



County of Orange  
California

Thomas G. Mauk  
County Executive Officer

March 30, 2010

Honorable Kim G. Dunning  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92702

Subject: Status Update on Open Grand Jury Implementation Items <sup>2008-2009</sup>

Dear Judge Dunning:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Kathleen Long at (714) 834-7410 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Sincerely,

Thomas G. Mauk  
County Executive Officer

Enclosure

cc: Foreman, Orange County Grand Jury

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## 2008-09 Follow Up to Grand Jury Open Implementation Items

**Report: They Are All Children**

**Released: January 27, 2009**

**R.3 Detailed Examination of Staffing and Finances:** The Board of Supervisors direct that a detailed examination of staffing and finances at Orangewood Children's Home be conducted by both the Social Services Agency and the county financial oversight staff.

*Original Response: The recommendation has not been implemented, but will be implemented in the future.*

Social Services Agency, in coordination with the County Executive Office, is already reviewing staffing levels and finances and will include identified changes in the FY 09-10 Budget.

**Current Status: The recommendation has been implemented.**

Social Services Agency's (SSA) review of staffing levels at Orangewood Children's Home (to be renamed Orangewood Children and Family Center per Agenda Item #33 approved by the Board of Supervisors on January 26, 2010) during the FY 2009-10 Budget and Quarterly Budget Report process resulted in deletion of 20 Group Counselor positions effective July 1, 2009 and one Office Technician effective November 24, 2009. An additional reduction of 7 support positions became effective January 2010. SSA, in coordination with the County Executive Office, continues to monitor the staffing levels and finances of Orangewood Children and Family Center.

**Report: Guardian of Last Resort**

**Released: May 6, 2009**

**R.2 Transfer Personnel Management Functions:** The Board of Supervisors should transfer the personnel management functions of P/G to the OCHR.

*Original Response: The recommendation requires further analysis.*

The Human Resources Department worked with the County Executive Office to identify options available to the Board related to the personnel management functions of the Public Administrator/Public Guardian (PA/PG) department. Transfer of personnel management functions will be dependent on the option(s) selected by the Board of Supervisors regarding the structure of the PA/PG functions. The County Executive Office will provide further analysis to the Board of Supervisors in the FY 2009-10 First Quarter Budget Report to be heard by the Board of Supervisors in November 2009.

**Current Status: The recommendation will not be implemented because it is not reasonable or is not warranted.**

The Board of Supervisors conducted a public hearing on December 15, 2009 to consider rescinding Ordinance 07-008 and returning the Public Guardian (PG) to an appointed position, reporting to the CEO. The motion to approve the staff recommendations of

rescinding the ordinance and revising the PA/PG organization failed. As such, transfer of the personnel management functions of the PA/PG is not warranted, and those functions will remain with the PA/PG department.

**R.4 Personnel Record Review:** The County Internal Audit Department should conduct an in-depth review of OCHR personnel records to determine if additional instances of questionable pension practices exist in agencies other than the PA/PG office. The audit report and any resulting County responses will be forwarded to the Grand Jury for information.

***Original Response: The recommendation has not yet been implemented, but will be implemented in the future.***

The County Internal Audit Department included such a review in the 2009-10 Audit Plan approved by the Audit Oversight Committee on May 27, 2009. The Board of Supervisors and the County Internal Audit Department anticipates completing the review by December 31, 2009. The Orange County Human Resources Department will work with the Internal Audit Department on this matter.

**Current Status: The recommendation has been implemented.**

The County Internal Audit Department opened audit number 2913, completed field work, and issued a draft report on January 25, 2010. The final report is expected to be issued by April 2010.

**R.7 Separate PA and PG:** The Board of Supervisors should complete a comprehensive independent review of Public Administrator/Public Guardian. Based on the results of this review and the Grand Jury report, they should reconsider whether separating the PA/PG from the Health Care Agency and turning it into a separate stand-alone County department has been cost and performance improvement effective. If not, the Board of Supervisors should return Public Guardian to the HCA or another County department.

