



County of Orange

County Executive Office

April 20, 2016

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

Subject: Updated Combined Follow-Up Response to FY 2014-15 Grand Jury Reports

Dear Judge Margines:

As a follow-up to Combined Follow-Up Response to FY 2014-15 Grand Jury Reports, the Grand Jury requested a meeting to discuss the report on April 5, 2016. At that meeting, the Grand Jury requested additional detail on several of the responses which we have provided in the updated document. The updates are noted with an asterisk and italics.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Kim", is written over a light blue horizontal line.

Frank Kim
County Executive Officer

Enclosure

cc: Members, Orange County Board of Supervisors
FY 2014-15 Orange County Grand Jury Foreman
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



**Follow up Responses to Recommendations
2014-15 Grand Jury Reports
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RECOMMENDATIONS AND RESPONSES:

GJ Report	Recommendation	Response	Follow up Response
<p>“AB109 Offenders: Are Current Probation Strategies Effective?”</p>	<p>R.1. Standards and guidelines for AB109 offender supervision, such as number of contacts, home visits, drug tests, and collateral contacts based on the risk-needs assessment should be included in the Orange County Probation Department’s Policy and Procedures (F.1., F.2.)</p>	<p>The recommendation has not been implemented but will be implemented in the future.</p> <p>The Probation Department has convened several working groups to develop appropriate standards. The revisions to the procedures manual items are expected to be updated this calendar year.</p>	<p>The recommendation has not yet been implemented; however, Probation has taken steps to implement the recommendation in the near future.</p> <p>The Probation Department convened a number of working groups and developed a “draft” set of standards and guidelines of supervision for both juvenile and adult offenders. Probation will be working with labor to implement the new supervision strategies.</p> <p><i>*Probation provided an update that the project is estimated to be completed by December 2017.</i></p>
<p>“Annual Inquiry on Jails and Juvenile Detention Facilities”</p>	<p>R.4. The new facility at Juvenile Hall should serve multiple purposes, including a gymnasium, capability for vocational training, and a visitation center. (F.6.)</p>	<p>The recommendation has not been implemented but will be implemented in the future.</p> <p>Probation will be collaborating with external partners including, but not limited to the Board of Supervisors, the Juvenile Court, the Health Care Agency and the Department of Education to ensure the new facility will be used as a visiting center, exercise facility and training area that will assist youth in transitioning back into the community. After selection of an architect, the project will enter the schematic design phase which will address these items with the State Public Works Board. Project completion of the new facility is estimated to be within three years.</p>	<p>The recommendation has not yet been implemented; however, key project timelines related to the building construction have been met.</p> <p>The new facility’s architect, Lionakis, has been selected. The progress of the project, including the schematic design phase, will be reviewed with the State Public Works Board on or about May 13, 2016. Project completion is still estimated to be within three years.</p> <p><i>*Probation provided an update that the meeting with the State Public Works Board will now take place on June 10, 2016. Project completion is still estimated to be November 2018.</i></p>



