

# ADMINISTRATIVE COMMITTEE



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# ADMINISTRATIVE COMMITTEE

The Administrative Committee was responsible for reviewing the following boards, departments and agencies:

- Board of Supervisors
- Boards, Committees and Commissions
- Clerk of the Board
- County Administrative Office
- County Counsel
- County Superintendent of Schools
- Human Resources Department
- Information Services Department
- Local Agency Formation Commission (LAFCo)

The chairman of the Administrative Committee attended all Board of Supervisors meetings and reported on the actions taken and the community interaction with the Board.

The Administrative Committee established seven subcommittees to investigate and review the functions and operations of selected departments. Department heads and key staff members were interviewed and visitation reports were completed. Not all investigations resulted in recommendations.

The subcommittee for the County Superintendent of Schools did visit with the Superintendent and some of his key personnel. The visitation report was completed, but is not included in this report because the funding of this department is through the State of California.

The Local Agency Formation Commission (LAFCo) was not visited. This was due to their direct control and funding by the State of California.

The committee also reviewed two complaints, which ended without cause for investigation.

The investigations completed by the Administrative Committee resulted in the following final reports and recommendations.

# BOARD OF SUPERVISORS

## **BACKGROUND**

The Board of Supervisors adopted the 2004-2005 final budget of \$2.8 billion on June 22, 2004. The budget was established while facing the potential of significant State budget reductions. Each department was asked to consider *“its ability to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and will of the people it serves”*.

In addition, each department was asked to create *“a safe, clean, and healthy environment that appeals to families and individuals, and attracts the best in business and industry”*. While the Board of Supervisors asked its employees to support this vision and goals, they took the extra step to set aside \$67.8 million to address potential unfunded issues.

The Grand Jury took its oath and began investigations into all departments of County government. The Administrative Committee accepted the challenge and began its investigation of the Board of Supervisors.

## **FINDINGS**

The Board of Supervisors (BOS) directed the County Administrative Officer to create a positive image for the County of San Bernardino. It is perceived that the Board is willing to provide a new atmosphere, but the task seems difficult to communicate and implement. Several department heads have been asked to resign or have been terminated in the past twelve months. Even with these changes, the prevalent perception is that the County is conducting “business as usual.”

In addition to this perception, another major concern has been with the responsibility of the Supervisors. During interviews with the Supervisors, it was determined by their statements that it is “difficult to run a campaign without special interest money”. Some Supervisors emphasized that their “friends are important to their campaign’s success”. The hiring of friends and family exists throughout the County. Currently there is no public oversight of the hiring practices by the individual members of the Board of Supervisors.

With the increase in computer use, e-mails, instant communications and a constant barrage from the media, it is difficult to keep local problems within the local environment. San Bernardino County now has the new challenge to provide a positive image to the

national community. Our investigations also found that the Board has no jurisdiction over who is hired by another elected official. Hiring individuals who are not qualified is only subject to the citizens' reactions and change can only occur from intense pressure by the public.

For a variety of reasons, San Bernardino County has a difficult time attracting talent to work in its governmental offices. One underlying reason is based on the past corruption that has occurred, along with the accompanying negative publicity.

One major interest of concern for the Administrative Committee in its interviews with the Supervisors was their assessment of the need for additional jail space. The current facilities are overcrowded and subject to prisoner early release. The Supervisors discussed this issue for a number of months and concluded that the County should purchase a private prison in the upper desert in the City of Adelanto for a cost of \$32 million. The purchase was completed, but the problem of overcrowded jails remains. This additional prison space does not completely solve the immediate problem and does not address the long-range concerns for space.

It is a known fact that County property has been set aside for a new jail in Apple Valley adjacent to the newly completed Juvenile detention facility. Most of the off-site infrastructure improvements have already been completed. The estimated cost to build a new jail facility in Apple Valley is over \$200 million and is a subject of discussions between the BOS and Sheriff's Department.

The Board is making a serious effort with the County's Law and Justice Group to curb the gang and drug problems in the Inland Empire. Initially, the increase in gang enforcement will increase the need for jail space. That, coupled with population growth, creates the continuing need for additional jail space.

The County of San Bernardino County has a gift policy for its elected officials and employees covered by the County's Conflict of Interest Code. Pursuant to Government Code Section 89503 the overall gift limit for a calendar year is \$360 from one source. This must be declared and filed as a Statement of Economic Interest (Form 700). Officials and employees required to file a Form 700 must also declare any receipt of gifts of \$50 or more.

In recent years there have been problems with County officials accepting gifts above the legal limit and not declaring the receipt of such gifts. In discussions about the current gift policy with members of the County government, it was stated that a "no gift" policy may be good for the image of the County but difficult to enforce. Receipt of gifts by public officials from those who do business with the County has the effect of eroding public confidence.

