



County of Orange

County Executive Office

July 12, 2016

Honorable Charles Margines
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "To Be Continued ... Follow-Up for Open Formal Grand Jury Report Responses"

Dear Judge Margines:

Per your request, and in accordance with Penal Code 933, please find the combined County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Jessica Witt of the County Executive Office at 714-834-7250.

Sincerely,

Frank Kim
County Executive Officer

Enclosure

cc: **FY 2015-16 Orange County Grand Jury Foreman**

Mark Denny, Chief Operating Officer, County Executive Office

Jessica Witt, Deputy Chief Operating Officer, County Executive Office

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
July 12, 2016

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2015-16 Grand Jury Report "To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses." - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: X (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 24

Special Notes:

Copies sent to:

CEO – Jessica Witt
Superior Court
Grand Jury

7/14/16



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: *Dora Quintana*
Deputy



AGENDA STAFF REPORT

Agenda Item

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ASR Control 16-000818

MEETING DATE: 07/12/16
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Mark Denny (714) 834-3028
 Jessica Witt (714) 834-7250

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2016 JUN 22 AM 9:58
 CLERK OF THE BOARD
 COUNTY OF ORANGE
 BOARD OF SUPERVISORS

SUBJECT: To Be Continued Grand Jury Report Response

CEO CONCUR Concur	COUNTY COUNSEL REVIEW No Legal Objection	CLERK OF THE BOARD Discussion 3 Votes Board Majority
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** No

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Approve proposed response to FY 2015-16 Grand Jury Report Response entitled, "To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses."
2. Direct Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2015-16 Grand Jury no later than July 18, 2016.

SUMMARY:

Approval of proposed response to FY 2015-16 Grand Jury Report entitled, "To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses" will fulfill the County's required response to the Grand Jury.

BACKGROUND INFORMATION:

On May 3, 2016, the Orange County Grand Jury released a report entitled, "To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses." The report directed findings and Recommendations to the Board of Supervisors and the County Executive Office. Attachment B is the County's proposed response to the Grand Jury's findings and recommendations.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

- Attachment A - Grand Jury Report
- Attachment B - Proposed Grand Jury Response
- Attachment C - Draft Transmittal Letter



Responses to Findings and Recommendations
2015-16 Grand Jury Report:

"To Be Continued ... Follow-Up for Open Formal Grand Jury Report Responses"

SUMMARY RESPONSE STATEMENT:

On May 3, 2016, the Grand Jury released a report entitled: "To Be Continued ... Follow-Up for Open Formal Grand Jury Report Responses." This report directed responses to findings and recommendations to the Orange County Board of Supervisors and the County Executive Office, which are included below.

FINDINGS AND RESPONSES:

F.1. **The beneficial impact of Grand Jury reports is diminished if recommendations are left open and not properly pursued to closure.**

Response: Disagrees partially with this finding. With or without a formal follow-up process, County Administration meets regularly with departments and receives updates on key projects which are also communicated to the Board.

F.2. **The credibility and impact of the Grand Jury watchdog function is diminished if recommendations are left open, without a process within County Administration for follow-up and for holding responding departments to their commitments.**

Response: Disagrees partially with this finding. With or without a formal follow-up process, County Administration meets regularly with departments and receives updates on key projects which are also communicated to the Board.

F.3. **Tracking and consolidation of open report recommendations directed to the Target Audience should be the responsibility of the CEO.**

Response: Disagrees partially with this finding. Tracking and consolidation of open report recommendations directed to the Board of Supervisors and non-elected County departments should be the responsibility of the CEO.

F.4. The process of tracking open Grand Jury report recommendations is most effective when formalized and instituted as an ongoing procedure by the CEO.

Response: Agree with this finding.

F.5. The follow-up of open report recommendations is best done in March of each year to coincide with the requirement that responses of Further Analysis (FA) must have been completed within 180 days from the original response date.

