

County of San Bernardino  
Board of Supervisors  
Response to the  
2008-2009  
San Bernardino County  
Grand Jury Final Report

## **DEPARTMENT OF PUBLIC HEALTH**

### **Finding 1**

The Board of Supervisors agrees with this finding.

### **Finding 2**

The Board of Supervisors disagrees with the impression created by the finding that the county's response to the August 2008 tuberculosis incident in Needles was somehow "hampered by poor communication and coordination." In fact, the incident was resolved with the utmost dispatch and with the best outcome possible in terms of mitigating the threat to the public's health and safety.

Within 13 hours of confirming that the patient was not complying with an Isolation Order, the Department of Public Health secured a civil order of detention, served the order on the patient, transported the patient to Arrowhead Regional Medical Center in Colton, and assigned the patient to an isolation pod for treatment and observation. This process was accomplished under the supervision of the County Administrative Officer and with the consultation and cooperation of the Department of Public Health, the Sheriff's Department, County Counsel's Office, the Inland Counties Emergency Medical Agency, and ARMC.

### **Finding 3**

The Board of Supervisors disagrees with an element of the finding. The finding refers to a position alternately labeled "Chief Medical Health Officer" and "Chief Medical Officer". The position of "Chief Medical Officer" was eliminated several years ago during a reorganization. Since that reorganization, the county has had a "Health Officer" position, which is a position mandated and defined by state law.

The qualifications for a county Health Officer are contained in at least two areas of California law.

Section 101005 of the California Health and Safety Code reads in its entirety: "The county health officer shall be a graduate of a medical college of good standing and repute. His or her compensation shall be determined by the board of supervisors."

California State Code of Regulations Department of Health Services Title 17, Chapter 3, Subchapter 1, Article 3, Section 1300 reads: "The health officer shall be a graduate of a medical school of good standing and repute and shall be eligible for a license to practice medicine and surgery in the State of California; provided however that those health officers on a full-time basis as of September 19, 1947, shall be considered as meeting the requirements of this section."

The County of San Bernardino minimum requirements for the Health Officer are as follows:

“A licensed physician in the State of California with a minimum of two years of administrative experience in a public health environment supervising physicians or various public health professionals.”

It should be noted that the requirements for the County of San Bernardino Health Officer exceed those of the State of California for a county health officer, and that the current Health Officer meets those requirements by having been Chair of the Women's Health Department at Riverside Regional County Medical Center for more than three and a half years. In this capacity he supervised physicians and professional staff in clinical service delivery for indigent populations in a county facility in a public health environment.

**Finding 4**

The Board of Supervisors disagrees with this finding. Clinical staffing composition is the result of a number of criteria. These criteria include but are not limited to grant funding, general fund costs, grant requirements, budgetary limitations, scope of work, staff licensure, labor memorandums of understanding, skill mix, staffing levels at numerous locations, staff availability, continuing education training schedules, unanticipated staffing shortages, and emergency response.

Program-level managers often do not take all of the criteria into consideration when advocating staffing for their individual programs as administrators must. Staffing decisions are never made arbitrarily and are the result of consultation with affected programs and only after considerable due diligence by departmental administration.

**Finding 5**

Although the finding states that the grand jury “made no determination whether or not such conduct was pervasive throughout DPH”, the Board of Supervisors disagrees with the impression that may have been created by the finding. The Board of Supervisors believes that any discomfort that was expressed to the grand jury was the result of an adjustment to a new manager, who had been tasked with carrying out a bold initiative – integration of services provided by Public Health, Behavioral Health, and Arrowhead Regional Medical Center. It should be noted that in order to improve morale in the face of change, the executive staff of Public Health has sponsored employee appreciation events, an employee recognition program, a Public Health newsletter, and included staff at all levels regarding policy decision-making.

**Finding 6**

The Board of Supervisors disagrees with this finding. The Public Health Director denies making the statement attributed to him in the finding. In an effort to facilitate better departmental communications at all levels, the new Director of

Public Health instituted weekly executive staff meetings, continued to perform monthly Program Manager's meetings, regularly attends program staff meetings, and conducts weekly site visits to every Public Health office, clinic, and facility county-wide. In many cases, employees that have been with the Department of Public Health for decades have commented that these site visits are the first and only instances in which they have met and spoken with a Director of Public Health.

**Finding 7**

The Board of Supervisors cannot corroborate this finding.

**Finding 8**

The Board of Supervisors agrees with this finding.

**Finding 9**

The Board of Supervisors disagrees with elements of this finding.

The County's health services Integration Project was conceived and is designed to bring health-related services from three County departments – Public Health, Behavioral Health, and Arrowhead Regional Medical Center – under one roof into each of five regional clinics. Under this concept, Public Health would provide preventative health services, Behavioral Health would supply mental health services, and ARMC would offer primary care services to these County facilities. At this time, no involvement of Community Based Organizations (CBOs) in the integrated county clinic facilities is envisioned.

The H Street Clinic is but one of many CBOs that participated in a Request For Proposals (RFP) to contract for the delivery of services under the Ryan White Program for HIV/AIDS services. Under law, contracts for services must undergo a competitive process. The Ryan White Program is jointly administered with Riverside County under the direction and supervision of a federally mandated Planning Council which consists of community members appointed by each county's Board of Supervisors. Under the provisions and scoring of RFP ASP 07-02 for the Ryan White Program Part A, Part B, Minority AIDS Initiative HIV/AIDS Healthcare and Support Services released in January 2008, the H Street Clinic CBO scored last in every category and therefore did not receive funding.

Currently, the Department of Public Health holds contractual agreements with 11 qualified CBOs to deliver services. Regular and predictable RFPs are released to the public in an effort engage the CBO community to deliver health-related services to promote the health and well-being of San Bernardino County residents.

## **RECOMMENDATIONS**

### **09-01**

The County will immediately implement the recommendation by amending The Department of Public Health policy and procedure manual section 1-2, subsection III(B) "line of succession in the absence of the Health Officer" to read:

- 1) Medical Director, Reproductive Health (MD)
- 2) Medical Director, HIV/AIDS (MD)
- 3) Tuberculosis Controller (MD)

There is no local cost impact to implement this recommendation.

### **09-02**

The County will implement the recommendation by June 30, 2010. This will be accomplished by amending the Department of Public Health policy and procedure manual section 3-100-002 "Legal orders for the control of tuberculosis." The Department of Public Health will convene a working group for this task with representatives from the County Administrative Office, the Sheriff's Department, County Counsel's Office, ICEMA, and ARMC in an effort to coordinate and standardize enforcement, policies, and procedures for legal orders for the control of tuberculosis. There is no local cost impact to implement this recommendation.

### **09-03**

The county will implement this recommendation. It should be noted that the incumbent director exceeds the minimum qualifications recommended by the grand jury. There is no local cost impact to implement this recommendation.

### **09-04**

The county will not implement the recommendation. The minimum requirements for the County of San Bernardino Health Officer exceed those of the State of California for a county health officer.

### **09-05**

The county will implement the recommendation by continuing to seek to expand health services with CBOs by sustaining our community partnerships as Federal and State funds become available. Additionally, the Department of Public Health will create a Public Health Community Caucus to enlist input from and foster communication with community partners concerned with the health of the public. The inaugural meeting is planned to occur during the last quarter of 2009. The local cost impact of implementing this recommendation, if any, is unknown at this time.

**OFFICE OF THE ASSESSOR**  
**Assessment Appeals Process**

**Finding 1**

The Board of Supervisors agrees with the finding.

**Finding 2**

The Board of Supervisors agrees with the finding. It should be noted, however, that the county does not recognize or maintain data related to “frivolous” assessment appeal filings. In accordance with state requirements, each appeal is reported within one of the following categories: Resolved, Withdrawn, No Show, Invalid, or Resolved by Stipulation.

**Finding 4**

The Board of Supervisors agrees with the finding.

*Findings 3, 5, and 6 do not call for a response from the Board of Supervisors.*

**RECOMMENDATIONS**

**09-06**

Assessment appeals are a state-regulated, state-mandated, and state-funded function performed by counties. Since the state does not require or fund translation services, the county will not implement the grand jury’s recommendation because of the hardship it would impose on the county General Fund. The cost to the General Fund for translation services alone would be \$23,100-\$36,300 per year (\$210-\$330/hearing day; 110 hearing days/year), which would not be reimbursed by the state. This would not include the county’s costs for administering the translator program.

**09-07**

The fee for Finding of Fact is already in place (County Code §16.0206) at \$250.00 per parcel. The county received nine (9) requests for Finding of Fact during fiscal year 2008-09. The recommendation to establish a fee for filing of Application for Changed Assessment will be studied. It is noted that this recommendation addresses the finding that the Clerk of the Board “does not take steps to control frivolous submittals of Applications for Changed Assessment.” The county does not recognize or maintain data related to “frivolous” assessment appeal filings. In accordance with state requirements, each appeal is reported within one of the following categories: Resolved, Withdrawn, No Show, Invalid, or Resolved by Stipulation.

*Recommendation 09-08 does not call for a response from the Board of Supervisors.*

**09-09**

The recommendation will not be implemented. Regulations for the operation of assessment appeal filing services in California are already in place (Business & Professions Code § 17537.9). The State Attorney General's office is authorized to investigate and prosecute alleged violations of these provisions.

*Recommendations 09-10 and 09-11 do not call for a response from the Board of Supervisors.*

**AUDITOR/CONTROLLER-RECORDER (ACR)**  
**Historical Archives**

*These findings and Recommendations 09-12 – 09-18 do not call for a response from the Board of Supervisors*

**AUDITOR/CONTROLLER-RECORDER (ACR)**  
**Internal Audits Division**

*Findings 1 and 2 do not call for a response from the Board of Supervisors.*

**Finding 3**

The Board of Supervisors partially agrees with this finding. The county responds to the Auditor/Controller's recommendations in a timely manner and takes action when necessary.

**Finding 4**

The Board of Supervisors agrees that not all departments are equipped with video surveillance cameras.

