



County of Orange
California

Thomas G. Mauk
County Executive Officer

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2009-2010

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CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

March 22, 2011

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

Re: Status Update on Open Grand Jury ²⁰⁰⁹⁻²⁰¹⁰ Implementation Items

Dear Judge Borris,

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 Michelle Zink at (714) 834-7487 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: 2010-11 Orange County Grand Jury

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2009-10 Follow Up to Grand Jury Open Implementation Items

Report: DNA: Whose is it, OC Crime Lab or DA?

Released: May 24, 2010

R.2 Annual Cost Analysis-OC Crime Lab: The County Internal Auditor should conduct an annual cost analysis as to what it would cost for the Orange County Crime Lab to analyze the DNA samples collected by the Orange County District Attorney that are now being sent to Bode Technology Group, Inc. of Virginia.

Original Response: The recommendation requires further analysis.

The Internal Audit Department currently does not have the audit resources to allow for an annual cost analysis as recommended. Funding availability for a cost analysis could be considered during the Strategic Financial Plan process in the fall of 2010.

Current Status: The recommendation has been implemented.

Internal Audit conducted a preliminary survey on whether the Orange County Crime Lab (OCCL) can process and analyze the DNA samples being collected by the Orange County District Attorney (OCDA) on a low cost comparable basis to what the OCDA currently pays to Bode Technology Group Inc. of Virginia. After conducting interviews and discussing relevant and critical cost information related to the OCDA's contract with Bode it was determined that the OCCL was not competitive with Bode on either the price or the volume of samples being processed for the OCDA. There are some very important differences in the type of sample and the context of its collection that make the two operations so different so as to be really outside an easy or ready comparison. It was concluded that OCCL is not a competitive, commercial business which processes "standard" DNA samples in a wholesale fashion like Bode. The Internal Audit Department does not see the benefit of performing this review on an annual basis.

R.3 Annual Cost Analysis-DA Database: Annually review the costs associated with collections, analysis and uploading DNA profiles in the Orange County's District Attorney's database with a view toward instituting or raising fees from individuals, cities, or any others who request access to the database.

Original Response: The recommendation requires further analysis.

The Internal Audit Department currently does not have the audit resources to allow for an annual review as recommended. Funding availability for a cost analysis could be considered during the Strategic Financial Plan process in the fall of 2010.

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

The Internal Audit Department does not see the benefit of performing this review on an annual basis.

R.4 DA DNA Unit Review: The County of Orange Internal Audit should review the District Attorney's DNA unit to determine the actual costs associated with this

specialized unit, including the collection and processing of DNA samples, and the operations and maintenance of the database, including updating of the software.

Original Response: The recommendation requires further analysis.

The Internal Audit Department currently does not have the audit resources to allow for a review as recommended. Funding availability for a cost analysis could be considered during the Strategic Financial Plan process in the fall of 2010.

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

The Internal Audit Department does not see the benefit of performing this review on an annual basis.

Report: Child Abuse Central Index

Released: June 15, 2010

R.1 Support a Revision of the California Penal Code: Orange County should join other counties in supporting a revision of the California Penal code that would eliminate or modify the Inconclusive finding.

Original Response: The recommendation requires further analysis.

SSA will request that the CWDA agendaize, for discussion, the issue of revision of the California Penal Code as it relates to the Inconclusive finding at the meeting to be held on January 13, 2011.

Current Status: The recommendation has been implemented.

In October 2010, SSA submitted a proposal to the County Welfare Director's Association (CWDA) Children's Committee, Policy Committee, and Operations Committee requesting amendment to the California Penal Code to eliminate the current requirement for submission of Inconclusive findings of child abuse and severe neglect to the Child Abuse Central Index (CACI). Although in December 2010, SSA was notified by CWDA that the proposal was reviewed and CWDA declined to support the recommendation. SSA continues to work with Orange County CEO/Legislative Affairs Office to pursue the proposal to revise the Penal Code.

