



County of Orange

County Executive Office

March 16, 2017

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

Dear Judge Margines:

Per the request of the Grand Jury, attached is a status update on 2015-16 recommended actions assigned to the County. The status report has been approved by the Board of Supervisor.

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



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RECOMMENDATIONS AND RESPONSES:

GJ Report	Recommendation	Response	Follow up Response
"Gray Matters - A Look at the Orange County Office on Aging"	R.2. The Office on Aging should apply any increased funds received above the current baseline to restore service levels and to provide strategic leadership countywide.	The recommendation has not yet been implemented, but will be implemented in the future, to the extent increases in funding are approved for the Office on Aging.	The recommendation has not yet been implemented, but will be implemented in the future, to the extent increases in funding are approved for the Office on Aging.
"Gray Matters - A Look at the Orange County Office on Aging"	R.5. Initiate a recruitment to fill one vacant longstanding Senior Citizen Representative position in the Information and Assistance Call Center by January 1, 2017	The recommendation has not been implemented but will be implemented in the future. The County will initiate the recruitment for the vacant Senior Citizen Representative in FY 2016/17.	The recommendation is partially implemented. The County has initiated a recruitment for the vacant Senior Citizen Representative position on 12/5/16 and is currently back filling the position with an Extra Help employee.
"Gray Matters - A Look at the Orange County Office on Aging"	R.7. Update and upgrade the Office on Aging website to provide for mobile device access and an on-line chat function by December 31, 2017.	The recommendation has not yet been implemented, but will be implemented in the future. The department is working with CEO-IT to implement mobile device access and to determine the feasibility of online chat capabilities by June 2017.	The recommendation is partially implemented. A mobile Senior Resource application is expected to launch May 1, 2017. The department continues to work with CEO-IT to determine the feasibility of online chat capabilities.
"Gray Matters - A Look at the Orange County Office on Aging"	R.10. Institute an annual Board of Supervisors Volunteer of the Year Award for senior services rendered in the form of recognition and an award funded by the County by December 31, 2016.	The recommendation has not yet been implemented, but will be implemented in the future. The volunteer recognition may not be completed by December 31, 2016 as recommended but the Office on Aging will work with the Board of Supervisors to make the volunteer recognition program a priority in FY 2016/17.	The recommendation is partially implemented. The department is in the design phase of creating a volunteer recognition program. The Office on Aging will work with the Board of Supervisors to make the volunteer recognition program a priority in CY 2017.



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<p>"Gray Matters - A Look at the Orange County Office on Aging"</p>	<p>R.11. Add a requirement in the next Request for Proposal for the Senior Non-Emergency Transportation Program to require the subcontractor to handle the physical and mechanical inspection of vehicles at subcontractor's cost with documentation required by the Office on Aging that the inspection was conducted at the County's Public Works/Fleet Services Division.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future. The requirements will be included in the next RFP, which will be released in early 2017.</p>	<p>The recommendation is fully implemented. The requirements are included in the next RFP, which will be released on February 1, 2017.</p>
<p>"Gray Matters - A Look at the Orange County Office on Aging"</p>	<p>R.12. Add a requirement in the next Request for Proposal for the Senior Non-Emergency Transportation Program that the sub-contractor produce mileage verification data obtained through MapQuest or similar software and require contractors to submit mileage verifications with payment request.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future. The requirements will be included in the next RFP, which will be released in early 2017.</p>	<p>The recommendation is fully implemented. The requirements are included in the next RFP, which will be released on February 1, 2017.</p>



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"Fostering a Better Foster Care System"	R.3. Dedicate available AB403 funds to enable foster parents to participate in recruitment efforts, serve as mentors and attend professional events beginning in County Fiscal Year 2016-2017.	<p>The recommendation requires further analysis.</p> <p>At this time, the State budget for FY 2016-17 has not been approved; thus, it has not yet been determined how all aspects of AB403 funds may be utilized. Once the State has provided determination of how AB403 funds may be utilized, SSA/CFS will work with the County Procurement Office and Auditor-Controller on processes to implement the use of the funds by December 31, 2016.</p> <p>It is important to note that there is already an established foster parent mentor program; that foster parents participate in various meetings, including the Quality Parenting Initiative (QPI); participate in various professional events, including the QPI Conference and the County Welfare Directors Association of California Conference; and that there are foster parents who co-train trainings for new foster parents.</p>	SSA/CFS is working to establish a mechanism to be able to use AB403 funds to enable foster parents to participate in recruitment efforts, serve as mentors and attend professional events. Due to funding and contractual restrictions, direct payments to foster parents cannot be made. However, SSA/CFS recognizes the significant value added by foster parents in recruitment efforts and anticipates having a mechanism in place by June 30, 2017.