**RECOMMENDATIONS**

*Recommendations 09-19 and 09-20 do not call for a response from the Board of Supervisors.*

**09-21**

The county will work with the Auditor/Controller to implement this recommendation.

**09-22**

The county will conduct a review to determine if additional video surveillance cameras are necessary and whether they would be effective in addressing any ongoing problems.

**ECONOMIC DEVELOPMENT AGENCY**  
**Workforce development Department**

The Board of Supervisors agrees with the findings.

**REDEVELOPMENT AGENCY**  
**Cedar Glen**

**Finding 1**

The Board of Supervisors agrees with the finding. The Redevelopment Agency continues to collaborate and coordinate activities with other County departments. The commercial programs underway have been presented before the general public and approved by the Project Area Committee (PAC). The mandatory debris clean up effort is administered by County Code Enforcement, which has established a deadline for mandatory clean up by August 1, 2009.

**Finding 2**

The Board of Supervisors agrees with the finding.

**Finding 3**

The Board of Supervisors agrees with the finding.

**Finding 4**

The Board of Supervisors agrees with the finding that “some” residents feel they are not informed about plans, progress, and meetings even though notices have been posted. However, the county believes many if not the vast majority of affected residents do believe they are kept well-informed, therefore the Redevelopment Agency will continue to provide written notices published in area newspapers, on the agency’s website, and through direct mail to all individuals who are on the agency’s mailing list.

**RECOMMENDATIONS**

**09-23**

This recommendation has been implemented.

The redevelopment area was formed in November 2004 under a special section of the Health and Safety code; this section outlines the requirements for the creation of a redevelopment agency and project area in locations that have been declared a major disaster by the President of the United States. Unlike traditional project areas, disaster recovery project areas have truncated time lines associated with incurring debt, project area activities and repayment of indebtedness. In short, the Cedar Glen Project Area only has 10 years to conduct activities unlike traditional project areas that have 30 years.

As part of the Agency's rebuilding effort, the County also overlaid the area with a County Service Area improvement zone (CSA 70 Zone CG) to rebuild and maintain the road system and acquire and upgrade the antiquated and financially troubled water company serving the area: Arrowhead Manor Water Company (AMWC). Acquisition of AMWC was a difficult and time consuming process due to issues stemming from an outstanding State loan that has been in default for some time. Both the receiver appointed to take over the water system and the County, on behalf of CSA 70, attempted to negotiate a reduction in the total principal, interest and penalties owed on the loan. It was determined that the forgiveness of the indebtedness was legally prohibited where the satisfaction of the defaulted loan had to be addressed through special legislation in the 2008 session (AB 2680). Delays in the water company acquisition postponed the rebuilding of the roads, as the road infrastructure project was directly tied to the upgrades of the water distribution system (water lines are in the road rights-of way). Roughly 75% of the County's redevelopment funds have been designated for infrastructure improvements. As a result of these delays, the County only had five years to complete all activities funded by the Redevelopment Agency.

In July of 2008, the Agency drafted a proposed legislative amendment that would add a new section to Section 34000 of the California Health and Safety code which would extend the time limits for incurring debt and project area activities. In January 2009, Senator Dutton agreed to sponsor the bill and introduced SB 430 in late February. The bill was referred to committees on both the Senate and Assembly and amended. The bill was approved by the Governor and chaptered on July 2, 2009. The approval of the bill extends the effectiveness of the redevelopment plan and its activities an additional five years.

Costs included time to prepare the legislation and provide technical support as needed. Additionally, the Redevelopment Director was required to travel (same day) to Sacramento to provide testimony before the Local Government Committee of the Senate on May 6, 2009. Total estimated costs were \$5,000.

#### **09-24**

This recommendation will be implemented.

At least 10 days prior to each meeting, the agency mails meeting notices to all property owners and anyone else who asks to be on the agency's mailing list. The agency also publishes notices in local newspapers (two notices in each publication prior to each meeting), posts notices on the agency's website and at prominent locations in the community, including the Cedar Glen Post Office, Lake Arrowhead Post Office, Fire Station No. 91, and the Cedar Glen Trading Post and Hardware Store.

The agency has and will continue to post all meeting materials/handouts on the agency's website, which includes but is not limited to: agendas, minutes, PowerPoint presentations, maps, brochures, and other materials provided and

made available at meetings. The agency has and will continue to mail all materials upon request.

The agency has and will continue to coordinate activities with other county departments and will provide updates of all known county activities on the agency's website quarterly. The agency will implement an e-blast newsletter to all interested individuals quarterly. In addition, a link will be provided to allow anyone interested in receiving the e-bulletin to subscribe.

The Agency has and will continue to mail newsletters as funding permits.

Current costs associated with noticing are approximately \$3,300 for each meeting. This includes direct mailers, advertising in local publications once a week for two weeks, and posting to agency's website. Costs for noticing can vary depending on newspaper rates for size of ad, date of publication, etc.

Newsletter costs that are printed and mailed average approximately \$5,250 per newsletter.

The proposed e-bulletin newsletters are expected to cost approximately \$793 per newsletter (published quarterly). However, the proposed staff time required to monitor and respond to questions is unknown.

**DEPARTMENT OF AGING AND ADULT SERVICES**  
**Elder Abuse**

The Board of Supervisors agrees with both findings.

**RECOMMENDATIONS**

**09-25**

The county will implement the recommendation. 11 x 17-inch posters will be printed to provide information on the types of elder- or dependent adult-abuse and how to report the abuse including a toll-free hotline number. The county will request that senior centers display the posters in both English and Spanish near exits, and brochures on elder or dependent adult abuse will be provided for the information desks in the senior centers. To implement the recommendation, 100 posters in English and Spanish would be required to ensure each senior center has posters located at all exits. Projected completion date is October 31, 2009.

**HOMELESS**  
**Homeless Advocate**

*The findings and recommendation do not call for a response from the Board of Supervisors.*

## **HOMELESS CONTINUUM OF CARE**

The Board of Supervisors agrees with Findings 1 and 2.

### **Finding 3**

The Board of Supervisors partially disagrees with the finding. While the application process is lengthy and participating agencies are required to fully implement HMIS, the Office of Homeless Services has no administrative control over, or access to, HMIS. The Community Action Partnership of San Bernardino County is the HUD grantee for HMIS and as such is responsible for training system users to ensure that data is entered timely and accurately.

### **Finding 4**

The Board of Supervisors partially disagrees with the finding. While it is true that CAP is the HUD grantee for HMIS, it was not this arrangement alone that resulted in the 2007 application being fully funded or renewal projects only being funded under the 2008 application. HMIS is, and will continue to be, a major component of the application and as such its implementation and utilization needs to be carefully monitored to ensure HUD performance standards are met, but it is not the only requirement of the application.

### **Finding 5**

The Board of Supervisors agrees with the finding. However, it should be noted that the San Bernardino County Homeless Partnership's 10-Year Strategy to End Homelessness in San Bernardino County recommends the creation of the Interagency Council on Homelessness (ICH). The ICH is currently being formed and consists of representatives from the San Bernardino County Board of Supervisors, city officials, law enforcement, county departments, the Public Housing Authority, Specialty Courts, Superintendent of Schools, and non-profit organizations. The creation of an ICH is supported by the United States Interagency Council on Homelessness and is the next step in formalizing the San Bernardino County Homeless Partnership's policy making body. As such, the ICH will have the responsibility for directing and evaluating the activities of the San Bernardino County Homeless Partnership in their efforts to implement the 10-Year Strategy to End Homelessness in San Bernardino County.

### **Finding 6**

The Board of Supervisors agrees with the finding. However, it should be noted that a subcommittee of the San Bernardino County Homeless Partnership has finalized the 10-Year Strategy to End Homelessness in San Bernardino County and on August 11 the Board of Supervisors adopted a resolution in support of the plan. The strategy provides action steps to assist chronically homeless persons through the creation of permanent supportive housing; episodic homeless persons through existing non-residential and residential services such as case-management based shelters and transitional housing; and persons at risk of becoming homeless by helping households before they become homeless. The

10-Year Strategy to End Homelessness in San Bernardino County was favorably received during public forums throughout the county in April 2009.

**Finding 7**

The Board of Supervisors agrees with the finding.

**RECOMMENDATIONS**

**09-27**

The County may implement the recommendation dependent upon funding. Assuming the role of lead agency will require additional staffing to administer the grant. As a lead agency all United States Department of Housing and Urban Development (HUD) funding would be awarded to the County and the County would be responsible for contracting with individual agencies and ensuring their compliance with the administrative, fiscal, and program terms of the contract and HUD requirements. In addition, as the lead agency the County would need to administer the Homeless Management Information System (HMIS), this would include purchasing and maintaining appropriate software licenses, installing equipment at provider sites, providing technical assistance, monitoring use, reviewing data entered for completeness and accuracy, and training contractor staff.

This recommendation could be implemented before the end of the calendar year, but not in time to respond to the federal Notice of Funding Availability scheduled to be released in August of 2009.

Additional staffing required to meet these needs would minimally include fiscal, program, and information technology staff. Annual costs associated with implementing this recommendation are \$567,266 (\$472,721 salary/benefits and \$94,545 operations). Human Services and the Department of Behavioral Health (DBH) equally split the costs associated with the Office of Homeless Services. Human Services uses local dollars and DBH uses Mental Health Services Act funding; therefore, it is estimated that the total annual Local Cost Impact for this recommendation is \$283,633.

**09-28**

The County will not implement the recommendation. The recommendation within the report is twofold, 1) request HUD provide training for agencies utilizing HMIS, and 2) request HUD monitor the County's application process from start to finish.

- 1) HUD contracts the administration for each Continuum of Care's HMIS to a local agency. The local agency is responsible for selecting and purchasing the appropriate application and operating system software and hardware, identifying participating agencies, installing hardware and software, training users, and providing technical assistance. In San Bernardino County, HUD

has contracted with Community Action Partnership of San Bernardino County (CAP) to implement and administer the local HMIS. Therefore, it is CAP's responsibility to provide the required training to HMIS participants.

2) HUD cannot monitor the County's application process because 1) HUD has limited staffing, and 2) it may show a bias towards San Bernardino County. HUD can, and does, provide technical assistance for specific issues to any Continuum of Care requesting assistance.