## **RECOMMENDATIONS**

- 05-01        CREATE AN INDEPENDENT COMMITTEE TO REVIEW ALL HIRING PRACTICES BY THE MEMBERS OF THE BOARD OF SUPERVISORS.
  
- 05-02        CONSTRUCT A NEW JAIL FACILITY IN APPLE VALLEY WHILE THE CURRENT INTEREST RATES ARE AT A LOW LEVEL, TO ENSURE ADEQUATE JAIL SPACE.
  
- 05-03        ESTABLISH AND ENFORCE A “NO GIFT POLICY” FOR COUNTY ELECTED OFFICIALS AND EMPLOYEES.

# COUNTY ADMINISTRATIVE OFFICER

## **BACKGROUND**

The County Administrative Officer (CAO) is appointed by the Board of Supervisors to implement Board decisions and manage the business of County government. The CAO's job is to manage the day-to-day affairs of the County and implement the policies and decisions of the Board of Supervisors (BOS). Nearly 40 departments work under the supervision of the CAO, which provide approximately \$2.8 billion worth of services to the 1.7 million residents of San Bernardino County.

The CAO prepares budget and operational recommendations for the Board of Supervisors, monitors and controls Countywide expenditures, analyzes and advocates legislation, coordinates capital improvement projects and debts, assesses leasing and space management, performs demographic and geographic research, and monitors city redevelopment activities to ensure legal conformance and mitigate negative impact on County resources.

The CAO provides central coordination for the County's strategic planning and performance measurement efforts, coordinates emergency preparedness activities and cost recovery efforts following major emergencies and disasters, administers insurance management programs, addresses unincorporated area issues, collaborates with departments to deliver exceptional service to children and their families. The CAO coordinates centralized workplace programs and initiates and promotes activities which provide information about the County to the public.

The CAO makes such studies and investigations as the administrator believes necessary or desirable and makes any study or investigations the BOS requests. All County officers and departments assist in the preparation of such studies as directed by the CAO.

Before the Board makes any administrative appointment to a County office, department or institution, the CAO recommends one or more qualified persons for the position. The administrator may recommend that the BOS suspend or remove any person holding an administrative position in cases where the Board has powers to appoint and remove.

The CAO's responsibilities are enormous as they relate to the efficiency and effectiveness of its operations. After 15 years of unstable leadership and questionable management, the Board of Supervisors appointed the current CAO to take charge of its administrative offices, operations, budget (\$2.8 billion) and 18,000 employees.

## **FINDINGS**

The frequent turnover in top administrators prompted the Grand Jury to review all new operational policies and procedures. The Grand Jury was interested in finding out what was being done to restore credibility to San Bernardino County.

Immediately, the Grand Jury found that the Coroner was unable to meet the challenges of the Labor Day weekend (September 2004), which resulted in overcrowding and stacking of bodies. The Coroner did not implement several recommendations of previous Grand Juries, which contributed to the merging of the Coroner's office with the Sheriff's Department. This was followed by the requested resignation of the directors of the Behavioral Health Department and the Architecture and Engineering Department. The CAO then requested and received the resignation of the Registrar of Voters.

The relationship between the Human Resources Director and the president of the Sheriff's Employees Benefit Association added to the continuing scandals of the County. The disclosure of having improper relations during negotiations of a new contract between the County and Sheriff's employees created the possibility of a conflict of interest. The Grand Jury believes that this may have had a major impact on the County's budget. The CAO asked for the resignation of the Director of Human Resources.

Later, the CAO requested the Public Defender resign. The term "error in judgment" is prevalent in the reasons given by the administration for all of these resignations.

The CAO is making every effort to change the image of the County. With the recent resignations of several major departmental personnel, it reflects the CAO's strong commitment to reflect a positive influence in the County. It will take a long time for everyone to begin to change and follow County policy and regulations. It is the perception of "business continues as usual" that must be eliminated in order to restore sound government. The CAO has proposed to implement a "customer service" workshop for all County employees.

## **RECOMMENDATIONS**

- 05-04 THE COUNTY ADMINISTRATIVE OFFICER WORK TO RESTORE INTEGRITY AND CREDIBILITY TO THE COUNTY OF SAN BERNARDINO.
  
- 05-05 THE COUNTY ADMINISTRATIVE OFFICER PREPARE AN "ACCOUNTABILITY REPORT" TO BE PRESENTED TO THE BOARD OF SUPERVISORS REGARDING THIS ISSUE AT LEAST TWICE A YEAR.