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"Fostering a Better Foster Care System"	R.6. Document the use of the County Efforts to Outcomes database to track and evaluate the success of foster parent recruitment and retention efforts.	<p>The recommendation requires further analysis.</p> <p>Social Services Agency/Children and Family Services (SSA/CFS) utilizes the Efforts to Outcomes (ETO) database to track several data elements of recruitment, including: point of contact, placement preference, caregiver ethnicity and language capacity. The intent of the ETO database is to identify the initial point of contact with the resource family all the way through placement in order to gather data to measure recruitment and retention efforts.</p> <p>However, SSA/CFS recognizes that it does not currently fully utilize ETO to track information regarding licensing and adoptions retention and outcome data. SSA/CFS will be evaluating the capabilities of the ETO and anticipates that an analysis will be complete by December 31, 2016.</p>	<p>The recommendation will not be implemented because it is not feasible.</p> <p>SSA/CFS has determined that the Efforts to Outcomes database will not meet its needs in order to track and evaluate the success of foster parent recruitment and retention efforts. As such, SSA/CFS is working to implement a new database that will have enhanced functionality for these purposes, as well as additional capabilities to serve as a case management tool. It is anticipated that this new program will be implemented in the fourth quarter of Fiscal Year 2016-17.</p>



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"Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Services"	R.3.		
"Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Services"	R.5.		
"Changing of the Guardian: Life After Reorganization of the Public Administrator and Public Guardian Offices"	R.24. The Public Guardian Office should integrate a Public Guardian manager or supervisor into the Behavioral Health Services quality assurance structure, with a defined role of initiating quality assurance and risk management activities, including regularly conducted internal audits specific to the Public Guardian role by December 31, 2016.	The recommendation requires further analysis. Quality assurance (QA) for the Public Guardian's Office will require subject matter experts on Lanterman-Petris-Short and Probate regulations and processes. Moving such staff from his/her current assignments to be integrated into Behavioral Health Services unit, dedicated to QA activities will have significant impact on our current workload and resources. Public Guardian has formed a workgroup that will explore the implementation of this recommendation. A target date of December 31, 2016 has been set for this Public Guardian workgroup to complete their analysis and make a recommendation.	This recommendation as worded will not be implemented due to negative impacts on workload and resources in the Public Guardian office. To address the findings related to this recommendation (F24, 25), quality assurance activities, including quarterly audits, have been integrated into the operations within Behavioral Health Services Authority and Quality Improvement Services (AQIS) Division. Public Guardian staff will co-develop an audit tool with AQIS staff, who will conduct the quarterly audits, and provide the results to Public Guardian management.



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"Drones: Know Before You Fly"	R.6. The Orange County Board of Supervisors should direct County Counsel to provide a report to the Orange County Sheriff-Coroner Department and the Board of Supervisors on existing laws that can be applied to the use of recreational drones in county-governed parks and unincorporated areas by December 30, 2016.	This recommendation will be implemented in the future. With regards to county-governed parks, research is required to determine if the County ordinance (Sec. 2-5-42.) prohibiting radio controlled or other remotely operated model toy or similar device in parks, beaches and recreational areas sufficiently addresses the regulation of recreational drones. If directed, staff will work with the CEO and County Counsel to prepare the report for the Board of Supervisors within the required six months and report on the progress in the March 2017 Grand Jury follow-up.	This recommendation will not be implemented because it is not warranted. The County of Orange participates in the Drone Working Group established by the Association of California Cities, Orange County (ACC-OC) which is working to draft a model drone ordinance for consideration by jurisdictions countywide. The draft ordinance is still being finalized at the time of this update. County staff will review actions taken by cities adjacent to County unincorporated areas to ensure consistency where possible and other existing laws prior to making recommendations to the Board of Supervisors.