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"Annual Inquiry on Jails and Juvenile Detention Facilities"	R.7. Upgrade the video surveillance system in all of the juvenile facilities by installing modern equipment and increase retention capacity to one year. (F.9.)	<p>The response has been bifurcated to address individual juvenile facilities.</p> <p>Part A: Juvenile Hall and Youth Leadership Academy (YLA) The recommendation has not been implemented but will be implemented in the future.</p> <p>There is an ongoing project with OC Public Works to upgrade the surveillance equipment and archiving capacity for Juvenile Hall and the Youth Leadership Academy (YLA). The project is comprised of two phases. Phase I includes the infrastructure required for the video surveillance system upgrade and is estimated to be completed by the end of 2016. The schedule for Phase II, which includes installation of the equipment and related software, will be developed at the beginning of FY 2016-17. The overall project is estimated to be completed by fall 2017. Retention policies are consistent with mandated legal requirements.</p>	<p>The recommendation has not yet been implemented; however, Probation has taken steps to implement the recommendation in the near future.</p> <p>Part A: OC Public Works is currently leading a project to upgrade the surveillance equipment and archiving capacity for Juvenile Hall and the Youth Leadership Academy (YLA). The project is comprised of two phases. Phase I is estimated to be completed before the end of calendar year 2016. Phase II is still planned to take place during the beginning on FY 2016-17. The overall project is planned to be completed in the fall of 2017.</p>
"Child Abuse Hotline: Unanswered Cries for Help"	R.1. The Child Abuse Registry should examine the feasibility of utilizing an abbreviated report for mandated Information-Only calls to expedite completion of these reports, thus freeing up the hotline worker to take waiting calls. (F.3.)	<p>The recommendation has not been implemented, but will be implemented in the future.</p> <p>CAR management will convene a workgroup with CAR staff to examine the feasibility of using an abbreviated report for mandated Information Only calls. The group is scheduled to meet in this summer and will have recommendations completed by October 2015.</p>	<p>The workgroup was convened and the following changes have been implemented:</p> <ol style="list-style-type: none">1) The Fact Sheet Document is no longer required on these reports.2) Three areas of possible sources of Information Only reports were no longer required to be taken as they were either those that had insufficient information or clients not identifiable; those that are eligible for service and are under the authority of another legal entity; and those in which the concern reported occurred in another County and is not defined as abuse.3) Those Information Only Reports that are identified as concerns and received consultation with a supervisor are closed out without further supervisory involvement.4) For further efficiency for hotline staff to respond to the next caller, summarizing CWS/CMS history on all referrals has been eliminated and replaced with a CWS/CMS generated attached report as necessary.



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"If Animals Could Talk About the Orange County Animal Shelter"	R.4. Develop proper protocols for Animal Control Officers to follow when confronted with unique circumstances in the field that require tranquilizing or euthanizing animals and take all measures necessary to ensure that the Animal Control Officers can be given the proper equipment and training in that regard (F.4).	The recommendation has not been implemented but will be implemented in the future. Currently, it is not legally permitted for officers to transport controlled substances. OC Animal Care provides 6 months of intensive training to ensure that Animal Control Officers have skills and tools to address a wide variety of urgent and emergent situations that may require euthanizing or tranquilizing animals. Animal Control Officers have been issued the proper equipment to perform their duties consistent with existing protocols.	Any additional updates are pending future action by the State. <i>*OCCR provided a more detailed update on the State process. Senate Bill 1162, Chapter 594, became effective January 1, 2013. This bill allows animal control officers to carry controlled substances for purposes of tranquilizing animals but imposes certain prerequisite requirements. One of the requirements in the Bill is officers undergo "training approved by the Veterinary Medical Board."</i> <i>California Veterinary Medical Association (CVMA) proposed a training program in 2014. August, 2015 California Veterinary Medical Board sent the proposed regulations and training to the California Office of Administrative Law. The proposed regulations are going through the rulemaking process at the state level. The County cannot take action on this item until the state regulations are finalized. Orange County is closely tracking the rulemaking process.</i>
"If Animals Could Talk About the Orange County Animal Shelter"	R.6. Conduct an evaluation of the Feral Free Program to determine its effectiveness in the reduction of zoonotic diseases. (F.6).	The recommendation has not been implemented but will be implemented in the future. The recommendation has not yet been implemented but will be implemented in the future. OC Animal Care plans to analyze the outcomes and data for the Feral Free Program approximately 7 to 10 years after implementation in order to have enough data to draw meaningful conclusions on whether the program is able to reduce the numbers of community cats, reduce the number of impounds and reduce the need for euthanasia at the OC Animal Shelter. The Feral Free Program's primary purpose and goal was not to address zoonotic diseases but to control increases in community cat populations, in impounds and euthanasia. However, it is anticipated that by reducing the reproductive potential of the community cats, the Feral Free Program should not increase the prevalence of zoonotic disease.	OCAC plans to conduct an evaluation of the Feral Free Program outcome data on or after 2020 to allow enough data for meaningful analysis. The evaluation will look at the effectiveness of controlling the community cat population, impound rates and euthanasia rates. The Feral Free program was not designed to address zoonotic diseases. <i>*OCCR has provided additional detail that evaluation of the data is planned to take place at the end of the 2020 calendar year.</i>