### **09-29**

The recommendation was implemented on August 11 when the Board of Supervisors adopted a resolution in support of the San Bernardino County Homeless Partnership's 10-Year Strategy to End Homelessness in San Bernardino County. The federal Notice of Funding Availability from HUD is not scheduled for release until after August 17, 2009. The application deadline to HUD is expected to be sometime in October 2009.

### **09-30**

The County will implement the recommendation. The Office of Homeless Services (OHS) previously obtained resolutions from 20 of the 24 cities within San Bernardino County stating their commitment to assist the San Bernardino County Homeless Partnership end homelessness. OHS will continue to work with the cities of Big Bear Lake, Chino, Chino Hills, and Yucca Valley to secure their support and commitment to assist the San Bernardino County Homeless Partnership in meeting its goals as stated in the 10-Year Strategy to End Homelessness in San Bernardino County.

This recommendation is currently being addressed through existing communication channels: monthly Homeless Partnership meetings, quarterly Homeless Policy meetings, and bi-weekly 10-Year Planning Committee meetings.

### **09-31**

The County will implement the recommendation. One of the components of the 10-Year Strategy to End Homelessness in San Bernardino County is the creation and implementation of a local Interagency Council on Homelessness (ICH). The membership of the ICH consists of representatives from the San Bernardino County Board of Supervisors, city officials, law enforcement, county departments, the Public Housing Authority, Specialty Courts, Superintendent of Schools, and non-profit organizations. The ICH will have the responsibility for directing and evaluating the activities of the San Bernardino County Homeless Partnership in their efforts to implement the 10-Year Strategy. Through the work of the ICH, 10-Year planning committee, and Office of Homeless Services, cities will be encouraged to take action and share best practices for ending homelessness countywide.

**09-32**

The County will not implement this recommendation. County policy provides departments with the ability to utilize outside service providers in cases where “there is a need for special expertise or experience beyond the capability of current County staff.” The annual application to HUD for Continuum of Care Homeless Assistance Program funding meets the stated criteria.

**LAW AND JUSTICE COMMITTEE**  
**General Findings for Jails**

*The findings and Recommendations 09-33 and 09-34 do not call for a response from the Board of Supervisors.*

**PROBATION DEPARTMENT**

**Finding 1**

The Board of Supervisors agrees with the finding.

**Finding 2**

The Board of Supervisors agrees with the finding.

**Finding 3**

The Board of Supervisors agrees with the finding. However, it should be noted that state licensing is the appropriate and only avenue for licensing all foster care facilities. In this case, the subsidiary LodgeMakers Inc. did not exist prior to the facility being built. The parent company, Vision Quest, had been previously used by the County for many years prior while operating in the Arizona. New legislation resulted in all out-of-state placements requiring State approval to be used as a placement facility and the County stopped sending wards to this facility at that time.

**RECOMMENDATIONS**

**09-35**

The county will implement the recommendation. The LodgeMakers contract, the focus of this recommendation, contained non-standard contract language for the termination clause. A clear scope of work and definitive timeline specifications for each organization’s responsibilities will be included in all future contracts of this nature.

**09-36**

The recommendation will be implemented. The right to monitor is standard language in county contracts. This right extends to both financial and performance review, and is performed when deemed necessary.

**09-37**

The department will consult with County Counsel, Purchasing, and the County Administrative Office in an effort to implement this recommendation.

**High Desert Juvenile Detention and Assessment Center**

**Finding 1**

The Board of Supervisors agrees with the finding.

**Recommendation**

**09-38**

The county is working toward implementing the recommendation. Both the West Valley and High Desert Juvenile Detention and Assessment Centers CCTV systems were originally designed using analog recording technology which required the use of VHS tapes. The analog storage capacity did not allow for the inclusion of the exterior cameras, which have Pan Zoom Tilt (PZT) capability. A number of years ago, when the systems were converted over to digital with 13-month storage capacity, it was determined that the PZT cameras required storage capacity beyond reasonable system capability.

The Department of Architecture and Engineering is currently conducting a feasibility study on the cost of including the exterior PZT cameras in the existing storage systems for both of these facilities.

Due to recent advancements in digital recording and storage technology, all CCTV cameras, including the exterior PZT, will be digitally stored at the new Central Valley Detention and Assessment Center scheduled for completion in 2011.

**PUBLIC DEFENDER’S OFFICE**

**Finding 1**

The Board of Supervisors cannot verify the accuracy of the finding because the county doesn’t know how many arrest warrants result from the court’s present practices.

**RECOMMENDATION**

**09-39**

The county agrees that the Indigent Fee Schedule should be on a separate page from the probation warning. However, only the Superior Court can implement the recommendation because the court prints both the forms and the court orders.

**SHERIFF-CORONER**  
**Jail Facilities**

*The findings and Recommendations 09-40 through 09-69 do not call for a response from the Board of Supervisors.*

**AIRPORTS**

**Finding 1**

The Board of Supervisors disagrees with this finding. The County Department of Airports requires a security deposit for leases of County owned facilities located at the County airports. The security deposit follows Civil Code section 1950.7(c), which allows commercial landlords to claim from the security deposit only those amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, to repair damages to the premises caused by the tenant, or to clean the premises upon termination of the tenancy. The deposit can be utilized for repair of these 'reasonable' items.

In 2005, a tenant utilizing a County owned hangar at the Chino Airport was found to be in violation of applicable environmental regulations related to the storage of radium contaminated items. These items ultimately required cleanup and abatement by the Environmental Protection Agency (EPA) and cost reimbursement to EPA by the County. This was an unusual circumstance and not reflective of all County owned and/or operated facilities at the County airports. A security deposit to address these kinds of un-reasonable circumstances would be cost prohibitive, not align with market conditions, and be in conflict with applicable codes.

**Finding 2**

The Board of Supervisors agrees with the finding. Development at any of the county airports is a continual, slow-moving process. Depending on market conditions, various businesses have and will continue to make business decisions regarding the viability of their business being conducted at the county airports. As these developments occur, land will transition from agricultural use to aeronautical usage. For example, the recent decision by Southern California Edison to construct a 40,000 square foot facility at the Chino Airport will transition approximately five acres from agricultural use to aeronautical use. Until such time as there is no available property for development, agricultural leases represent a significant revenue stream for the department.

**Finding 3**

The Board of Supervisors agrees with the finding.

#### **Finding 4**

The Board of Supervisors disagrees with the finding. The Department of Airports has no control over the scheduling of these inspections as they are the responsibility of the State of California and/or the Federal Aviation Administration (FAA). The County Department of Airports conducts a 'self-inspection program' for the Apple Valley, Barstow/Daggett and Chino airports. This self-inspection program is a daily inspection of the airport, including runways, taxiways, security fencing, lighting signage and other areas to ensure the County is providing a safe operating environment for aircraft. The self-inspection follows guidelines established by the FAA.

#### **RECOMMENDATIONS**

##### **09-70**

This recommendation is being implemented to the degree possible. The County Department of Airports requires a security deposit for leases of County owned facilities located at the County airports. The security deposit follows Civil Code section 1950.7(c), which allows commercial landlords to claim from the security deposit only those amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, to repair damages to the premises caused by the tenant, or to clean the premises upon termination of the tenancy. The deposit can be utilized for repair of these 'reasonable' items.

In 2005, a tenant utilizing a County owned hangar at the Chino Airport was found to be in violation of applicable environmental regulations related to the storage of radium contaminated items. These items ultimately required cleanup and abatement by the Environmental Protection Agency (EPA) and cost reimbursement to EPA by the County. These actions placed the tenant in violation of the lease agreement with the County for not utilizing the facility in compliance with the lease agreement terms and conditions.

This was an unusual circumstance and not reflective of all County owned and/or operated facilities at the County airports. A security deposit to address these types of un-reasonable circumstances would be cost prohibitive, not align with market conditions and be in conflict with applicable codes

The County Department of Airports has implemented annual inspections of county-owned facilities that will allow the county to be aware of possible activities that do not conform to the terms and conditions of the lease agreement, and allow correction by the tenant and/or a response by the county in accordance with the lease agreement terms and conditions.

##### **09-71**

The County has implemented this recommendation for the Chino Airport. A "Chino Redevelopment Fund" has been established and funded to provide

financial assistance for planning studies, community outreach materials, infrastructure improvements, etc.

**09-72**

The County is in the process of implementing this recommendation for the Apple Valley and Chino airports. Funds have been identified within the Department budgets, with the aforementioned “Chino Redevelopment Fund” to be utilized for the Chino Airport. The selection of the planning consulting firm has been completed and the studies are anticipated to commence in the fall of 2009. The studies should be complete in 2011.

**09-73**

The responsibility for scheduling these inspections lies with the State of California and/or the Federal Aviation Administration, not the County of San Bernardino. The County Department of Airports conducts a ‘self-inspection program’ for the Apple Valley, Barstow/Daggett and Chino airports. This self-inspection program is a daily inspection of the airport, including runways, taxiways, security fencing, lighting signage and other areas to ensure the County is providing a safe operating environment for aircraft. The self-inspection follows guidelines established by the FAA.

**ARROWHEAD REGIONAL MEDICAL CENTER (ARMC)**

**Finding 1**

The Board of Supervisors agrees with the findings.

**RECOMMENDATIONS**

**09-74**

The county will not implement the recommendation. The cost of reissuing badges to all employees would be \$25,000 per reissuance, plus the labor to perform this function. The medical center has an effective policy addressing replacement badges. Instead of enacting a new policy, the existing policy can be modified to include language on maintaining badges to ensure clarity of the information and clarity of the photo. Also, in the near future, Arrowhead Regional Medical Center will be implementing a Time and Attendance System that will require “new technology badges” resulting in the replacement of all the current employee badges.

**09-75**

Arrowhead Regional Medical Center is in the process of implementing the recommendation requiring supervisors and managers to monitor employees to ensure they are wearing of current, clear, and undamaged photo I.D. badges. The actions taken to implement this recommendation include a change in the Employee Identification policy and communications to the managers in regards to the policy change. The recommendation will be achieved by modifying the

existing policy to include the managers' annual badge inspection, clarification on an indistinguishable badge, and expansion of the Safety and Privacy & Security Committees audits to include badge inspection.