05-06 MONITOR "CUSTOMER SERVICE" THROUGHOUT THE COUNTY BY SOME INSTRUMENT TO BE DETERMINED BY THE COUNTY ADMINISTRATIVE OFFICER.

## **PUBLIC INFORMATION OFFICER**

### **BACKGROUND**

The Public Information Officer (PIO) reports directly to the County Administrative Officer (CAO) and works closely with the Board of Supervisors (BOS) and County departments in the dissemination of County information. The job of the PIO is to promote public understanding of County goals, programs, policies and services. The PIO acts as a spokesperson for the County and arranges press conferences, tours and County dedications.

### **FINDINGS**

The Public Information Officer provides journalistic services to the Board of Supervisors and the County Administrative Office. The PIO communicates with the media about matters of special concern to the Board and the CAO. If requested, the PIO will provide these same services to other County departments and special districts. Several County departments have their own Public Information divisions and do not require the assistance of the County PIO. There is no current coordination of these services and media contact at the County level. There are no formal scheduled meetings with the Board of Supervisors to discuss public information.

The Public Information Officer has no assigned staff. A secretary will occasionally assist in event planning and answers the telephone when the PIO is out of the office. Typing, newspaper clipping and Internet research are clerical tasks that are currently performed by the PIO. A majority of the work time is consumed with responding to media inquiries.

A goal of the office is to provide more direct communication with the public through mailings, newsletters, County brochures, radio and local cable television. There is a County newsletter, *The Straight Arrow*, which is offered on the County webpage; the last publication available online is May, 2004. Local newspapers are the primary source of getting the County message out. A second goal is to establish a toll free telephone number for citizen use. This number would be a link for the public to get timely and

accurate information on County services. This would be of particular help to those who reside a long distance from San Bernardino.

## **RECOMMENDATIONS**

- 05-07 THE PUBLIC INFORMATION OFFICER WORK IN CONJUNCTION WITH THE PUBLIC INFORMATION OFFICERS IN OTHER COUNTY DEPARTMENTS TO COORDINATE THE COUNTY MESSAGE.
- 05-08 ASSIGN A PERMANENT FULL-TIME CLERK TO ASSIST IN THE PUBLIC INFORMATION OFFICE IN ORDER TO BETTER SERVE THE PUBLIC.
- 05-09 INCREASE EFFORTS TO COMMUNICATE DIRECTLY WITH ALL COUNTY CITIZENS REGARDING COUNTY ISSUES AND CONCERNS.

# **HUMAN RESOURCES DEPARTMENT**

## **BACKGROUND**

The Human Resources Department (HRD) has 209 employees of the more than 16,000 San Bernardino County employees. The HRD is engaged in adjusting and updating its personnel hiring practices with classified staffing, and rebuilding its leadership teams. HRD is developing avenues to reestablish employee trust, refine hiring procedures and working with the union to finalize the collective bargaining agreements.

The recent changes in leadership at the Human Resources Department initiated the Grand Jury's review of the department. Discussion with the new leadership of HRD included inquiry relating to ongoing competitive hiring practices, vacancy rates and also who the ultimate decision makers were in the hiring and release of County personnel.

## **FINDINGS**

The Human Resources Department indicated a big improvement was made in the competitive processes in hiring individuals. Standard procedural rules govern the hiring of classified service employees. Non-classified employees are governed by department requirements. It was stated that the Board of Supervisors (BOS) is the ultimate decision maker in the hiring and release of County employees. The HRD can make recommendations on discipline of employees, but those decisions can be challenged and/or taken to a higher level. The HRD provides a modified process for those individual's slated for employment in the BOS office because Board staff is considered unclassified, pursuant to the County Personnel Rules. Those particular employees have to qualify for the job, but are not required to go through the entire HRD hiring processes. The Fair Labor Standards Act is applied to all personnel hired, with the exception of exempt employees. Exempt employees are those hired by the BOS and other elected officials of the County.

Each department develops a background protocol based upon the scope of work assigned to their employees. Some classifications require a more thorough background assessment than others. The Sheriff's Department, for example, has staff dedicated to conducting rigorous checks of all applicants for safety positions and a less rigorous check of civilian employees. Arrowhead Regional Medical Center (ARMC) employees have different background check procedures that meet hospital mandates on employee accreditation. Other departments have different levels of checks dependent upon whether the employee handles legal documents, cash, or highly confidential information.

In the area of employee reclassification, a clear policy on procedures is adhered to. In case of significant changes in an individuals or job classifications duties and responsibilities, the change must receive approval from the BOS.