***Original Response: The recommendation requires further analysis.***

The County Budget Office, Legislative Affairs, and the Human Resources Department continue to work to identify options available to the Board related to the Public Administrator/Public Guardian (PA/PG) department. Such options might include:

- Repeal Ordinance 07-008 designating the Public Administrator the *ex officio* Public Guardian allowing for separation of the Administrator and Guardian functions
- Separate Public Guardian (PG) from Public Administrator (PA) and place PG back with the Health Care Agency (HCA) under CEO oversight
- Comparison of how other neighboring counties organize the PA/PG function

The County Executive Office will provide further analysis to the Board of Supervisors in the FY 2009-10 First Quarter Budget Report to be heard by the Board of Supervisors in November 2009. HCA will work with the Board and CEO as directed.

**Current Status: The recommendation has been implemented.**

A comprehensive review of the Public Administrator/Public Guardian (PA/PG) was completed by the County Executive Office staff and, on December 12, 2009, the Board of Supervisors considered Agenda Item #59, the first reading of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian." The motion to approve rescinding the ordinance as recommended failed. The Public Administrator remains as the *ex officio* Public Guardian (PG) and the PG function remains with the PA/PG department. The Board of Supervisors directed that the CEO bring back the issue of separation of functions during the Fiscal Year 2010-11 Budget discussions to be held in June 2010.

**R.8 Consider Moving PA Function:** When the term of the current PA expires in two years, the Board of Supervisors should consider moving the Public Administrator function into the same department that administers Public Guardian activities. This action should be coordinated with the recommendation identified in R.7 to eliminate any logistic or redundancy problems.

***Original Response: The recommendation requires further analysis.***

The County Executive Office will provide further analysis to the Board of Supervisors in the FY 2009-10 First Quarter Budget Report to be heard by the Board of Supervisors in November 2009. CEO Legislative Affairs has researched the option of placement of an initiative on the next available ballot to make the PA position appointed rather than elected. If an initiative is placed on the ballot and voters in the County approve the PA as an appointed position, the Board of Supervisors would determine the placement of the PA function.

**Current Status: The recommendation will not be implemented because it is not reasonable or is not warranted.**

Because the Public Administrator remains an elective, not an appointive, office, it is not warranted for the Board of Supervisors to consider moving the PA function into another department.

**Report: Orange County Investments: The Need for Stronger Oversight  
Released: June 9, 2009**

**R.4 Revisions to the IPS -** The Board of Supervisors should consider the following revisions to the December, 2008, IPS:

**R.4(a) Individual Investments Revision:** This language ". . .the standard of prudence to be used by County investment officers shall be the prudent investor standard and shall be applied in the context of managing an overall portfolio," should be clarified to mean that all individual investments meet the prudent investor standard. (F-3a)

***Original Response: The recommendation has not been implemented, but will be implemented in the future.***

The Board of Supervisors will consider recommending revisions to clarify the December 2008 Investment Policy Statement (IPS) to mean that all individual investments meet the prudent investor standard. Recommendations will be conveyed to the Treasury Oversight Committee for consideration and inclusion in the IPS before the end of the fiscal year (June 30, 2010).

***Current Status: The recommendation has not been implemented, but will be implemented in the future.***

On December 15, 2009, the Treasurer submitted to the Board of Supervisors the 2010 Investment Policy Statement (IPS) which was approved by the Treasury Oversight Committee (TOC) on October 28, 2009 with no changes. The recommendation that the IPS language be clarified to mean that all individual investments meet the prudent investor standard will be conveyed to the TOC by June 30, 2010 for consideration and inclusion in the IPS during the next annual review by the TOC before the end of the 2010 calendar year.

**R.4(c) Investment Safety Priority Revision:** The language in the IPS "It will be invested primarily in high grade securities commensurate with achieving a higher yield, while also considering preservation of capital" should be clarified to show that yield is not a priority over safety, and that investments will only be made in high-grade securities. (F-3c)

***Original Response: The recommendation has not been implemented, but will be implemented in the future.***

The Board of Supervisors will consider recommending revisions to clarify the December 2008 Investment Policy Statement (IPS) to indicate that yield is not a priority over safety, and that investments will only be made in high-grade securities. Recommendations will be conveyed to the Treasury Oversight Committee for consideration and inclusion in the IPS before the end of the fiscal year (June 30, 2010).