Response: Agree with this finding.

F.6. The Target Audience needs written policies and procedures from the CEO for proper use of the “Needs Further Analysis” (FA) response to ensure it complies with CPC section 933.05, including the scope, and parameters of that analysis and timeframe not to exceed six months.

Response: Disagree wholly with this finding. Written policies on the proper use of “Needs Further Analysis” finding already exist and will continue to be followed in accordance with the California Penal Code.

F.7. Tracking open Grand Jury recommendations to closure becomes a higher priority for the Target Audience when promoted and endorsed by the Board of Supervisors and the CEO/COO.

Response: Agree with this finding.

F.8. The CEO is in the best position to track and consolidate long-standing open report recommendations directed to the Target Audience.

Response: Agree with this finding.

RECOMMENDATIONS AND RESPONSES:

R.1. The BOS should reaffirm their R1 response to the 2002-2003 Grand Jury report “Tracking the Implementation of Grand Jury Recommendations” in which the CEO assumes “the responsibility of following up on prior year open implementation items and provide a written status to the sitting Grand Jury no later than March of each year.” (F3, F4, F7, F8)

Response: The recommendation has already been implemented. At the March 22, 2016, Board of Supervisors meeting, the Board of Supervisors approved the follow-up responses to the FY 2014-15 Grand Jury Report Responses and County staff has added the annual March update to the internal County policy documents and training materials for Grand Jury Report responses. Note that the standardized March follow-up was discontinued at the request of a prior Grand Jury. The County appreciates the Grand Jury making recommendations that will help standardize the process going forward for both the Grand Jury and the County of Orange.

R.2. The CEO should institutionalize the follow-up procedures mentioned in R1 into its formal practices such that turnover of personnel will not negatively impact the follow-up process. This should be completed before the March 2017 follow-up meeting with the Grand Jury. (F1, F2, F3, F4)

Response: The recommendation has already been implemented. At the March 22, 2016, Board of Supervisors meeting, the Board of Supervisors approved the follow-up responses to the FY 2014-15 Grand Jury Report Responses, and County staff has added the annual March update to the internal County policy documents and training materials for Grand Jury Report responses. Note that the standardized March follow-up was discontinued at the request of a prior Grand Jury.

R.3. The CEO should make clear to the Target Audience that open Grand Jury report recommendations will require follow-up. This should be completed before the March 2017 follow-up meeting with the Grand Jury. (F5, F7)

Response: The recommendation has already been implemented. At the March 22, 2016, Board of Supervisors meeting, the Board of Supervisors approved the follow-up responses to the FY 2014-15 Grand Jury Report Responses and County staff has added the annual March update to the internal County policy documents and training materials for Grand Jury Report responses.

R.4. The CEO should advise the BOS and Target Audience that all open Grand Jury report responses of the type FA (i.e., needs further analysis) which still have not progressed by the March follow-up meeting will be changed, as appropriate, by the TA, to either Penal Code §933.05(b), (1) Implemented, (2) Will be Implemented or (4) Will not be implemented and reported as such to the Grand Jury during the March follow-up meeting. (F6)

Response: The recommendation has already been implemented. At the March 22, 2016, Board of Supervisors meeting, the Board of Supervisors approved the follow-up responses to the FY 2014-15 Grand Jury Report Responses and County staff has added the annual March update to the internal County policy documents and training materials for Grand Jury Report responses. These documents already included information on the “needs further analysis” response which was taken directly from the standard Grand Jury Report language on that response.

R.5. The CEO should take on the responsibility of tracking updates on long-standing open Grand Jury report responses from the Target Audience, and provide the Grand Jury with a current status during each annual March follow-up meeting. (F8)

Response: The recommendation has already been implemented. The CEO’s office has taken responsibility for follow-up on all Grand Jury report responses and will continue to do so. Follow-up responses to outstanding open items will be included as part of the annual March follow-up meeting and Board report.