD, CA 93035

CONTRACTOR: KIWITT'S GENERAL BUILDING  
P.O. BOX 1359  
SOMIS, CA 93066-1359

The Agency and the Contractor mutually agree on November 20, 2007, as follows:

### 1. CONTRACT DOCUMENTS

This contract consists of the contract documents as defined in Subsection 1-2 of the Specifications, which include the following documents and represents the complete agreement between Agency and Contractor:

- (a) Proposal
- (b) Notice to Bidders.
- (c) Plans and Specifications identified by Specification No. HD 08-01.
- (d) Board of Supervisors action of November 20, 2007, (Agenda Item No. 37) awarding the Contract and delegating to the Harbor Director authority to execute the Contract awarded by the Board, which is on file with the Clerk of the Board.
- (e) Performance and Payment Bonds as defined in Subsection 2-4 of the Specifications.
- (f) Prevailing Wage determinations.
- (g) Certificate/Proof of Insurance
- (h) Copy of appropriate Contractor's License
- (i) Affirmative Action Policy for Contractors and Vendors

### 2. DESCRIPTION OF WORK

The Contractor shall perform and complete in strict conformity with this Contract the work as described and shown in the contract documents, consisting generally of:

The demolition of the existing County of Ventura restrooms at Hollywood Beach and Midway Beach and the construction of new restrooms at the same locations. The existing restrooms are in poor condition and do not meet current interior handicapped accessibility requirements. The new restroom interiors will conform to handicapped accessibility requirements, contain vandal resistant fixtures and be more architecturally compatible with the local beach community.

CONTRACT

Spec. No.: HD 08-01

CONTRACTORS ARE REQUIRED BY LAW TO BE LICENSED AND REGULATED BY THE CONTRACTORS' STATE LICENSE BOARD. ANY QUESTIONS CONCERNING A CONTRACTOR MAY BE REFERRED TO THE REGISTRAR, CONTRACTORS' STATE LICENSE BOARD, P.O. BOX 26000, SACRAMENTO, CALIFORNIA, 95826

### 3. CONTRACT PRICE

The contract price, which is the amount which Contractor shall accept as full payment for the work above agreed to be done, are the amounts determined in accordance with the contract documents for the prices stated for lump sum items completed plus the total number of each of the units of work completed at the unit prices stated. The prices named in the proposal form are as follows:

ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	Hollywood Beach Restroom	LS	1		285,000.00
2	Midway Beach Restroom	LS	1		310,000.00
3	Execution of Release on Contract	LS	1		1.00
CONTRACT TOTAL					\$595,001.00

### 4. TIME OF COMPLETION

The time for the completion of the work is 120 WORKING DAYS for completion of all construction work from the contract starting date as provided in the contract documents and shown in the Notice to Proceed.

### 5. LIQUIDATED DAMAGES

Liquidated damages are \$750.00 PER CALENDAR DAY for exceeding contract time allowed for construction work.





**Exhibit "A"**

**VENTURA COUNTY HARBOR DEPARTMENT  
Restroom Reconstruction  
Hollywood Beach & Midway Beach**

**Proposed Services:**

- 1. Construction Phase Administrative Services**
  - a. Conduct pre-construction, construction, & bi-monthly progress meetings.
  - b. Prepare bi-monthly schedule update utilizing the general contractor's and subcontractor's schedules.
  - c. Receive and transmit shop drawings, submittals, RFI's, change orders, progress payments and final pay requests, for approval.
  - d. Provide regular monitoring of construction costs - actual vs. projected. Coordinate invoicing and payment process with the Harbor Department. Review and provide recommendation for General Contractor pay applications.
  - e. Confirm that "As-Builts" are current and are being updated on an ongoing basis.
- 2. Construction Phase Quality Control Services**
  - a. Monitor Contractor Prevailing Wage Rate Compliance.
  - b. On-Site Construction Observation (a duration of six (6) consecutive months). Observation to include:
    - Quality Control
    - Safety Monitoring
    - Construction Coordination
    - Quality Control
    - Documenting progress with digital photos.

Corporate Office: 300 E. Esplanade Drive, Suite 1550 • Oxnard, CA 93036 • Phone: 805.981.7600 • Fax: 805.981.7623  
[www.rollinsconsultinginc.com](http://www.rollinsconsultinginc.com)



### 3. Inspections

- a. Provide Concrete footing and slab testing and inspections.
- b. Perform Masonry Grout Deputy Inspections.

Work to be performed by BTC Laboratories under subcontract with RCI.

Soils inspections provided by the Harbor Department under separate contract.

### 4. Final Acceptance/ Closeout Services

- a. Coordinate Final Punch List, Punch List Completion, and Owners Final Acceptance.

**Total Proposed Cost for the Above Services:**

*Sixty Three Thousand Nine Hundred and twenty dollars.....\$63,920.00*

### PAYMNET TERMS:

Services provided on a time and material basis billed in accordance with the following rates:

Project Executive	\$165.00/hr
Project Manager	\$132.00/hr
Project Engineer II	\$72.00/hr

Expenses Bill at cost plus 15%.

Payment due thirty days from receipt of invoice for services and expenses provided. ~~Late payments are subject to 1 1/2% monthly interest fee.~~

*WJ*  
*AK*  
*BM*

**Attachment-03**  
**Aerial Photos of Public Restroom Projects**

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Hollywood Beach Restroom



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