### **FACILITIES MANAGEMENT**

The Board of Supervisors agrees with the findings.

### **RECOMMENDATIONS**

#### **09-76**

This recommendation has been implemented. The supply area has been relocated to a secure location.

#### **09-77**

This recommendation has been implemented. The standard contract language has been changed to include cell phone or pagers as acceptable communication devices.

### **INTERIM REPORT ON THE JOSHUA BASIN WATER DISTRICT**

*This report does not call for a response from the Board of Supervisors.*

### **INTERIM REPORT ON THE WEST VALLEY DETENTION CENTER POWER FAILURE**

#### **Finding 1**

The Board of Supervisors disagrees with the finding. The Facilities Management Department has the day-to-day responsibility for the boiler plant and emergency generator operations and only has access to secured areas in the detention facility to provide for Heating Ventilation and Air Conditioning repair and maintenance; access that is granted and controlled by the Sheriff's Department. During this incident the power was interrupted for an extended period of time due to failure of various transformers on the detention center grounds, which had not been operated and maintained by Facilities Management. The emergency generator and associated equipment under the purview of the Facilities Management Department worked as designed and expected in providing electricity. All Facilities Management staff and contractors working assigned to this facility are given clear direction on the tasks to be completed in the provision of their duties.

#### **Finding 2**

The Board of Supervisors disagrees with the finding. The emergency back-up generators are tested monthly.

### **Finding 3**

The Board of Supervisors agrees with the finding.

### **RECOMMENDATIONS**

#### **09-78**

Having one department responsible for all maintenance activities at this site will eliminate interdepartmental communication issues. The Facilities Management Department is prepared to transfer staff and associated funding to allow the Sheriff's Department to take control of this operation. After consultation with Sheriff's staff, the Facilities Management Department sent a proposed budget for the Boiler Plant Operations function at the West Valley Detention Center to the Sheriff's Office on February 3, 2009. A revised budget updated for FY 2009-2010 costs was sent from Facilities Management to the Sheriff's Department on June 15, 2009. This budget information is currently being evaluated. Transferring the function to the Sheriff Department from the Facilities Management department will have no local cost impact in that the local cost allocated to Facilities Management would be transferred to the Sheriff's Department.

#### **09-79**

As a result of this emergency, the Facilities Management Department has completed a thorough inspection and testing of the entire emergency power system. Moreover, the department has completed numerous repairs as a result of the inspection and will continue to finish all tasks necessary to ensure the system will work at peak efficiency in the future. The ongoing, day-to-day maintenance of this function is provided by (A) Johnson Controls – under a purchase order, this company does preventative maintenance activities on the electronic control system, (B) Fleet Management Generator Services Unit – they provide monthly testing of the generators (C) Facilities Management Staff – daily visual inspections of the equipment to ensure it is working properly.

Pouk and Steinle, an electrical contractor, performed testing and Inspection and repairs on each transformer not replaced during the emergency. Ultimately one additional transformer was replaced and minor repairs done on the others. The total cost was \$52,439 and was expended in the Facilities Management FY 2008-2009 budget.

The replacement of the transfer switch, the piece of equipment that transfers power for Edison to the generators, is funded as a local-cost Capital Improvement Project at \$170,000 that has been budgeted and assigned to the Architecture and Engineering Department. The intent of the project is to replace equipment original to the facility with new, modern equipment.

Both the Johnson Controls purchase order and the Fleet Management Generator Service unit costs are budgeted in the Facilities Management Department's FY

2009-2010 budget (\$29,161 and \$10,851, respectively). Facilities Management Staff costs are also included in the Department's FY 2009-2010 budget.

### **09-80**

The management of electrical maintenance activities throughout the detention center will be incorporated into the day-to-day ongoing maintenance function of the Sheriffs Department. Further evaluation on how a plant manager function will be incorporated into the Sheriff's maintenance operation, including the possible addition of a new position, is currently being evaluated by the Sheriff's Department.

### **09-81**

The Facilities Management Department completed a thorough evaluation of the electrical distribution equipment that was involved during the incident. The following summarizes the maintenance activities to date to the West Valley Detention Center Electrical equipment:

Switch Gear – the transfer switch is scheduled to be replaced as a Capital Improvement Project. The Architecture and Engineering Department is currently working with a consulting engineer to develop the technical and performance requirements related to the replacement of the automatic transfer switch at the West Valley Detention Center. It is anticipated that this replacement will be completed in early 2010.

Electrical Control equipment – Purchase order Z3781 was issued on October 24, 2008 to Johnson Controls for one year of preventive maintenance of the control system that helps complete the transfer of power from Edison to generator when needed at West Valley Detention Center. Facilities Management will continue to retain a preventative maintenance contractor on a yearly basis.

Emergency Generator – The Emergency generators are tested on a monthly basis.

Transformers – All transformers that failed during this incident have been repaired or replaced; moreover, an evaluation of maintenance activities on all transformers on site was completed when the transformer that serves the administrative facility on the perimeter of the West Valley campus was replaced in May, 2009. The next preventative maintenance work on the transformers, per a recommendation of a high voltage electrical contractor, will occur in two years.

The replacement of the transfer switch is funded as a local cost capital improvement project at \$170,000.

The Johnson Control Preventative maintenance contract is for \$29,161 per year, and is funded in the Facilities Management FY 09-10 operating budget.

The monthly generator testing and costs (\$10,851) is currently budgeted in the Facilities Management FY -09-10 operating budget.

Pouk and Steinle, an electrical contractor, performed testing, inspection and repairs on each transformer not replaced during the emergency. Ultimately one additional transformer was replaced and minor repairs done on the others. The total cost was \$52,439 and was expended in the Facilities Management FY 2008-2009 budget. The next scheduled transformer preventative maintenance activities will occur in FY 2010-2011, and the expense will be incorporated in the operating budgeted at that time.

**GOVERNMENTAL REFORM**  
**Board of Supervisors**

**Finding 1**

The Board of Supervisors agrees that the County Code of Ethics does not specifically address abuse of office.

The Board of Supervisors agrees with findings 2-4.

**RECOMMENDATIONS**

**09-82**

Prior to the end of the 2009 calendar year, the county will amend the Code of Ethics to include a prohibition against the use of a public office or position by a public official for personal gain.

**09-83**

The Chairman of the Board of Supervisors will soon propose a policy that sets limits on the number of paid staff a supervisor-elect may have on the county payroll prior to the supervisor-elect taking office and how long prior to the supervisor-elect taking office they may serve. The limits to be proposed will most likely be two staff members serving no longer than 30 days. Also, the proposal will call for these staff members to serve under contracts that will terminate upon the supervisor-elect taking office. If the new supervisor wishes to retain the transition staff as regular staff members, new contracts would have to be brought before the Board of Supervisors. The County Administrative Office would fund the transition staff. However, the new supervisor would be required to reimburse the Administrative Office for the cost of the transition staff from his/her office budget upon taking office. Board members may have differing views on how this issue should be addressed, and those viewpoints will be shared publicly when the Chairman presents the policy proposal.

## **Streamline Form 700 – Reporting of Gifts and Income**

### **Finding 1**

The Board of Supervisors disagrees that it is too easy for filers to forget appointments, gifts, or even income received. Since filers are aware of their obligation to report such items, it is incumbent upon them to develop a system for keeping track of reportable items throughout the year to ensure they are properly disclosed. The Board of Supervisors agrees with the balance of the finding.

### **RECOMMENDATION**

#### **09-84**

The Board of Supervisors supports the concept of more-frequent reporting and improved systems for keeping track of information as a way to increase transparency and maintain public trust. However, this recommendation will not be implemented as proposed by the grand jury because the Form 700 is a state document that is designed for annual reporting only. Implementing the recommendation would require the county to create an entirely separate reporting system, which at this time would be cost-prohibitive in terms of computer systems and staffing. The county will, however, revisit this recommendation in future years when the necessary computer software may be more affordable.

### **Campaign Contributions**

The Board of Supervisors agrees with Findings 1-5

### **RECOMMEDATION**

#### **09-85**

The Board of Supervisors will discuss whether to implement this recommendation during a workshop to be held during either September 2009 or October 2009.

### **Ethics Commission**

The Board of Supervisors agrees with Findings 1-3

### **RECOMMENDATION**

#### **09-86**

The county will implement this recommendation should the Board of Supervisors decide to establish an ethics commission. Costs would depend on the selection criteria.

## **1200 Acres/Surplus Land Sale in Rancho Cucamonga**

The Board of Supervisors agrees with Findings 1, 2, and 6.

### **Finding 3**

The Board of Supervisors disagrees with the finding. The Talking Points document was distributed to provide detailed information about a complicated land entitlement and sale process. Talking Points recipients were free to use their own judgment when answering questions and were not instructed or required to use only the information in the document, as implied by the Grand Jury.

In addition, the Board of Supervisors objects to the implication that the County was less than forthcoming about how the funds generated by the land sale would be used. Any proceeds from the proposed land sale could have been used for either purpose. Paying down the settlement debt would free up funds to pay for flood control projects.

The Flood Control District's bond obligations related to the Colonies Settlement are about \$5.4 million annually, not \$7 million. The District has received approximately \$9.5 million of settlement-related insurance proceeds, which has reduced the outstanding indebtedness.

### **Finding 4**

The Board of Supervisors partially disagrees with this finding. While many public entities, including the County of San Bernardino, use an auction process to sell surplus property, many public agencies have used processes similar to what was proposed for the sale of the 1,200 acres to get the best price and the highest and best use for the surplus public property.