***Current Status: The recommendation has not been implemented, but will be implemented in the future.***

On December 15, 2009, the Treasurer submitted to the Board of Supervisors the 2010 Investment Policy Statement (IPS) which was approved by the Treasury Oversight Committee (TOC) on October 28, 2009 with no changes. The recommendation that the IPS language be clarified to show that yield is not a priority over safety, and that investments will only be made in high-grade securities will be conveyed to the TOC by June 30, 2010 for consideration and inclusion in the IPS during the next annual review by the TOC before the end of the 2010 calendar year.

**R.6(a) TOC Expansion:** The TOC should consider expanding to seven members including four members of the public. This will achieve a better balance between County and public membership and serve to enhance the Committee's expanded role in oversight of the investment pools. Since the Committee recently added two members of the public, two additional members of the public are recommended. (F-5)

***Original Response: The recommendation requires further analysis.***

The TOC is currently comprised of five members:

1. The County Auditor-Controller - represents County constituents while fulfilling the statutory responsibilities for overseeing the treasury;
2. The County CEO - a representative of the Board which is statutorily responsible for the treasury;
3. The Superintendent of Schools - protects the interests of approximately one-half of the depositors;
4. A city treasurer - represents the interests of outside participants;
5. A public member who serves as a community college chancellor

The interests of the depositors are well represented. It is very difficult securing the services of qualified public volunteers. The provisions of Government Code Section 27132.3 add further constraints since members cannot serve in the financial services industry during their term of service and for one year after leaving the committee. The TOC will deliberate this recommendation and decide prior to December 31, 2009.

**Current Status: The recommendation has been implemented.**

The Treasury Oversight Committee (TOC) met on December 28, 2009 to consider whether to expand the number of public committee members. The committee decided to revise the bylaws and double the number of public committee members from one to two. The TOC voted to revise the bylaws on January 27, 2010 and will submit the revisions to the Board of Supervisors for approval.

**R.6(b) Public Members Knowledge of Public Finance:** While Section 27132(1) of the Government Code requires at least two of the public members be well versed in public finance and investment techniques, all four of the public members should be so qualified. (F-5)

***Original Response: The recommendation requires further analysis.***

The TOC has always required its public members to be well versed in public finance and investment techniques. However, if the committee is expanded to include four public members, this will likely become difficult to implement due to the restrictions on membership imposed by the Government Code noted in the response to recommendation R.6(a) above. The TOC will deliberate this recommendation and decide prior to December 31, 2009.

**Current Status: The recommendation has been implemented.**

On January 27, 2010 the TOC elected to revise the bylaws and expand the committee membership to include one additional public committee member [see response to R.6(a)].

The two public members of the committee will be required to be “well versed in public finance and investment techniques.”

**R.11 Annual Meeting:** The Treasurer's Office should schedule an annual meeting between the TAC and the TOC to discuss the safety and quality of the investment pools, the current investing climate and any issues previously raised with the Treasurer's Office. (F-12)

***Original Response: The recommendation has not been implemented, but will be implemented in the future.***

A meeting between the TAC and the TOC will be held prior to December 31, 2009.

**Current Status: The recommendation has been implemented.**

The TOC held a joint meeting with the TAC on December 28, 2009. Treasurer's reports from July 2009 through September 2009 were received and discussed. In addition, discussion was held regarding the purpose of the TAC and the relationship between the TAC and the TOC.

**Report: Condition of Orange County Jails**  
**Released: June 18, 2009**

**R.3 Facility Upgrades and Maintenance:** The OCSD and the Board of Supervisors should pursue with the AOC needed facility up grades and maintenance to avoid future safety issues at courthouse holding facilities. (F.2)

***Original Response: The recommendation has not yet been implemented, but will be implemented in the future.***

While several projects to correct deficiencies are already underway (e.g., control panels, door sensors, cameras), the County will continue to work with the AOC for correction of other deficiencies to avoid future safety issues. The exact timing for implementation of all corrections is still to be determined.