The process or procedure for soliciting persons for employment in a particular department warrants that the department provides HRD with the minimum qualifications candidates must possess. HRD starts the application process and proceeds to post the job, take applications, determine qualifications, test applicants and establish eligibility lists. The exam or tests applicants are administered help establish a list of the 10 top candidates. The candidates' names are then listed in alphabetical order and sent to the requesting department for interview and final selection. According to Federal and State Civil Service procedures, five candidates are referred in the hiring process.

Rules regarding the examination processes used by HRD are included in the County Personnel Rules. Periodic changes to the rules are negotiated with the recognized employee associations, reviewed by the County's Civil Service Commission, and approved by the Board of Supervisors.

Depending on classification, employees have a probationary period of six to nine months, with most benefits becoming effective after two weeks of employment. Sick leave and vacation leave accrual begin immediately upon hiring, but cannot be used until probation is completed.

All County employee benefits are negotiated by collective bargaining agreements. HRD believes giving employee benefits up front is a good recruitment tool. When an employee leaves or retires from County employment, unused vacation and sick leave hours are paid. The sick leave hours are determined on a pro-rated basis depending on years of service.

HRD stated it posts an average of 275 eligibility lists per month in a 12-month period. Each list is used to fill a vacant position(s). The number of vacancies for the 12-month period March 2003 to March 2004 was approximately 3,300 positions. Vacancies occur for several reasons such as employee promotions, lateral transfers and terminations. The actual total cost for lateral changes, transfers and new employment is unknown. According to the U.S. Bureau of Labor Statistics, 1.6 percent of the American work force left their jobs in 2004. The most recent figure in January 2005 indicates the number has risen to 1.9 percent. Recent studies from the Angott Search Group estimate turnover costs range from a conservative 30 percent of annual salary plus benefits, to as much as 150 percent of a worker's yearly pay.

Vacancies are advertised on an as needed basis. Specialized positions require more targeted advertising in professional websites and publications. Other positions can be readily filled through County website postings. Departments are billed for advertising for positions in their departments. As employees leave a particular department, each

individual department, at its discretion, conducts an exit interview with those employees. Recent studies show that retaining workers is going to get tougher for employers. Employees are looking for better opportunities and better working conditions. Employees are also interested in child care and other workplace perks.

## **RECOMMENDATIONS**

- 05-10 ALL EMPLOYEES HIRED BY THE COUNTY, WHETHER THE POSITION IS UNDER A COLLECTIVE BARGAINING AGREEMENT OR AN EXEMPT POSITION, SHOULD GO THROUGH THE HUMAN RESOURCES DEPARTMENT'S REGULAR HIRING PROCESS.
  
- 05-11 THE HUMAN RESOURCES DEPARTMENT REVIEW THE PRESENT SYSTEM OF REFERRING TEN (10) INDIVIDUALS TO DEPARTMENTS FOR EACH JOB INTERVIEW, AS IT RELATES TO TIME AND COST.
  
- 05-12 THE HUMAN RESOURCES DEPARTMENT REVIEW AND DETERMINE THE REASONS FOR SUCH A HIGH TURNOVER RATE AND THE ACTUAL COST TO PROCESS AND HIRE NEW EMPLOYEES.

## **INFORMATION SERVICES DEPARTMENT**

### **GRAND JURY WEBPAGE**

[www.sbcounty.gov/grandjury](http://www.sbcounty.gov/grandjury)

#### **BACKGROUND**

The Information Services Department (ISD) provides various communication and information technology services to all County departments and special districts. The department maintains a 24 hour a day, 7 days a week computer operations and systems support help desk. The department is on the cutting edge of introduction and implementation of new technologies including: Voiceover Internet Protocol (VoIP), Geographic Information Systems (GIS), Storage Area Network, Asynchronous Transfer Mode (ATM) and fiber optics.

ISD is responsible for the administration of the WAN/LAN for the County and the maintenance of the County's website. Upon request, the ISD will create a webpage to be included on the County website.

#### **FINDINGS**

In the past, citizens had to call the Grand Jury office to request Grand Jury volunteer applications, complaint forms, copies of the Grand Jury report, courthouse location and any other information concerning the Grand Jury. The 2004-2005 Grand Jury requested ISD create a webpage to be incorporated into the County website to provide better and immediate communication with the public. The ISD worked with the Grand Jury and the Grand Jury Assistant to ensure all requested details of the page were included. Content was directed by the Grand Jury and the graphic design and layout were developed by ISD. The coordinated effort produced an effective webpage for the Grand Jury.

#### **COMMENDATION**

THE 2004-2005 GRAND JURY COMMENDS THE COOPERATION AND PROFESSIONALISM OF THE INFORMATION SERVICES DEPARTMENT. THE CREATION AND IMPLEMENTATION OF THE GRAND JURY WEBPAGE EXCEEDED THE GRAND JURY'S REQUESTS.