1. The City of Rancho Cucamonga Redevelopment Agency followed a similar process when dealing with a piece of RDA-owned land on Foothill Boulevard adjacent to I-15. The City's RDA partnered with Forest City and Lewis Homes, and eventually created the Victoria Gardens regional lifestyle center, which has been a huge economic success.
2. The County of Orange Flood Control District has issued an RFQ to seek a developer who can entitle more than 1,600 acres of surplus land located in the City of Highland. The proposed process is similar to that proposed by San Bernardino County.
3. Under Policy F-51, the County of San Diego mandates that surplus property sold by the County be zoned to its highest and best use whenever possible and whenever such zoning will materially increase the chances of selling the property for the highest price possible. This example (see ATTACHMENT IV) is very similar to the process proposed by San Bernardino County for the 1,200 acres because it involves working

with an incorporated City and a qualified developer to enhance the value of a piece of County-owned land through the entitlement process.

The County of San Bernardino's Surplus Real Property policy does not require the County to use an auction process. In fact, the word "auction" is not in the County's Surplus Real Property policy. However, #6 under Policy Amplification (08-18) does state that property disposal methods shall be used to achieve the best possible return consistent with statute.

In that regard, the County was following a procedure outlined by state law (G.C. 25515) for the entitlement and sale of this property. This law, which was enacted in the early 1980s, specifically states that counties can realize additional revenue from land sales by entering into joint-venture agreements to develop surplus property:

**G.C. 25515**

*The Legislature finds that counties are faced with critical revenue shortages and a need for additional revenue sources to provide basic and essential public services.*

*The Legislature finds that counties own property which, if permitted to be developed by a joint venture agreement between private enterprise and commercial, industrial, and cultural uses, would provide a means to produce additional revenue sources for the benefit of the counties owning such property, and aid the economic well-being of the state generally.*

*The Legislature further finds that due to reductions in personnel or programs counties own or lease properties which are totally or partially vacant but which could be used by compatible private persons, firms or corporations through lease arrangements or joint venture developments which would generate revenue.*

*Therefore, the Legislature finds that the provisions for residential, commercial, industrial, and cultural development of public property owned by counties constitutes a valid public purpose.*

It is clearly in the best interest of the County and taxpayers to ensure that surplus property sold by the County brings the highest price possible. Selling potentially valuable surplus public land at auction without knowing the true value of the property could, in this Board's opinion, be tantamount to a gift of public funds.

**Finding 5**

The Board of Supervisors disagrees with the finding. The Cooperative Agreement between the County and City established procedures by which the surplus property would be entitled and later sold. It was never the County's

intention to include an estimated sale price in the Cooperative Agreement because the true value will not be known until the entitlements are in place.

The Grand Jury states that the sale price of the land would not be subject to public scrutiny or oversight because the price would have been negotiated during the Board's closed session. This is false. While the process to establish the sale price would be discussed during the Board's closed session, the actual entitlement agreement with the developer and the ultimate sale of the land would come before the Board during an open public meeting, which would allow members of the public the opportunity to comment. Additionally, all real estate deliberations are conducted in closed session, as stipulated by the state's Open Meetings Law. The developer/buyer of the property is not present at the closed session meeting.

The Grand Jury provides several estimated values of the 1,200-acre property in this finding. However, the finding does not provide context or specific attribution for any of these estimates.

As with most property, the value of 1,200 acre property has changed over the course of time. In fact, Standard Pacific Homes made an unsolicited offer in 2005 to purchase 517.25 acres of the property for \$250 million with entitlements in place. At the time, the property was worth a little more than \$100 million without land entitlements.

The County's ultimate goal was to determine the fair market value of the 1,200 acres with entitlements in place. And, then County would sell the land for the fair market value with a potential credit to the selected developer for the time, effort and money spent to entitle the property and increase the fair market value.

## **RECOMMENDATIONS**

### **09-87**

This recommendation does not call for action by the county.

### **09-88**

The county will consider this recommendation when it again takes up the issue of how to proceed on this piece of property.

### **09-89**

This recommendation is no longer applicable considering that the county is no longer participating in the process. It is within the grand jury's purview to make a recommendation to the City of Rancho Cucamonga addressing this issue.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP AUDIT/FISCAL  
DEPARTMENT ASSESSOR  
SUBMITTED BY DENNIS L. DRAEGER

DATE JULY 31, 2009  
PAGE 12  
FINDINGS 3, 5 & 6

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**FINDING – AGREE/DISAGREE** (If disagree, explain why)

3. The Office of the Assessor does not adequately defend its assessment positions when challenged by companies and individuals that employ specialists attorneys.

The county disagrees with this finding. The Assessors office does employee appraisal staff trained and certified by the State Board of Equalization in all aspects of appraising from the simplest to the most complex appraisals.

5. A time-line of important dates in the assessment process found on other county's websites was helpful to understanding the assessment appeals process. The Assessors of Ventura, San Diego and several other counties now display time-lines on their websites.

The county agrees with this finding.

6. All the information a property owner needs to process his own assessment appeal, without third party assistance, is on the county's website.

The county agrees with this finding.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP AUDIT/FISCAL  
DEPARTMENT ASSESSOR  
SUBMITTED BY DENNIS L. DRAEGER

DATE JULY 31, 2009  
RECOMMENDATION NO. 09-08  
PAGE 12

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**RESPONSE**

*09-08 Utilize a private legal firm, or County Counsel personnel, knowledgeable in the field of appraisal and assessment appeals, to represent the Office of the Assessor during major appeals.*

The County will not implement this recommendation.

The Assessors office does employ appraisal staff trained and certified by the State Board of Equalization in all aspects of appraising from the simplest to the most complex appraisals. The cost to hire a private legal firm would be prohibitive. Some of the more complex assessment appeals would cost in excess of \$50,000 for a private firm to appraise and would incur additional cost for the presentation of the appraisal to the assessment appeals Board.

The current member of the Assessors staff that presents the majority of the Assessors appraisals at the assessment appeal hearings has in excess of 31 years in the office and more than 16 years as the assessors specialist for the presentation of assessment appeals.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP AUDIT/FISCAL  
DEPARTMENT ASSESSOR  
SUBMITTED BY DENNIS L. DRAEGER

DATE JULY 31, 2009  
RECOMMENDATION NO. 09-10  
PAGE 12

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**RESPONSE**

*09-10 Post a permanent and more detailed notice on Assessor's website, warning that third-party vendors are not necessary in the assessment appeals process..*

The County will implement this recommendation.

The assessor will make changes to the website to include additional and stronger notices in reference to third party vendors for assessment appeals. These changes will be complete by August 20, 2009.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP AUDIT/FISCAL  
DEPARTMENT ASSESSOR  
SUBMITTED BY DENNIS L. DRAEGER

DATE JULY 31, 2009  
RECOMMENDATION NO. 09-11  
PAGE 13

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**RESPONSE**

*09-11. Include on the Assessor's website a time-line of important dates to remember during the year to assist the public in keeping abreast of time limits and due-dates of the property assessment process as the year progresses.*

The County will implement this recommendation.

The assessor will make changes to the website to include additional time-lines and due dates for the process of exemptions and property assessments. These changes will be complete by August 20, 2009

# AUDITOR/CONTROLLER-RECORDER COUNTY CLERK

ATTACHMENT II

COUNTY OF SAN BERNARDINO



**AUDITOR/CONTROLLER** • 222 West Hospitality Lane, Fourth Floor  
San Bernardino, CA 92415-0018 • (909) 387-8322 • Fax (909) 386-8830

**RECORDER • COUNTY CLERK** • 222 West Hospitality Lane, First Floor  
San Bernardino, CA 92415-0022 • (909) 387-8306 • Fax (909) 386-8940

**LARRY WALKER**  
Auditor/Controller-Recorder  
County Clerk

**ELIZABETH A. STARBUCK**  
Assistant Auditor/Controller-Recorder  
Assistant County Clerk

July 30, 2009

Honorable James C. McGuire  
Presiding Judge, Superior Court of California  
Court Executive Office  
303 West Third, Fourth Floor  
San Bernardino CA 92415-0302

## **SUBJECT: RESPONSE TO 2008-2009 SAN BERNARDINO COUNTY GRAND JURY REPORT**

In response to the Grand Jury Final Report 2008-2009, the Auditor/Controller-Recorder offers the following comments:

**09-12**

**Finding:** Upgrade environmental controls to approximate archival climate conditions.

**Response:** ACR agrees with the recommendation.

The archives former location was open to the elements and had very little climate control in place. The new location, although not ideal, has dramatically improved the climate control and reduced exposure to fluctuating temperatures. The environment needs further improvement with adequate Humidity Ventilation Air Conditioning (HVAC) units that will improve the life expectancy of preserved documents.

ACR is in the initial stage of investigation regarding replacing existing units. The investigation will result in a multi-pronged plan that also addresses the use of space, shelving, expansion and the security of the materials. ACR will develop a recommendation based on these findings including proposed costs and funding sources.

**Local Cost Impact:** The resources for archival HVAC units can be substantial. Currently ACR has budgeted \$75,000 from special revenue funds, subject to the more detailed analysis described above.

Grand Jury Response 2008-2009  
July 30, 2009  
Page 2

09-13

**Finding:** **Modify the County Historical Archives fire sprinkler system and change to the zone type, dry charge system.**

**Response:** ACR disagrees with the recommendation to the extent that the current sprinkler system is better than no system, and is an improvement to previous conditions. However, ACR agrees that it is less than ideal, and that system improvement would substantially increase the safety and longevity of preserved documents.

The archives former location was open to the elements and had very little climate control features in place. The new location, although not ideal, has dramatically improved the safety of the materials. Still, it is true that the current fire sprinkler system could expose the collection to water damage.

ACR is looking into the cost of a dry pipe system. The evaluation for new sprinkler systems will be addressed in the plan for the entire archives in addition to the use of space, shelving, expansion and the security of the materials. ACR will develop a recommendation based on these findings including proposed costs and funding sources.

**Local Cost Impact:** ACR anticipates that in the short term, proposed cost will be funded by Special Revenue Funds, Grants or Donations.

09-14

**Finding:** **Add security bracing between the shelves and straps across shelf openings to help decrease damage to documents during and earthquake.**

**Response:** ACR agrees with the recommendation.

The current shelving was brought over from the old archives location. ACR is in the initial investigation of the use of space and expansion of the archives. To accomplish an improved environment with effective use of space, archives will need to expand. The expansion (see recommendation 9-15) will necessitate installation of new shelving that will improve safety of the various materials in the collection.