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<p>"Drones: Know Before You Fly"</p>	<p>R.7. The County should adopt a recreational drone ownership and operation ordinance similar to Los Angeles City Ordinance #183912 for the parks and unincorporated areas under its jurisdiction by March 31, 2017, to the extent not preempted or superseded by Federal law or Federal regulations.</p>	<p>This recommendation requires further analysis. If directed, CEO staff will bring together representatives from the Orange County Sheriff's Department, Orange County Fire Authority, the Orange County City Managers Association and any other necessary stakeholders to research and determine the viability of development of a model drone ordinance. Similarly, research is required to determine if the current County ordinance that bans the use of remotely operated model toys or similar devices at parks, beaches or recreational area should be updated to incorporate elements of the City of Los Angeles ordinance regulating the use of drones. Also, staff will need to research and determine the impact of the existing state and federal laws. If directed, CEO and County Counsel will prepare the report for the Board of Supervisors. OC Parks will update procedures if the County adopts additional regulations on recreational drones that apply to property under the control of OC Parks.</p>	<p>This recommendation will not be implemented because it is not warranted. The County of Orange participates in the Drone Working Group established by the Association of California Cities, Orange County (ACC-OC) which is working to draft a model drone ordinance for consideration by jurisdictions countywide. The draft ordinance is still being finalized at the time of this update. County staff will review actions taken by cities adjacent to County unincorporated areas to ensure consistency where possible, prior to making recommendations to the Board of Supervisors.</p>
<p>"Drones: Know Before You Fly"</p>	<p>R.8. The County should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, County-related web sites, social media sites and/or public forums by March 31, 2017.</p>	<p>This recommendation will be implemented in the future. If directed, staff will work to inform citizens to inform the public of rules and ordinances that apply to recreational drones.</p>	<p>This recommendation will not be implemented because it is not warranted. If the Board of Supervisors approves a drone ordinance, County staff will develop an outreach plan to notify residents of the new ordinance and its requirements for drone operators. However, at this time, those actions would be premature.</p>



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"Drones: Know Before You Fly"	R.9. The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review these data annually and report the results publicly. The first analysis and publication should occur within 1 year of the publication of this report.	This recommendation will require further analysis. Additional research is needed to determine the right data to collect, analyze, and report. Also, staff will make recommendations as to whether it is available from a practical standpoint and what it would cost in County resources to monitor and collect the information.	This recommendation will not be implemented because it is not warranted. If the Board of Supervisors determines the need for a drone ordinance, the County will research and determine the most cost-effective and efficient way to provide that information in conjunction with its outreach efforts.
"Our Brothers' Keeper: A Look at the Care and Treatment of Mentally Ill Inmates in Orange County Jails"	R.4. The Sheriff's Department and the Health Care Agency/Correctional Health Services should implement a protocol to ensure an inmate in a safety cell has access to water for washing hands after using the toilet and before and after meals by September 30, 2016.	The recommendation requires further analysis. OCSD will be evaluating this recommendation from a jail safety/security perspective. Please refer to their responses.	This recommendation was implemented on 8/9/16.
"Our Brothers' Keeper: A Look at the Care and Treatment of Mentally Ill Inmates in Orange County Jails"	R.6. The Health Care Agency/Correctional Health Services should develop a protocol by December 31, 2016 to authorize nurse practitioners to release inmates from a safety cell.	The recommendation has not yet been implemented, but will be implemented in the future. Will be implemented by 12/31/16.	This recommendation was implemented on 8/9/16.



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<p>"Office of Independent Review: What's Next"</p>	<p>R.2. The Board of Supervisors should direct the new OIR Executive Director to provide the Board, within three months of the Executive Director being hired, with a plan, budget, and measureable performance outcomes for launching and operating the new OIR. The measurable performance outcomes should be traceable to the responsibilities defined in the 2015 OIR ordinance.</p>	<p>The recommendation has not been implemented but will be implemented in the future.</p> <p>The County will exert effort to assist the new Executive Director in completing this task within three months; however, it may take longer depending on the resources needed to complete this task.</p>	<p>There is nothing to report at this time.</p>
<p>"Office of Independent Review: What's Next"</p>	<p>R.4. The Board of Supervisors should implement the 2015 ordinance in phases, one agency at a time, with incremental process improvements after each phase.</p>	<p>The recommendation requires further analysis.</p> <p>Implementation of the 2015 ordinance will be a priority consideration for both the Board of Supervisors and new OIR Executive Director once he/she joins the County. As stated above, the County will implement the Grand Jury's Recommendation Two, which the County feels are necessary infrastructural needs. Only once that is complete, will the Executive Director be able to assess how best to expand coverage to the additional four agencies. This will require some research and analysis.</p>	<p>There is nothing to report at this time.</p>