**Current Status: The recommendation has been implemented.**

In its report on the *Condition of Orange County Jails*, the Grand Jury expressed concern with safety issues involving Sheriff personnel and inmates within aging holding cells at the Orange County Superior Court facilities. A number of projects have been completed and several are still on-going to improve security and detention issues at the Orange County Superior Court facilities. The following is a summary:

**1. Closed-Circuit Color Television Cameras**

Over 400 Closed-Circuit Color Television Cameras (CCTV) were installed throughout the eight courthouses. The cameras were placed at all public entrances, public hallways, entrances to elevators and stairwells and public filing windows. Cameras were also installed in detention areas that cover all inmate

entrances, cells, corridors, stairwells and custody entrances into courtrooms. All cameras, both public and detention, are monitored by on-duty Sheriff's staff and are recorded on digital video recorders (DVRs). The images are maintained on the DVRs for approximately six months.

**2. Remodel of West Justice Center Detention Control Center**

A remodel and expansion of the Detention Control Center is currently underway at the West Justice Center with completion scheduled for March 28, 2010. The remodel will expand the size and capability of the control center which houses the detention staff.

**3. Replacement of Detention Door Controls**

A project is currently being completed to replace the old control panels which open/close and lock/unlock all cell doors at Harbor Justice Center, Newport Beach, North Justice Center and West Justice Center. The old manual release switches with indicator lights are being replaced with a current technology "touch screen" computer-controlled system. This new system is similar to systems currently in place at the Theo Lacy Jail facility and OC Juvenile Hall. The project is scheduled for completion by April 2010. A project is underway to replace the same control panels at Central Justice Center's five detention areas by March 2011.

**4. Reduction of Inmate Population in Justice Center Detention**

The Superior Court recently created a direct calendar, which reduced the number of inmates required to report to a Justice Center each day. Additionally, a courtroom went on-line in October 2009 within the Central Jail Complex. Harbor Justice Center, Central Court, and North Court arraignments are now heard via the on-line courtroom. West Court will go on-line in the near future. Average daily populations at the Justice Centers have decreased as follows: Harbor Justice Center went from 64 to 37; Central Justice Center from 184 to 144; and North Justice Center from 104 to 72.

Transfer of all Court facilities from the County to the State has been completed. As such, completion of any future projects is at the State's discretion.

**R.11 Bar Codes:** Bar codes on wristbands should include booking number, photo, medical needs and special issues which would allow greater control, accountability and security. The bar code could be scanned, thus saving the County a considerable amount of dollars in reducing medical errors, the risk of mistaken releases and special protection needs.

*Original Response: The recommendation has not been implemented, but will be implemented in the future.*

The Orange County Sheriffs Department is currently exploring a bar code wristband system with a projected date for implementation of September 2009. HCA will work



with the Sheriffs Department toward implementing this system in a manner that facilitates improved medical care.

**Current Status: The recommendation has not been implemented, but will be implemented in the future.**

The Orange County Sheriffs Department implementation planned for September 2009 was delayed until December 2009. The Sheriffs Department has begun issuing inmate wrist bands which include a bar code unique to the inmate and a picture of the inmate. The Sheriffs Department Commissary is currently evaluating the best method to interface their existing software with the new wristband system. The information gained from this project will help the Health Care Agency (HCA) to assess the technical feasibility of connecting the wristband and the jail health information system (known as CHART), and to determine what medical information can be integrated with the new system.

HCA has added the wristband integration project to the ongoing CHART implementation projects. In addition to the connectivity issues mentioned above, HCA also must determine the associated costs for programming, printers, scanners, and training. HCA expects that the evaluation and development of an implementation plan will be completed by December 2010.