ACR will develop a recommendation based on these findings including proposed costs and funding sources.

**Local Cost Impact:** The local cost impact to the general fund would be negligible. Proposed cost will be funded by Special Revenue Funds, Grants or Donations.

Grand Jury Response 2008-2009  
July 30, 2009  
Page 3

09-15

**Finding:** Expand the square footage of the Historical Archives as adjacent space becomes available.

**Response:** ACR agrees with the recommendation.

Currently there is available for lease one unit immediately adjacent to Archives, and another in the same building. Although not sufficient to deal with the ultimate expansion need and proper housing of the collection, the units are a significant opportunity in the current real estate market. One unit is 1500 square feet and the other 2000 compared to the current archive space of 7500. ACR is developing a plan that addresses the use of space, shelving, expansion and the security of the materials. All of these factors will be utilized in proposing the expansion of the archives.

ACR will develop a recommendation based on these findings including proposed costs and funding sources.

**Local Cost Impact:** The local cost impact to the general fund would be negligible. Proposed cost will be funded by Special Revenue Funds, Grants or Donations.

09-16

**Finding:** Upgrade security measures with addition of a video security and surveillance system.

**Response:** ACR agrees with the recommendation.

The Archives' former location was adjacent to other tenants, and had no security in place. The current location is patrolled during work hours by security posted at the Hall of Records. ACR agrees that the current security has improved however would be better served with enhanced security measures.

ACR is in the initial investigation of installing security cameras. The investigation is part of the plan that addresses the use of space, shelving, expansion and the security of the materials. ACR will develop a recommendation based on these findings including proposed costs and funding sources.

**Local Cost Impact:** The local cost impact to the general fund would be negligible. Proposed cost will be funded by Special Revenue Funds, Grants or Donations.

Grand Jury Response 2008-2009  
July 30, 2009  
Page 4

09-17

**Finding:** Digitize, catalog, and backup all historical documents.

**Response:** ACR agrees with the recommendation.

ACR is in the process of digitizing records. Materials going to conservation are digitized as part of the process. The collection has been evaluated and prioritized by use to create a calendar of digitization. ACR applied for, but did not receive, a grant to help augment the costs. ACR is re-applying for the grant and other potential grants to accelerate the project.

**Local Cost Impact:** If the project of digitizing relies on local costs it could take decades to preserve and document the records. ACR will continue to apply for grants, utilize special revenue funds and solicit donations for this recommendation.

09-18

**Finding:** Fill the three vacant positions at the Archives with permanent employees.

**Response:** ACR agrees with the recommendation.

ACR has recently filled one of the Archives Technician positions. A second position was eliminated in the countywide reduction of positions. ACR applied for, and did not receive, grant funds to cover the cost of the Archives Analyst position. ACR is re-applying for the grant. We will continue to pursue funding for full staffing in a context where general fund dollars will be very tight in the foreseeable future.

**Local Cost Impact:** None – all positions are likely to be funded from Grants, Donations or Special Revenue Funds.

09-19

**Finding:** Amend the Charter to include language to establish the numbers and names of the audit classifications, and the time frame the various audit classifications are to be accomplished.

**Response:** ACR agrees with the recommendation.

Clarification of the County Charter to acknowledge resource limitations would assist our office in documenting that we are meeting the requirement as established by the County Charter. Establishment of a risk based audit plan is one effort in this direction. We have complied with our risk based plan in auditing each department based upon their level of risk established, for the last two fiscal years.

Grand Jury Response 2008-2009  
 July 30, 2009  
 Page 5

Clarification of the Charter will be discussed with the County Audit Committee during fiscal year 2009-10.

**Local Cost Impact:** None at this time.

09-20

**Finding:** Revise the ICCM to be commanding instead of instructional. Replace the words *should* and *must* with the word *will*. The Grand Jury recommends Manual language that encourages support to management and supervisors, while giving instructions and direction to staff.

**Response:** ACR agrees with the recommendation.

The Manual has and will continue to support management and supervisors, while providing procedures to staff. We will replace the words **should** and **must** with **will**, in the ICCM, with the next revision scheduled for June 2010. This department will also add an introductory paragraph explaining that this manual is not a guide, but a requirement that must be followed and any non-compliance will continue to be reported to the Board of Supervisors, County Administrative Office and the Grand Jury through the distribution of our ACR-Internal Audit reports as they are now.

**Local Cost Impact:** None

09-21

**Finding:** Establish oversight of internal operational audits along with the ACR office to ensure enforcement. Continued follow-up by ACR as done currently, along with a review each quarter from the Board of Supervisors and County Administration Officer to support department management in compliance with written procedures and policies.

**Response:** ACR disagrees insofar as it appears to suggest oversight of internal audits by management, which would violate the independence of the audit.

We agree with the sense of the recommendation, which emphasizes follow-up and department compliance with recommendations from this office. We conduct follow-up audits 6 months to 1 year after the initial audit. Non-compliance with the recommendations will be reported during the follow-up audit process. The Board of Supervisors, County Administrative Office and County management must enforce the implementation of the recommendations by overseeing and following-up on compliance. ACR will support that process with further review and recommendation as requested.

**Local Cost Impact:** None

Grand Jury Response 2008-2009  
July 30, 2009  
Page 6

09-22

**Finding:** Install video surveillance cameras at all cash-handling locations in all departments throughout the County to safeguard against cash-handling overages and shortages and to ensure better security for County employees and the general public.

**Response:** ACR agrees with the recommendation that improvements should be made to safeguard cash, but disagree with the focus on surveillance cameras alone.

We believe that various improvements are needed to safeguard assets, and that cameras can be a useful tool. Departments need to respond to the concerns identified through our audits regarding the controls they have over cash. The use of cameras at cash handling locations should be determined on a case by case basis. The installation of video cameras at all cash-handling locations could be cost prohibitive. A more effective control could be to update or purchase more current cash registers that can accommodate many available cash collection controls.

**Local Cost Impact:** None at this time.

Thank you for the opportunity to respond and for the diligent effort expended by the Grand Jury this year.

Sincerely,



Larry Walker  
Auditor/Controller-Recorder

LDW:wds



ROD HOOPS, SHERIFF - CORONER

ATTACHMENT III



August 26, 2008

James McGuire, Presiding Judge of the Superior Court  
172 West Third Street - Second Floor  
San Bernardino, California - 92415-0302

Dear Judge McGuire:

Pursuant to California Penal Code Section 933 (c), please accept the following responses to the findings and recommendations for the 2008-09 San Bernardino County Grand Jury's Final Report that was presented to your office on or about July 1, 2009.

As you know, the Grand Jury's Law & Justice Committee interviewed personnel from ten (10) operations within our Department, subsequently listing some 35 findings and making 32 recommendations for change. My staff has reviewed their Final Report and offer responses to the recommendations made for the following operational areas:

- Detentions & Corrections Facilities
- Mountain Area County Patrol Stations
- Desert Area County Patrol Stations
- Central Courthouse Court Security Operations

Please let me know if there is any additional information you may need for clarification on our position. An informational copy of our responses is being provided to the County's Board of Supervisors, as required by law.

Best Regards,

Rod Hoops, Sheriff-Coroner

cc: County Board of Supervisors

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-33  
SUBMITTED BY Rod Hoops PAGE 32

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding that the danger of contracting tuberculosis (TB) from inmates is a potential health hazard to employees assigned to it detentions and corrections facilities.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-33  
SUBMITTED BY Rod Hoops PAGE 32

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**RESPONSE**

The respondent will not require all employees to have an annual TB test as a condition of employment. The department has strived to be proactive in this area, with tests consistently offered to all employees when an inmate is found to test positive. If the employee wishes to be tested for any other reason, the medical staff will provide the test through RN Kevin Connor, the jail system's infectious disease coordinator.

**Local Cost Impact**

There is no additional local cost impact related to this item.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-34  
SUBMITTED BY Rod Hoops PAGE 32

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding that the wearing of protective vests in the jail – per department policy – is voluntary, and that many employees who work in the jail do not wear protective vests.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-34  
SUBMITTED BY Rod Hoops PAGE 32

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**RESPONSE**

The respondent will not require designated employees to wear protective vests while on duty in the jail. Each safety member on the department is issued a protective vest and they are permitted to wear the vest in the jail facilities if they choose; there is no mandate for sheriff employees to wear their vests in any assignment. Their use is recommended for patrol assignments, and is optional for custody assignments. The mandatory use would remove the discretion of each individual deputy.

**Local Cost Impact**

There is no additional local cost impact related to this item.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-40  
SUBMITTED BY Rod Hoops PAGE 41

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendations related to the replacement of evaporative cooling systems in the ADC housing units with an air conditioning system.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-40  
SUBMITTED BY Rod Hoops PAGE 49

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**RESPONSE**

The respondent is currently proposing recommendation 09-40 be submitted as a Capital Improvement Project.

When the facility was purchased in 2005, it was operating as a privately-run prison. At the time of purchase, the evaporative cooling system was in place and met Title 24 requirements for temperature control.

The respondent believes that an air conditioning system would provide a more consistent temperature throughout the facility, eliminating fluctuating temperatures caused by seasonal temperature changes. Consistent temperatures reduce inmate stress, thereby increasing staff's ability to manage inmates.

**Local Cost Impact**

Replacing the evaporative coolers requires (4) 25-ton package units with ducting and additional electrical wiring at a cost of approximately \$650,000.00.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-41  
SUBMITTED BY Rod Hoops PAGE 41

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendations to install new flooring throughout the housing units.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-41  
SUBMITTED BY Rod Hoops PAGE 49

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**RESPONSE**

The respondent is currently proposing recommendation 09-41 be submitted as a Capital Improvement Project.

When the facility was purchased in 2005, it was operating as a privately-run prison. At the time of purchase, a majority of the floor tile was in disrepair and could not be repaired without re-tiling the entire floor area at great expense. The only other option was to remove the remaining tile and seal the underlying concrete.