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"Mello-Roos: Perpetual Debt Accumulation and Tax Assignment Obligation"	R.2. Audit report information, as delineated in California Government Code, 1982 § 53343.1, should be made available to the CFD taxpayers on a website after each fiscal year for each CFD number. (F.1, F.2)	The recommendation has not been implemented, but will be implemented in the future. An annual report, as delineated in California Government Code, 1982 Section 53343.1 will be made available on the County's website after each fiscal year, effective fiscal year 2014-15. The report will be posted by December 29, 2015.	The recommendation was implemented by December 29, 2015. The report is located on the County of Orange web site at the following link: FY 2014-15 CFD Annual Report - http://ocgov.com/civicax/filebank/blobdload.aspx?blobid=49731
"Orange County Real Estate: Do They Know What They Have?"	R.1. The County should create a regularly updated database that includes information that will improve the stewardship of County real estate. (F.2., F.3., F.4.)	The recommendation has not been implemented but will be implemented in the future. This recommendation is in process of being fully implemented. Various real estate database sources, including CRED, are updated annually and include certain of the recommended data elements. The County has entered into a contract for the purpose of verifying the accuracy of currently available databases. It is anticipated that this project will be complete within the current fiscal year. Additionally, the County has initiated procurement efforts to acquire a comprehensive County-wide real estate CMMS system. Plans for the CMMS system include all recommended data elements and property details. Preliminary project plans anticipate the release of a solicitation for proposals during the third quarter of 2015 and the procurement of a CMMS system during the first quarter of 2016.	A final report from the County's contracted specialist, hired to review and verify County real property inventory details, is anticipated to be received during the first week of February, 2016. A Request for Proposals was released on December 28, 2015, for the purpose of identifying a comprehensive County-wide real estate CMMS system. Responses are required by February 25, 2016. Responses will be evaluated and a CMMS system will be selected at the conclusion of the evaluation process. <i>*CEO Real Estate provided the following update. The County's contracted specialist provided a draft database of County owned parcels during February, 2016. CEO Real Estate is reviewing the draft data base for finalization during April, 2016.</i> <i>Six responses to the CMMS RFP were received on March 8, 2016. A proposal evaluation team will meet on April 21, 2016, to rate proposals. Software demonstrations will be scheduled with the highest rated firms. It is anticipated that the evaluation process will be completed and a CMMS system will be selected during May, 2016.</i>