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"Office of Independent Review: What's Next"	R.5. As a pilot project, the Board of Supervisors should direct the new OIR Executive Director to staff, within one year of the hiring of the Executive Director, at least one well-defined, short-term, closed-end review or audit with a skilled independent contractor acting as a short-term consultant or "special counsel." The Board should direct the OIR Executive Director to provide a written report to the Board, three months after the review or audit is completed, comparing the cost and effectiveness of using a short-term special counsel with deep subject matter expertise, versus the cost and effectiveness of using and maintaining permanent staff.	The recommendation requires further analysis. The 2008 OIR ordinance laid out specific duties for the OIR; the 2015 ordinance does as well. Whether or not this pilot is feasible or warranted will require further analysis.	There is nothing to report at this time.



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<p>"Office of Independent Review: What's Next"</p>	<p>R.6. The Board of Supervisors should direct the OIR Executive Director to work with each of the five agencies to negotiate specific, and possibly narrow, initial scopes for OIR involvement with each agency, all to be completed within three months of the Executive Director being hired.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future.</p> <p>In keeping with the spirit of the 2015 OIR ordinance, determining a plan to expand the OIR's coverage to the additional agencies is a priority. However, given that it is four additional agencies that comprise of 64% of the total County employee workforce, this recommendation may take longer than three months to complete. An appropriate time frame for completion will be a priority for the new Executive Director.</p> <p>In the meantime, the County is confident that its agencies/departments have necessary performance oversight tools in place to monitor the performance of their employees. At the Social Service Agency (SSA), there is the Quality Support Team (QST) that reports directly to the SSA Chief Deputy Director and works closely with County Counsel (CoCo), CEO Risk Management (CEO RM), and Defense Attorneys, and provides the following primary functions:</p> <ul style="list-style-type: none"> • Custodian of Records (COR) - to provide practice consistency in all document responses. The COR is the primary contact for CEO RM for document/record requests for all claims, summons, lawsuits, Public Records Act (PRAs), Juvenile Court 827 Petition Requests, etc. • Litigation Coordination - liaison between CEO RM, Defense Attorneys, and SSA staff on all matters related to litigation. • Public Inquiry Coordination - responsible for all 	<p>There is nothing to report at this time.</p>



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"Office of Independent Review: What's Next"	R.7. For three years starting with the hiring of the new OIR Executive Director, the OCSD should provide the revised OIR with open access to the Sheriff's internal processes for defining, and insuring adherence to, its policies and procedures on the legal use of jailhouse informants, so that the OIR could help recommend reforms consistent with evolving best practices. This requires a continuation of the existing attorney-client relationship between the OIR and the OCSD.	The County defers to OCSD. OCSD's Response – The recommendation requires further analysis. It is premature to implement this recommendation without a clear understanding of how the new OIR model will work. As the new model develops, it is the expectation of the Sheriff that the Constitutional Policing Advisor will have responsibility for recommending policies and best practices with regard to jailhouse informants. The Constitutional Policing Advisor will also assist in the review of internal processes and will help insure proper procedures are being followed.	There is nothing to report at this time.



