



County of Orange
California

Thomas G. Mauk
County Executive Officer

June 19, 2007

Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Offices of the
Public Defender"

Dear Judge Stock:

Per your request, and in accordance with Penal Code 933, enclosed 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 Theresa Stanberry at (714) 834-3727 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

A handwritten signature in black ink that reads "Thomas G. Mauk". The signature is written in a cursive style and is positioned above the printed name and title.

Thomas G. Mauk
County Executive Officer

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**2006-07 Grand Jury Report
"Offices of the Public Defender"
Responses to Findings and Recommendations**

Response to Findings F-1 to F-3

F-1 **Cost of Living and Compensation:** There is a large cost-of-living and attorneys' salary variance existing between Orange County and the neighboring counties of Riverside and San Bernardino.

Response: Disagrees partially with the finding.

While the cost-of-living variance ranges from 21% to 24% higher in Orange County than neighboring counties of Riverside and San Bernardino, the Grand Jury Report also shows that the cost-of-living in Orange County is lower (by 19%) than San Diego County. Therefore, The Board of Supervisors disagrees that these variances are "large" and must be placed into context.

According to the Grand Jury Report, as of October 1, 2006, the annual starting salaries identified in the Grand Jury Report (for PD Attorney I, PD Attorney II, and PD Attorney III) are higher in the County of Orange than three neighboring counties, and the PD Attorney IV in Orange County is second to the county of San Bernardino, which is the highest of the four counties. Here again, the Board of Supervisors disagrees with the Grand Jury's characterization that the variances are "large."

There will always be variances between counties due to factors such as: when salary negotiations are concluded, the term of each contract, and the timing when new compensation packages become effective. Furthermore, when one reviews the reasoning for employees leaving County employ, not one ex-County employee's answer was because of the cost-of-living variance between Orange County and neighboring counties, nor were any of them exclusively because of salary issues. There also is no indication that any of the ex-County employees the Grand Jury contacted left Orange County and became employed with another county because it paid a higher salary.

F-2 **Benefit Deductions:** The attorneys' compensation problem continues to be exacerbated by the reduction in take-home pay brought about by the recent change in Orange County's pension system and health care benefits.

Response: Disagrees wholly with the finding.

The change in the pension system and health care benefits was the result of negotiations between the County and the various labor organizations, including the Orange County Attorneys Association (OCAA). The principal change in the pension system affords an enhanced benefit in the retirement rates in which the

attorneys share (2.7% per year of service beginning at age 55). It should also be noted, that the additional costs of the enhanced pension program for the attorneys, the same as with all other County employees, were also the result of those negotiations. The employees agreed to pick up the added cost of the enhanced pension benefit without expectation that the County would underwrite their share of the cost through salary increases. While the added deduction from the employees pay checks may reduce their take-home-pay, it is no different then if each employee placed his or her share of the cost of the enhanced benefit into a savings account for retirement.

Furthermore, not one of the ex-County employees indicated that the cost of the added retirement benefits or the change in the health care benefits was a factor in their decision to leave employment with the County of Orange.

- F-3 **Automation:** The Public Defender's Office is collaborating in the development of an automated case management system which will unify the case management systems in use for the investigative and clerical branches of the office.

Response: Agrees with the finding.

Response to Recommendations R-1 and R-2

- R-1 **Compensation:** Continue to alleviate the attorney compensation disparities between Orange County and the surrounding counties created by findings in F-1 and F-2.

Response: The recommendation requires further analysis.

It should be noted that there is not always equality between the neighboring counties; therefore, it would be impossible to always maintain parity of attorneys' compensation. Many other factors enter into the computation of compensation—salary is only one. Furthermore, it would place the County of Orange in the position of being required to give salary increases every time a neighboring county gave an increase to its attorneys, effectively undermining the ability of the County of Orange to participate in the collective bargaining process.

Finally, not one of the ex-County employees that the Grand Jury interviewed indicated that he or she left employment with Orange County and took a similar job with a neighboring county because of the variation in salary between the counties. Of the seven ex-County employees interviewed, only two indicated that money was an issue. Yet, money was not the only issue; one said "money wasn't an issue"; one left to have a baby and hoped to return; one didn't want to be a Public Defender any more; one left because he/she had to work too hard; and one didn't feel appreciated and the "money was a lesser issue".

R-2 **Automation:** Continue the development and implementation of a computerized management system which would address the concerns in finding F-3

Response: The recommendation has not yet been implemented, but should be completely developed and fully implemented within eighteen months barring unforeseen circumstances.