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"Orange County Real Estate: Do They Know What They Have?"	R.2. The County should establish a person or position to be accountable for the ongoing accuracy of the real estate database. The County should also consider the feasibility of performing an annual inventory of the County's real estate to help to ensure the information in the database is accurate. (F.3., F.4.)	<p>The recommendation has not been implemented but will be implemented in the future.</p> <p>This recommendation is in process of being fully implemented. CRED is updated and reviewed annually by a designated member of CEO Real Estate's staff. The County has entered into a contract for the purpose of verifying the accuracy of database details. It is anticipated that this project will be complete within the current fiscal year. Additionally, the County has initiated procurement efforts to acquire a comprehensive County-wide real estate CMMS system. Preliminary project plans include the release of a solicitation for proposals during the third quarter of 2015 and the procurement of a CMMS system during the first quarter of 2016.</p>	<p>The report from the County's contracted specialist, hired to review and verify County real property inventory details, is anticipated during the first week of February, 2016, and will be utilized to verify the accuracy of the real estate database.</p> <p>A comprehensive County-wide real estate CMMS system is targeted for procurement during the current fiscal year. It is anticipated that the CMMS system will include real estate report capabilities, including inventory verification functionality.</p> <p><i>*CEO Real Estate provided the following update. The County's contracted specialist provided a draft database of County owned parcels during February, 2016. CEO Real Estate is reviewing the draft data base for finalization during April, 2016.</i></p> <p><i>Six responses to the CMMS RFP were received on March 8, 2016. A proposal evaluation team will meet on April 21, 2016, to rate proposals. Software demonstrations will be scheduled with the highest rated firms. It is anticipated that the evaluation process will be completed and a CMMS system will be selected during May, 2016.</i></p>
"Orange County Real Estate: Do They Know What They Have?"	R.3. The County should establish a timeline with realistic deadlines for its project to create and populate a comprehensive real estate database. This timeline should include target completion dates for major stages of the project. (F.1.)	<p>The recommendation has not been implemented but will be implemented in the future.</p> <p>This recommendation is in process of being fully implemented. It is anticipated that the County's current contract for the purpose of verifying County ownership interests in various County real estate database sources, including CRED, will be completed within the current fiscal year. Activities toward the procurement of a comprehensive County-wide real estate CMMS system have been initiated. Preliminary project plans include the release of a solicitation for proposals during the third quarter of 2015 and the procurement of a CMMS system during the first quarter of 2016.</p>	<p>The real estate inventory verification report is anticipated to be received during the first week of February, 2016.</p> <p>The solicitation for proposals for a County-wide CMMS system is underway, with proposals due by February 25, 2016.</p> <p>The CMMS proposal evaluation process is expected to be completed, resulting in the selection of a CMMS system for procurement, during the current fiscal year.</p> <p><i>*CEO Real Estate provided the following update. Six responses to the CMMS RFP were received on March 8, 2016. A proposal evaluation team will meet on April 21, 2016, to rate proposals. Software demonstrations will be scheduled with the highest rated firms. It is anticipated that the evaluation process will be completed and a CMMS system will be selected during May, 2016. It is anticipated that a contract for the selected CMMS system will be issued during the current fiscal year.</i></p>



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<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.3. The County should ensure that an anti-fraud program, accounting policies and procedures manuals, and a disaster recovery plan are developed, implemented, and maintained by the Association of Orange County Deputy Sheriffs Trust. (F.3.)</p>	<p>The recommendation requires further analysis. The County reviews the annual audit reports and findings related to the Trust and has worked with AOCDS regarding compliance with the Trust elements currently identified in the MOU. The County cannot unilaterally implement such a change without first negotiating with AOCDS. The current contract with AOCDS expires in June 2016 and successor negotiations will occur in approximately March 2016.</p>	<p>This recommendation will be included in the list of items to be discussed during successor negotiations which are still scheduled to begin approximately March 2016.</p>
<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.4. The County should require the County and the Association of Orange County Deputy Sheriffs Trust to have each of the three-candidate auditor firms sign a firm commitment that the nominees meet specified qualifications, want the business, and will do the business, if selected. (F.4.)</p>	<p>The recommendation has not yet been implemented but will be implemented in the future.</p> <p>On July 23, 2015 the County instructed AOCDS to have each of the three candidate auditor firms sign a firm commitment that they meet the qualifications, want the business, and will do the business if selected for the 2014/2015 Fiscal Year Trust Audit.</p>	<p>The FY 2014/2015 audit is currently underway. This recommendation will continue to be implemented as part of ongoing contracting procedures along with the other MOU requirements for the AOCDS Trust Audit.</p> <p><i>*HRS provided the following update. The FY 2014/2015 audit work has been completed by the auditor and the draft audit report was submitted to the County for review and comment on March 4, 2016. The County is currently analyzing the financial and audit statements and preparing it's response. This recommendation will continue to be implemented as part of ongoing contracting procedures along with the other MOU requirements for the AOCDS Trust Audit.</i></p>
<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.5. If the County is convinced that Sheriff retirees should not be benefiting from monthly County contributions to the Trust, the County should seek reimbursement from the Association of Orange County Deputy Sheriffs Trust for funds that the County believes are inappropriately used, e.g., Trust funds used to subsidize retirees medical insurance premiums. (F.5)</p>	<p>The recommendation requires further analysis.</p> <p>The Trust is comprised of contributions from both the County and eligible employees. It is not clear that AOCDS retirees are benefiting from County contributions to the Trust. The County will pursue greater transparency into the contributions and uses of the Trust as part of negotiations for a successor MOU in approximately March 2016.</p>	<p>The County will pursue greater transparency into the contributions and uses of the trust during successor negotiations which are still scheduled to begin approximately March 2016.</p> <p><i>*HRS provided the following update. Preparations are underway and negotiations are expected to commence in late May 2016.</i></p>



