



# County of Orange

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County Executive Office

July 11, 2017

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, "Unfinished Business: Responses to 2015-2016 Orange County Grand Jury 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 Lilly Simmering of the County Executive Office at 714-834-6748.

Sincerely,

Frank Kim  
County Executive Officer

Enclosure

cc: FY 2016-17 Orange County Grand Jury Foreman  
Lilly Simmering, Deputy Chief Operating Officer, County Executive Office



**AGENDA STAFF REPORT**

Agenda Item

35

ASR Control 17-000729

**MEETING DATE:** 07/11/17  
**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):** Lilly Simmering (714) 834-6748  
 Jessica Witt (714) 834-7250

**SUBJECT:** Unfinished Business Grand Jury Response

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**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

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**RECOMMENDED ACTION(S):**

1. Approve proposed response to FY 2016-17 Grand Jury Report entitled, "Unfinished Business: Responses to 2015-2016 Orange County Jury Reports."
2. Direct the Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2016-17 Grand Jury no later than July 14, 2017.

**SUMMARY:**

Approval of proposed response to FY 2016-17 Grand Jury Report entitled, "Unfinished Business: Responses to 2015-2016 Orange County Jury Reports" will fulfill the County's required response to the Grand Jury.

**BACKGROUND INFORMATION:**

On May 22, 2017, the Orange County Grand Jury released a report entitled, "Unfinished Business: Responses to the 2015-2016 Orange County Grand Jury Reports." The report directed findings and recommendations to the County Executive Office. Attachment B is the County's proposed response to the Grand Jury findings and recommendations.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Report, Unfinished Business: Responses to 2015-2016 Orange County Jury Reports

Attachment B - Responses to Findings and Recommendations

Attachment C - Transmittal Letter, Response to Grand Jury Report



Responses to Findings and Recommendations  
2016-17 Grand Jury Report:

*“Unfinished Business – Responses to 2015-2016 Orange County Grand Jury Reports”*

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**SUMMARY RESPONSE STATEMENT:**

On May 22, 2017 the Grand Jury released a report entitled: “Unfinished Business – Responses to 2015-2016 Orange County Grand Jury Reports”. This report directed responses to findings and recommendations to the Orange County Board of Supervisors and the Orange County Chief Executive Officer, which are included below.

**FINDINGS AND RESPONSES:**

- F.1. **Some County responses to Grand Jury Reports are submitted after the due date by law or not at all. Greater County follow-up is necessary to ensure responses are submitted.**

**Response:** **Disagrees wholly with the finding.** Public entities such as the Orange County Transit Authority (OCTA) and Orange County Department of Education (DOE) may be labeled “Orange County”, but the label does not necessarily make them part of the County of Orange entity. If this finding is in fact focused on the responses from all respondents, then it should be noted that the County does not have any authority to oversee or enforce non-County respondents to respond nor does it have the ability to track implementation of those non-County responses.

All of the County’s responses to the 2015-2016 Grand Jury reports were filed on-time. It is not clear from the report which responses the Grand Jury is referring to as being submitted after the due date or not at all. Of the three reports indicated in Appendix A that have no responses, only two were directed to the County of Orange to respond and both were submitted on-time:

- (1) “Sheriff’s Temporary Detention/Holding Areas, Patrol Areas, and Special Services” – submitted to Grand Jury and posted to Grand Jury website on July 26, 2016. (Due date to Grand Jury: Aug. 11, 2016; Board of Supervisors’ approval: July 26, 2016)

- (2) “Drones: Know Before You Fly” - submitted to Grand Jury and posted to Grand Jury website on July 26, 2016. (Due date to Grand Jury: August 19, 2016; Board of Supervisors’ approval: July 26, 2016).

The third report, “Dealing with Asbestos in Orange County Public Schools,” was never assigned to the Board of Supervisors, County Executive Office or any other County department for a response.

- F.2. Many responses to Grand Jury reports are not submitted in the format required by law and/or are incomplete. Greater follow-up by the County is needed to ensure required responses to findings and recommendations are submitted on time and in the appropriate format.**

**Response:** **Disagrees wholly with the finding.** All of the County’s responses have complied with the format required by law. The County of Orange has created a robust policy and procedure document which is adhered to by departments and the CEO’s office.

Public entities such as the Orange County Transit Authority (OCTA) and Orange County Department of Education (DOE) may be labeled “Orange County”, but the label does not necessarily make them part of the County of Orange entity. If this finding is in fact focused on the responses from all respondents, then it should be noted that the County does not have any authority to oversee or enforce non-County respondents to respond or ensure that responses are in the appropriate format.

- F.3. Many responses to Grand Jury reports declare that the recommendation “will be implemented in the future” or that the recommendation “requires further analysis” with future dates for implementation. Implementation of recommendations aimed at fixing complex problems or calling for expensive solutions can often run up against the realities of the budgeting or procurement processes. Improved mechanisms are required to ensure these responses come to fruition.**

**Response:** **Agrees with the finding.**

**RECOMMENDATIONS AND RESPONSES:**

- R.1. The CEO should meet with each sitting OCGJ by March 31<sup>st</sup> of each year to provide a status report of open responses to previous grand jury reports. The status report should include a brief Executive Summary covering financial challenges and opportunities facing the county that could impact the timing of response implementation.**

**Response:** **The recommendation has been implemented.** The Board of Supervisors approved Attachment A on March 14, 2017 and provided the Grand Jury with a

status update chart (currently attached to the report as Attachment A). The CEO subsequently met with the 2016-2017 Grand Jury on April 4, 2017 to review Attachment A. A brief Executive Summary is not warranted as topics such as financial challenges and opportunities facing the County that could impact the timing of the response implementation are addressed in the meeting between the CEO and Grand Jury.