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<p>"Office of Independent Review: What's Next"</p>	<p>R.8. The OCDA should add an OIR staff attorney as an "outside" or independent member of the OCDA's Confidential Informant Review Committee, in keeping with IPPEC Recommendation 2, given the following prerequisites: The Board of Supervisors should direct the OIR Executive Director to hire, with OCDA approval, and within six months of the hiring of the Executive Director, an OIR staff attorney with legal expertise in the use of informants in trials. Within one month after hiring the OIR staff attorney, the OCDA should enter into an attorney-client relationship, with OCDA as client and the OIR staff attorney as attorney, and add the OIR staff attorney to the CIRC. With confidentiality protected by attorney-client privilege, the OCDA should provide the OIR staff attorney with confidential access to all of OCDA's processes, policies, procedures, practices, protocols, records, documents, and staff related to OCDA's use of jailhouse</p>	<p>The County defers to OCDA.</p> <p>OCDA's Response – Partially implemented. The Cooperating Informant Review Committee (CIRC) was created to provide an effective and efficient process for reviewing informant related issues within the OCDA and to serve as a resource for prosecutors and law enforcement agencies so that proper legal standards are maintained and followed throughout the criminal justice process. The permanent members of the committee include the District Attorney, the Senior Assistant in charge of Vertical Prosecutions and Violent Crimes, the Assistant District Attorney of the Homicide Unit, the Assistant District Attorneys of the Gangs/Target Units, the Assistant District Attorney of the Narcotics Enforcement Team, the Deputy District Attorney in charge of the OCII and an appointee from outside the OCDA office.</p> <p>The OCDA has moved forward with finding a neutral retired magistrate to be part of the CIRC committee. In May 2016, a former Orange County Superior Court judge joined CIRC as a neutral party.</p>	<p>There is nothing to report at this time.</p>



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"Procurement - Big Budget, Low Priority"	R.2. The CEO, in cooperation with Human Resources, should define a process to base the next County Purchasing Agent appointment on a nationwide recruitment, job related testing, and thorough vetting by January 1, 2017.	The recommendation has not been implemented, but will be implemented in the future. CEO and Human Resource Services will define the recruiting plan including a nationwide advertising plan and competitive assessment process at the time of position vacancy.	The recommendation has been implemented. The position continues to be filled by the same incumbent, but the recommendation will be implemented after the position is vacated.
"Procurement - Big Budget, Low Priority"	R.6. The County Executive Officer should hire a procurement Training Consultant to assess the training needs of procurement staff and submit a plan for training of new and veteran procurement employees by January 15, 2017.	The recommendation has not yet been implemented, but will be implemented in the future. This activity will be initiated before January 15, 2017.	This recommendation has been implemented. A training consultant has been hired and the work is underway. The estimated completion date of the assessment is September 30, 2017. If needed, a plan for training will be developed after the results of the assessment are known.



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<p>"Procurement - Big Budget, Low Priority"</p>	<p>R.7. By October 1, 2016, the CEO should direct agencies to revise the practice of recommending the awarding of multi-year contracts, one year at a time, with possible four - 1 year extensions, by directing agency staff to submit contracts of three to five years; and direct contract managers to exercise the 30-day cancellation clause when warranted by poor vendor performance.</p>	<p>The recommendation requires further analysis. The Board Procurement Subcommittee is in the process of reviewing any changes to policies and procedures associated with multi-year contracts. Any recommended changes will be presented to the full Board for consideration. The timing is dependent upon completion of the subcommittee's review; however, it is anticipated that a revised CPM will be presented to the Board by March 31, 2017 consistent with R.13. below.</p>	<p>The recommendation will not be implemented because it is not warranted. The Board Procurement Subcommittee continues to work on update of the Contract Policy Manual. The tentative date for submittal to the full Board for consideration is March 14, 2017. Any modification to current practice or policy related to multi-year contracts, will be completed via the Subcommittee. However, County agencies already have the ability to submit multi-year contracts to the Board for consideration, so a change is not necessarily required.</p>
<p>"Procurement - Big Budget, Low Priority"</p>	<p>R.12. The CEO, in cooperation with Human Resources, should conduct a salary survey and make recommendations for compensation modifications to make Orange County competitive in the Purchasing/Procurement Job Classification Series by February 1, 2017.</p>	<p>The recommendation has not yet been implemented, but will be implemented in the future. Human Resource Services will conduct a classification maintenance and salary market study and make appropriate recommendations by February 1, 2017.</p>	<p>The recommendation has been implemented. Human Resource Services conducted a market salary analysis for the Buyer/Procurement Contract Specialist occupational series. The market study included salary information for comparable classifications in five surrounding Southern California counties and five large Southern California cities. Review and update of the classification specifications and organizational structure of this occupational series are in progress. Any necessary changes will be submitted for Board consideration and approval by May 2017.</p>