Report: Lobbying: The Shadow Government

Released: June 9, 2010

R.1 Adoption of a Lobbying Ordinance: Orange County Board of Supervisors should adopt a lobbying ordinance that includes the following key elements:

1. **Registration:** Any individual as defined as a lobbyist shall register with the County Clerk of the Board as a "Registered Lobbyist" prior to contact with or within 10 calendar days after contact with any member of the Board of Supervisors or other elected or appointed County Officeholder or Department Head. All lobbyists or lobbying firms will update their registration annually.

2. **Fees:** The County should establish a fee schedule for initial and annual registration of lobbyists. The fees should be adequate to offset the cost of administering the lobbyist registration and reporting process.
3. **Reporting:** Each lobbyist and lobbying firm should file a quarterly report with the Clerk of the Board detailing their lobbying activities during the preceding quarter, including the following:
 - a. A description of the matters for which the lobbyist or lobbyist firm attempted to influence official action.
 - b. The payments made to the lobbyist or lobbyist firm for their services and the source of payment.
 - c. Payments in any form given to County officials during the preceding month.
 - d. Campaign contributions made to County elected officials.
4. **Data Base:** The Clerk of the Board should maintain comprehensive data regarding all registered lobbyists including quarterly reports and registration information. These data will be part of the public record and be fully accessible to the public including electronic access to records.
5. **Enforcement:** Lobbyist or Lobbying firms failing to register or report should be subject to fines and penalties up to and including the filing of misdemeanor charges. Fees and penalties should be progressive and tough enough to ensure compliance.

Original Response: The recommendation requires further analysis.

The Board of Supervisors considered the first reading of "An Ordinance of the County of Orange, California Adding Article 5 to Division 1 of Title 1 of the Codified Ordinances of the County of Orange Pertaining to Lobbying Reporting" at the meetings of November 9 and November 23, 2010. The motion to approve the ordinance on November 9 failed. On November 23, 2010, the Board reconsidered and continued a similar but modified ordinance for 60 days pending further analysis and revision of the Ordinance; the Board directed the County Executive Office and County Counsel to review the previous discussions on this item and return with a proposal that synthesizes the concepts and topics raised during the two meetings on this topic.

Current Status: The recommendation requires further analysis.

The Board unanimously approved the first reading of a County Lobbying Ordinance on February 1, 2011. On February 8, 2011 following the second reading, the proposed ordinance was unanimously approved and adopted. The ordinance currently applies to the five members of the Board of Supervisors and will become effective July 1, 2011. The ordinance requires annual registration and reporting by lobbyists, County lobbyist employers and County lobbying firms that meet with any of the five Supervisors regarding matters before the Board. Annual registration and reporting is required by those who are paid more than \$500 in any calendar month for lobbying activities. Anyone paid less than \$500 or those representing themselves or their own businesses are not required to register or report. Elected Officials and public employees acting in their official capacity are exempt from the registration requirements. As part of the Board's direction, County staff will return to the Board within 60 days with proposed modifications to the

ordinance defining conditions under which 501(c)(3)'s (not for profit organizations) would be exempt from the registration requirements. Annual registration and any mid year changes will be filed with the Clerk of the Board. The registration form will provide the public with the full name, business address, telephone number and email address of each lobbyist, lobbying employer and lobbying firm. County lobbying reports will be made available within 90 days of the operative date for public inspection on the County's website. A filing fee of \$75 is required when filing a Registration Form or \$50 for renewing a Registration Form. Progressive fines and penalties will be imposed and enforced by the Clerk of the Board if a County lobbying report is filed after the due date. Civil action may be brought by County Counsel if a person or firm knowingly, intentionally or negligently violates the provisions of the ordinance. As part of the Board's direction, County staff will return to the Board within one year with justification for the initial and annual registration fee amounts for ordinance implementation and operating cost recovery.

R.2 Ordinance Language: The language in the lobbying ordinance should be written in a manner to improve the community's trust in county government.

Original Response: The recommendation requires further analysis.

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Current Status: The recommendation has been implemented.

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R.3 Ordinance Application: The Orange County ordinance should apply to all elected and appointed County Officers as well as all County Department Heads.

Original Response: The recommendation requires further analysis.

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