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<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.6. The County should seek reimbursement from the Association of Orange County Deputy Sheriffs Trust for funds that the County believes are inappropriately used, e.g., Trust funds used to pay for Association of Orange County Deputy Sheriffs employees’ medical insurance. (F.6)</p>	<p>The recommendation requires further analysis.</p> <p>There is confirmation that AOCDS employees are receiving health care coverage through the AOCDS Trust health plans; however, the County is unable to determine if Trust funds were used to pay for the coverage. On June 15, 2015 Human Resource Services (HRS) formally requested that AOCDS provide detailed information pertaining to its employees enrolled in the Trust health plans. During a meeting with HRS on July 23, 2015 AOCDS verbally identified that they have seven employees and four retirees enrolled but stated that AOCDS is paying 100% of the premium and the coverage is not being paid for by the Trust. AOCDS does not agree that these employees are ineligible for coverage under the Trust plans and has requested the County identify a list of concerns related to this practice so the AOCDS Board may consider the issue. The results and recommendations will be reported to the CEO no later than December 2015.</p>	<p>After receiving direction from the CEO, HRS/Employee Benefits returned to County Counsel and outside consultants to draft a letter to outline these concerns to AOCDS and direct them to transition these employees into alternative coverage or assume the necessary ACA reporting responsibility. The County sent a letter to AOCDS on 12/31/2015 requesting documentation that no County funds are being used to pay for AOCDS employee's premiums and requesting that AOCDS provide the County with the timing and plan for transitioning it's employees out of the Trust health plan. On 1/29/2016 the County received a written response from AOCDS with a letter from the Trust auditor and additional information to review and analyze from AOCDS regarding continued enrollment of their employees in the AOCDS Trust plans. The County is currently reviewing the AOCDS response.</p>
<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.7. The County should seek to include terms in the next Orange County and Association of Orange County Deputy Sheriffs Memorandum of Understanding that require that the Association of Orange County Deputy Sheriffs Trust have specific additional appropriate and necessary controls in place, and require that the Trust fully implement and maintain the Memorandum of Understanding controls the Trust currently has. (F.7.)</p>	<p>The recommendation has not yet been implemented but will be implemented in the future.</p> <p>The County will seek to include as part of the negotiations for a successor MOU terms that require the AOCDS Trust have specific additional appropriate and necessary controls in place and that the Trust fully implement and maintain the MOU controls the Trust currently has. The current contract with AOCDS expires in June 2016.</p>	<p>This recommendation will be included in the list of items to be discussed during successor negotiations which are still scheduled to begin approximately March 2016.</p> <p><i>*HRS provided the following update. Preparations are underway and negotiations are expected to commence in late May 2016.</i></p>