The respondent believes the addition of tile, such as that offered by PolySpec, will not only enhance the aesthetics of the facility but also require less on-going maintenance. This type of flooring is anti-microbial and would help reduce incidents of disease such as athlete's foot and MRSA.

**Local Cost Impact**

There is approximately 60,000 square feet of flooring in the housing units that need to be covered with new flooring. If the type of tile offered by PolySpec were considered, the cost of the materials and installation would be approximately \$765,600.00. Savings could be realized over time due to the reduced cost of floor care associated with such flooring systems. Implementation, of course, is subject to available funding.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 09-42  
SUBMITTED BY Rod Hoops PAGE 42

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**FINDING - AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees there is a need to move forward with the remodel and expansion of the Barstow facility. The project is scheduled to begin in November of 2009.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-42  
SUBMITTED BY Rod Hoops PAGE 42

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**RESPONSE**

Respondent has no reason to believe the remodel and expansion project has encountered anything other than routine delays associated with an effort of this scope.

**Local Cost Impact**

The cost of the project budget is \$3,396,000 and has been fully funded with local cost and CDBG funds; refer to CIP #'s 08-147 and 09-107.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-43  
SUBMITTED BY Rod Hoops PAGE 42

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees that the roof leaks in the Bridge area of the jail, and that there are electrical/wiring problems in the control panels.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-43  
SUBMITTED BY Rod Hoops PAGE 42

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**RESPONSE**

Facilities Maintenance has repaired the air conditioner unit several times for the jail this past year. The cooling tower has been completely rebuilt; the leakage in the jail bridge area (in the past) has been caused by condensation on the pipes from the air conditioner system.

The Barstow Jail bridge area is scheduled to be remodeled this year, and Facilities Management is in the process of moving the door and gate control panels.

**Local Cost Impact**

These costs will be absorbed as part of the remodel project's funded scope. There is no additional local cost associated with this recommendation.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-44  
SUBMITTED BY Rod Hoops PAGE 42

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the recommendation to remove the low-hanging metal boxes in the Barstow Jail.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-44  
SUBMITTED BY Rod Hoops PAGE 42

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**RESPONSE**

Currently there are seven televisions incased in metal boxes which are located in the hallways of the jail cells that create a potential hazard for the inmates and employees. With the assistance of Inmate Welfare, several of these boxes will be completely removed and replaced with flat screen televisions.

**Local Cost Impact**

There is no local cost associated with this item. Respondent will seek Inmate Welfare Funds to replace the boxes, at an estimated total cost of \$2,000-\$3,500.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-45  
SUBMITTED BY Rod Hoops PAGE 42

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees the female locker and restroom accommodations at the Barstow Station are inadequate.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-45  
**SUBMITTED BY** Rod Hoops **PAGE** 42

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**RESPONSE**

As mentioned, the "Barstow Station Remodel and Expansion Project" is scheduled to begin in November of this year; improvements to the female locker room and bathroom facilities are included in the project scope.

**Local Cost Impact**

The cost of the project budget is \$3,396,000. There is no additional local cost impact for providing adequate locker and restroom facilities for female employees.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-46  
SUBMITTED BY Rod Hoops PAGE 42

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees that a locking-bar jail door should be installed to the existing exit at the front parking lot of the Barstow Station.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-46  
SUBMITTED BY Rod Hoops PAGE 42

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**RESPONSE**

As of June 2009, a concrete ramp was constructed outside of the door adjacent to the courthouse parking lot. A swinging gate has been installed inside the Barstow Jail to create a sallyport area to facilitate the release of inmates into the front parking lot area. The exterior door leading to the courthouse parking lot still needs a remote electric lock to be installed.

**Local Cost Impact**

The total estimated cost for the jail door project is approximately \$12,000 and has been absorbed in the Sheriff's ongoing 2008-09 operating budget. Other associated costs with the sallyport and ramp will be absorbed into the Barstow Station remodel project.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-47  
SUBMITTED BY Rod Hoops PAGE 43

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendation to provide an updated video monitoring/recording system in the Big Bear Station Jail.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-47  
SUBMITTED BY Rod Hoops PAGE 43

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**RESPONSE**

The respondent is currently implementing this recommendation. Items have been ordered through various vendors and we are currently awaiting the arrival of the system.

The installation will be performed by county staff as soon as all components and infrastructure is available.

**Local Cost Impact**

The majority of the project cost for the equipment was absorbed in the department's 2008-09 operating budget; remaining costs will be absorbed in this year's budget for an estimated total project cost of \$12,000.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-48  
SUBMITTED BY Rod Hoops PAGE 43

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendation relating to the need for additional secured parking at the Big Bear Station.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 13, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-48  
**SUBMITTED BY** Rod Hoops **PAGE** 43

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**RESPONSE**

The respondent will implement the recommendation subject to available funding. A Capital Improvement Program request will be generated by the department and funded by the county when appropriate.

**Local Cost Impact**

The most recent estimate for the necessary fencing and electronic gates is approximately \$80,000.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-49  
SUBMITTED BY Rod Hoops PAGE 43

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees, in part, with the finding related to the need for additional female Sheriff Custody Specialists and/or Deputy Sheriffs to the Big Bear Station; however, such transfers are made at the discretion of the appointing authority and based on the overall needs of the department and its various division operations.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-49  
SUBMITTED BY Rod Hoops PAGE 43

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**RESPONSE**

The number of female Custody Specialists and Deputy Sheriffs constantly changes, but the requirement for them at each jail facility remains consistent. When appropriate, the department reassigns personnel to accommodate ongoing staffing needs, but Type I jails often use on-call jail matrons to respond to the station to process female prisoners (there are five budgeted for Big Bear), or they may utilize Office Specialists (formerly Station Clerks) to search female arrestees (which is included in their job description and, for which, they receive additional compensation). If either is unavailable, the prisoner can be transported to a booking facility in the High Desert, West Valley, or East Valley areas of the county where female deputies are regularly assigned.

**Local Cost Impact**

There is no additional cost related to the assignment of personnel that are currently funded by local cost. If, however, the reassignment of a female deputy or SCS to the Big Bear Jail created a vacancy at a fixed-post position at another jail facility, then it is assumed overtime would be required to backfill behind that vacancy. This unbudgeted overtime need could be as much as \$75,000 annually for an SCS, and \$125,000 for a deputy sheriff. To absorb this cost, the department would have to maintain a position vacancy at another county-funded operation that does not require fixed-post positions, or is not related to a contractual service obligation.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-50  
SUBMITTED BY Rod Hoops PAGE 43

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees, in part with the finding that Crown Victoria sedans are not appropriate for off-road use. However, the recommendation to replace all Crown Victoria patrol cars in the county area with four-wheel drive vehicles on a scheduled basis would have to be studied, since the manufacturers of four-wheel drive vehicles will not assume product liability for use of such vehicles in law enforcement applications.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-50  
SUBMITTED BY Rod Hoops PAGE 43

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**RESPONSE**

The department fully recognizes that two-wheel drive sedans are not as suitable for off-road responses as are four-wheel drive vehicles, a problem that is not restricted to the Colorado River Station. Significant discussion regarding the additional cost per unit and the assumption of liability for high-speed use of a four-wheel drive vehicle has been ongoing. The department is consulting with Risk Management and County Counsel before replacing the fleet of all its desert patrol station operations with four-wheel drive vehicles. Currently, each station has a contingent of four-wheel drive patrol vehicles available for use; the Colorado River Station has the most (6 out of 11 marked units are 4WD).

**Local Cost Impact**

The cost for five (5) replacement four-wheel drive patrol vehicles (at an additional cost of about \$10,000 each) would total \$50,000 for the Colorado River Station. If the remaining 48 Crown Victoria sedans at the other desert patrol stations were replaced with four-wheel drives, the additional cost would be \$480,000 for a total cost of \$530,000. With 1/3<sup>rd</sup> of the fleet replaced each year due to mileage and accidents, the annual ongoing cost would be approximately \$176,000 more than currently expended for patrol vehicle replacement. The additional fuel & maintenance costs for these vehicles has not been studied to date; however, the county yards at Needles charges the department a "Heavy Equipment" rate of \$94 an hour (labor) to provide routine service of four-wheel drive vehicles, (compared to an average of about \$65 elsewhere).

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-51  
SUBMITTED BY Rod Hoops PAGE 43

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendation to replace aging patrol vessels on a scheduled basis. The repair costs sometimes exceed their fair market value annually.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 13, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-51  
SUBMITTED BY Rod Hoops PAGE 43

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**RESPONSE**

It should be noted the aging patrol vessels are not the "Boston Whalers." The portion of the fleet in question consists of five recreational grade boats; one is a 1984 model and four are 1996 models. Studies show the Boston Whalers are commercial grade boats lasting in excess of seven years. The department had planned to purchase one boat every year to replace all boats between seven and ten years of age, but budget reductions are currently impacting that capability.

**Local Cost Impact**

Each patrol vessel cost is currently estimated at \$100,000 each. The department requested a "Policy Item" budget enhancement of \$100,000 (one-time) and \$100,000 (ongoing) for the boat replacement plan in the Sheriff's initial FY2008-09 Budget Plan. However, no additional funding was obtained. Therefore, the department will replace older vessels within its own general fund capability. (Note: some grant funding is available every five years from the Department of Boating and Waterways, and two "front-line" boats have been replaced just prior to our funding enhancement request).

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-52  
SUBMITTED BY Rod Hoops PAGE 45

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees that GHRC is an old facility, but disagrees that it is currently in need of painting.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-52  
**SUBMITTED BY** Rod Hoops **PAGE** 45

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**RESPONSE**

Paint crews are assigned to paint various areas of the facility on a continuing basis. Additionally, cleaning crews are assigned to wash and scrub walls, floors, and housing areas daily.