**Report: Supplemental Guardian of Last Resort**  
**Released: June 30, 2009**

**SR.1 Ordinance No. 07-008:** The Board of Supervisors should report on the feasibility and legality of rescinding Ordinance No. 07-008, adopted on 5-22-07, whereby the Board of Supervisors designated the PA as ex officio PG, in order that the PA would no longer operate as ex officio PG. (F.2)

***Original Response: The recommendation requires further analysis.***

The CEO supports the implementation of this recommendation, and should the Board so direct, an item will be placed on the Board Agenda within 45 days for consideration of a first reading of an ordinance to rescind Ordinance No. 07-008. The item would include a recommended action to place the ordinance on the agenda of a regularly scheduled Board meeting for adoption. The following government code section establishes the legality of rescinding Ordinance No. 07-008, adopted on May 22, 2007:

Per Government Code 27432(c): "If the public administrator has been designated *ex officio* public guardian, the board of supervisors may by ordinance terminate the designation and appoint another public guardian and all authority vests in the successor."

**Current Status: The recommendation will not be implemented because it is not reasonable or is not warranted.**

A comprehensive review of the Public Administrator/Public Guardian (PA/PG) was completed by the County Executive Office staff and, on December 12, 2009, the Board of Supervisors considered Agenda Item #59, the first reading of "An Ordinance of the

County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian.” The motion to approve rescinding the ordinance as recommended failed and the recommendation will not be implemented because it is not warranted.

**SR.1(a) Convert PA to Appointive Office:** The Board of Supervisors should report on the feasibility and legality of converting the Public Administrator to an appointed rather than elected office. The PA salary should be adjusted to that which existed prior to the approval of Ordinance No. 07-008 combining the PA and PG. (F.2)

***Original Response: The recommendation requires further analysis.***

The CEO supports the implementation of this recommendation, and at Board direction, a proposition to convert the Public Administrator from elective to appointive could be placed on the June 2010 ballot. The last Board date to consider directing the Registrar of Voters to conduct an election on Board proposed measures for consolidation with the June Statewide Primary Election is March 2, 2010. All documents must be submitted to the Registrar of Voters by March 12, 2010 in order to be placed on the June 2010 ballot. An adjustment to the PA salary can be made once the current term of office is completed. The following government code section establishes the legality of converting the Public Administrator to an appointed rather than elected office:

Per Government Code 24009: "(a) Except as provided in subdivision (b), the county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner. (b) Except for those officers named in subdivision (b) of Section 1 of Article XI of the California Constitution, any county office that is required to be elective may become an appointive office pursuant to this subdivision. In order to change an office from elective to appointive, a proposal shall be presented to the voters of the county and approved by a majority of the votes cast on the proposition. A proposal shall be submitted to the voters by the county board of supervisors or it may be submitted to the voters pursuant to the qualification of an initiative petition as provided in Chapter 2 (commencing with Section 91 00) of Division 9 of the Elections Code. Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner."

**Current Status: The recommendation will not be implemented because it is not reasonable or is not warranted.**

On December 12, 2009, the Board of Supervisors considered Agenda Item #59, the first reading of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian." The motion to approve rescinding the ordinance as recommended failed. As such, it is not warranted to place an initiative on the ballot to convert the PA to an appointive position.

**SR.2 Combine PA/PG Under CEO:** Subsequent to SR. 1 (a), the P/A and the P/G should be combined and placed under the jurisdiction of the County Executive office as opposed to having each operate as a stand-alone department. (F.2)

***Original Response: The recommendation requires further analysis.***

The recommendation requires further analysis pending the outcome of the report and any policy direction connected with SR.1 (a).

**Current Status: The recommendation will not be implemented because it is not reasonable or is not warranted.**

The policy direction based upon the outcome of Agenda Item #59, the first reading of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian" considered by the Board of Supervisors on December 12, 2009, is for the PA/PG to remain as currently structured. Therefore, the recommendation will not be implemented because it is not warranted.

**SR.3 Administrative Manager III Positions:** The Board of Supervisors should determine whether two permanent Administrative Management III positions are warranted and, if not, eliminate the positions. (F.3)

***Original Response: The recommendation requires further analysis.***

The County Executive Office will provide further analysis to the Board of Supervisors in the FY 2009-10 First Quarter Budget Report to be heard by the Board of Supervisors in November 2009.

**Current Status: The recommendation has been implemented.**

As part of a package of budget reduction measures implemented by the PA/PG, one of the two Administrative Management III positions was reclassified to an Administrative Management II position, effective December 4, 2009.