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<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.8. The County should seek to include provisions in the next Orange County and Association of Orange County Deputy Sheriffs Memorandum of Understanding, requiring that Administrative Fees Assessments and Reserve Studies be performed more often than once a term and contain specifications and guarantees of active, equal control/access/involvement by Orange County. (F.8.)</p>	<p>The recommendation requires further analysis. Recent contracts with AOCDS have been for a period of three years or less. Further analysis is required to understand the industry standards on how often such assessments should take place and the value of obtaining the information more frequently vs. the associated time/cost factor. The analysis and resulting recommendations will be reported to the CEO no later than December 2015.</p>	<p>HRS/Employee Benefits has reviewed this issue with the County’s benefits consultant, Mercer. Mercer has advised the County that a reserve study should be done once during the term of the contract; however, administrative fees should be reviewed annually to determine if they are reasonable and follow the prior methodology. The methodology should be reviewed once during the contract term to determine if the methodologies are still appropriate or need to be changed. Mercer also indicated that a Trust may also do reserve studies for themselves and may do it as frequently as every year. HRS/Employee Benefits will provide this updated information to HRS/Labor Relations in preparation for the upcoming negotiations with AOCDS, so applicable changes to ensure timely studies may be incorporated into the MOU.</p> <p><i>*HRS provided the following update. Preparations are underway and negotiations are expected to commence in late May 2016.</i></p>
<p>“Orange County Sheriff Medical Insurance: County Failures in Negotiation, Documentation, Oversight, and Transparency”</p>	<p>R.10. The County, at the conclusion of the term of the current Memorandum of Understanding, should seriously consider discontinuing its agreement with the Association of Orange County Deputy Sheriffs and instead take back its rightful responsibility for administering the medical insurance program(s) for all qualified County of Orange employees. (F.1. through F.9.)</p>	<p>The recommendation requires further analysis. County staff from Human Resource Services, the County Budget Office, and the County Executive Office will analyze the feasibility and impact of administering the medical program for AOCDS members. Areas to be considered include, but are not limited to, impacts to County budget, actuarial liability, and liability under the Affordable Care Act. The analysis and resulting recommendations will be reported to the CEO no later than December 2015.</p>	<p>County staff from Human Resource Services, the County Budget Office, and the County Executive Office met with the County’s Benefits Consultant, Mercer to discuss the feasibility and impact of the County administering the medical program for AOCDS members through the County’s current plans. Areas considered included the impacts to County budget, actuarial liability, and liability under the Affordable Care Act. It was determined that there could be a cost impact to the employees and retirees represented by AOCDS that could require the County to provide significant offset in salaries or other benefits as part of the negotiations process. The possibility of incorporating AOCDS employees and retirees back into County plans will be further explored during the upcoming negotiations after seeking input from the Board of Supervisors.</p> <p><i>*HRS provided the following update. Preparations are underway and negotiations are expected to commence in late May 2016.</i></p>



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"The Orange County Animal Shelter: The Facility, The Function, The Future"	R. 2. The Orange County Board of Supervisors should investigate and analyze the advisability and feasibility of selecting two or three sites for construction of animal care shelters to provide services accessible to all parts of the County. (F-4)	The recommendation requires further analysis. Up to this point in time, the contract cities have not expressed a desire to move forward with additional regional shelters located throughout the County. The additional costs and limited land availability have made the concept of regional Shelters less feasible to the County and contract cities. The County and contract cities rigorously control the costs in Animal Care and staffing for multiple regional shelters would radically alter the cost of operations. Consequently, the general agreement has been to focus on construction of a new Shelter at the Tustin site.	This recommendation is still in process. OC Animal Care is actively pursuing regional adoption centers that would be able to assist OC Animal Care if the shelter is damaged in a disaster. OCAC plans to issue a Request for Information later this Spring for Adoption Centers throughout the County with the intent to have a contract in place by the start of the new fiscal year on July 1, 2016. The RFI will be with private or non-profit entities that will take animals from the Shelter and place them up for adoption. <i>*OCCR provided the following update. An RFI has been drafted and is currently under review. It is intended to be released by June, 2016.</i>