**Local Cost Impact**

Routine painting of the facilities at Glen Helen creates no additional local cost impact.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-53  
**SUBMITTED BY** Rod Hoops **PAGE** 45

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent disagrees with the finding that the dorms are dirty and litter-filled and could invite insects and vermin.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-53  
SUBMITTED BY Rod Hoops PAGE 45

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**RESPONSE**

GHRC is a minimum security sentenced facility which has two large male dormitories that house nearly 300 inmates each. The dorms are divided into four housing areas where each inmate is assigned a bunk bed to sleep. The four dorms share a common gathering area known as the "dayroom." Each bunk bed on the outside of the dorm near the wall is equipped with a built-in locker so the assigned inmate can place personal belongings such as toiletries, commissary items, and clothing. Bunks in the center row of the dorms do not have a built-in locker. However, inmates are provided a plastic bin with an airtight cover to place their items. The plastic bins are kept under the bottom bunk.

The dorms are cleaned twice daily, usually in the morning and evening. This cleaning consists of sweeping and mopping the floors in the housing areas and the bathroom/shower areas. The floor is disinfected with an antibacterial solution daily during mopping. The finding by the Grand Jury that GHRC dorms were "dirty and litter-filled" is an anomaly. It is possible the inspection was done shortly before routine cleaning was to be completed; or, during or right after an event such as a routine "shake down" search of the dormitory. These searches are performed regularly to look for contraband items in the housing areas.

Recent government inspections at GHRC include County Environmental Health, California Corrections Standards Authority (CSA) and the Adult Detention Facility Advisory Committee (ADFAC). GHRC overwhelmingly passed each of these inspections. No Environmental Health or cleanliness issues were discovered at GHRC. The ADFAC committee made the following comments: "Very clean. Facility continues to be upgraded in maintenance and

remodeling" and "This facility should serve as a standard by which all facilities should strive. The administrative organization and maintenance are of exceptional quality and is evident immediately upon observation."

**Local Cost Impact**

There is no local cost impact associated with this item (09-53).

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-54  
**SUBMITTED BY** Rod Hoops **PAGE** 45

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent disagrees that the receiving area currently needs to be enlarged.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-54  
SUBMITTED BY Rod Hoops PAGE 45

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**RESPONSE**

GHRC is a minimum security sentenced facility. Inmates who are sentenced to serve county jail time are transferred to GHRC from other facilities to serve their commitment. Additionally, GHRC houses some pre-sentenced prisoners to relieve potential overcrowding at WVDC.

Inmates are transported to GHRC by bus. When they arrive at GHRC, they are brought into the receiving area and then housed within the facility. The receiving area can hold about 40 inmates. The average number of inmates that arrive on the bus to be housed is less than thirty at a time. In the rare event more inmates arrive than can be temporally placed in the receiving area, inmates are placed in other areas of the facility waiting to be housed.

Inmates are usually placed to their final housing location within three hours of their arrival.

**Local Cost Impact**

Because the respondent disagrees with the recommendation to enlarge the Receiving Area, no local cost impact study has been conducted. A previous Capital Improvement Request was submitted in 2007 for the Property/Receiving Area, but that was related to the need for a mechanical conveyor system and improved shelving/ventilation.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-55  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings that the restroom facilities at the Morongo Station are insufficient.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-55  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

The respondent is currently working with County A & E to design a new patrol operations facility, as part of a larger government center construction project that has been approved and funded (CIP #09-245). Tentative design will provide approximately 14,547 sq ft of space for this purpose, a significant increase from our existing 4,000 sq ft building. Of course, we expect the design to include sufficient restroom and locker facilities.

**Local Cost Impact**

The funding for the above project has been approved and placed into the CIP fund for Project #9Y20; total cost for the entire government center project is \$7.5 million. The sheriff has obtained \$1.3 million from the Law & Justice SWBPI funds to assist with cost offsets.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-56  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE** ( If disagree, explain why )

The respondent agrees with the findings and recommendation of providing a secured parking lot for department and employee vehicles.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-56  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

This recommendation is currently included in the project scope of the new Joshua Tree government center construction project.

**Local Cost Impact**

The funding for the above project has been approved and placed into the CIP fund for Project #9Y20; total cost for the entire government center project is \$7.5 million. The sheriff has obtained \$1.3 million from the Law & Justice SWBPI funds to assist with cost offsets.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-57  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings related to the need for adequate fencing and gates for controlled access at the Morongo Basin Station.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-57  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

This recommendation is currently included in the project scope of the new Joshua Tree government center construction project.

**Local Cost Impact**

The funding for the above project has been approved and placed into the CIP fund for Project #9Y20; total cost for the entire government center project is \$7.5 million. The sheriff has obtained \$1.3 million from the Law & Justice SWBPI funds to assist with cost offsets.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-58  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendation related to the need for appropriate workspace for the Morongo Station's squad room and detective areas.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-58  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

This recommendation is currently included in the project scope of the new Joshua Tree government center construction project.

**Local Cost Impact**

The funding for the above project has been approved and placed into the CIP fund for Project #9Y20; total cost for the entire government center project is \$7.5 million. The sheriff has obtained \$1.3 million from the Law & Justice SWBPI funds to assist with cost offsets.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-59  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees, in part with the findings that the Morongo Basin Station's "kitchen area" is small and cramped. However, the space that is believed to have been referred to in this finding is not a designated kitchen area, but a utility room, in which a refrigerator and small table has been placed to store (non-jail) employee lunches.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-59  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

This recommendation is currently included in the project scope of the new Joshua Tree government center construction project.

**Local Cost Impact**

The funding for the above project has been approved and placed into the CIP fund for Project #9Y20; total cost for the entire government center project is \$7.5 million. The sheriff has obtained \$1.3 million from the Law & Justice SWBPI funds to assist with cost offsets.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-60  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees, in part with the finding that the majority of the Morongo Basin Station jail doors are not compliant with today's ADA standards. However, the jail was constructed within and currently conforms with the requirements of CCR Title 24.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-60  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

The recommendation to make all jail doorways compliant with current ADA construction specifications is cost prohibitive. The Morongo Jail rarely encounters the need to accommodate disabled prisoners that require ADA compliant doors. Instead, station policy requires disabled prisoners be transported to the West Valley Detention Center for processing and housing.

**Local Cost Impact**

There has been no study to determine the cost for remodeling the Morongo Jail to bring it up to current ADA standards; current law does not require modifications.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-61  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding related to the condition of the Jail Bridge equipment and work area.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-61  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

Respondent conducted a review of the Morongo Jail Bridge Area in 2008 and has developed a proposal for remodel improvements.

**Local Cost Impact**

There is no current additional local cost impact related to this item. Any cost related to the remodel efforts undertaken in the Bridge Area will be absorbed in the sheriff's ongoing operating budget, when such expenditures are deemed appropriate.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-62  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendation related to the need for improvements to the video monitoring system at the Morongo Basin Station jail.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-62  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

The respondent is currently implementing this recommendation. Items have been ordered through various vendors and we are currently awaiting the arrival of the system.

The installation will be performed by county staff as soon as all components and infrastructure is available.

**Local Cost Impact**

The majority of the project cost for the equipment was absorbed in the department's 2008-09 operating budget; remaining costs will be absorbed in this year's budget for an estimated total project cost of \$14,000.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-63  
SUBMITTED BY Rod Hoops PAGE 47

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding that (commuting) officers could often use a designated area for rest when court appearances and other overtime needs conflict with scheduling requirements. The need for the sufficient rest of officers has been a historic concern for the Morongo Station, which relies heavily on personnel who make long commutes to meet its staffing requirements.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 14, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-63  
SUBMITTED BY Rod Hoops PAGE 47

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**RESPONSE**

This issue has been discussed during the design phase of the new Joshua Tree government center project. The most recent consideration is the possible use of vacated space in the (current) office area for this purpose.

**Local Cost Impact**

The cost to modify vacated space into a possible rest area for commuting deputies has not been determined. Additional space-use plans must be developed prior to developing a budget for this component of the project.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-64  
SUBMITTED BY Rod Hoops PAGE 48

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding that 12 to 14 prisoners are placed in the elevator with one deputy and they are sometimes moved through the public hallways to the courtrooms.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-64  
SUBMITTED BY Rod Hoops PAGE 48

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**RESPONSE**

Personnel that are assigned to the department's various correctional and Court Holding facilities routinely provide supervisory and management personnel with feedback related to both employee and inmate safety issues, to include staffing levels and inmate movement procedures. The recommendation to "review the ratio of prisoners-to-guards" when moving prisoners from holding areas to courtrooms is not taken lightly; there are ten (10) policy sections that address prisoner movement in court facilities, and section 4/400.40 specifically states "the site supervisor/sergeant shall ensure that the necessary numbers of deputies are available for the movement of prisoners." In addition, the number of inmates that can be restrained to one set of waist chains is limited, as is the number of inmates that can be accommodated by any one courtroom. And, the classification of inmates is always a consideration for their safe movement, along with the unique layout of each facility's space plan. Finally, the number of "Custody Officers" assigned to each facility is generally prescribed by a "per courtroom" formula that has been established by the State's Administrative Office of the Courts (AOC). Other considerations related to staffing needs is generally a negotiated issue between the county and the local courts, and is always based on the available budget target provided by the AOC.

**Local Cost Impact**

There is no local cost impact related to this item. Any increase in Custody Officer or Court Holding personnel is generally absorbed by the local court's budget allocation.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-65  
SUBMITTED BY Rod Hoops PAGE 48

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding that the upper cell area needs to be painted and there are minor repairs needed for the floors.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-65  
SUBMITTED BY Rod Hoops PAGE 48

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**RESPONSE**

The entire courthouse is being remodeled and various levels of maintenance have been delayed pending the completion of major plumbing projects. These items will be addressed in near future, once the current projects are complete.

**Local Cost Impact**

There is no additional local cost impact associated with this item. Any painting or repairs would be accomplished within the appropriate department's ongoing operating budget.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-66  
SUBMITTED BY Rod Hoops PAGE 49

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees that the current generator at the Twin Peaks' Station, which is over 30 years old, needs to be replaced.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-66  
**SUBMITTED BY** Rod Hoops **PAGE** 49

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**RESPONSE**

As of this date, County Fleet Management is planning to replace the generator at the Twin Peaks County Complex, subject to available funding.

**Local Cost Impact**

Fleet Management's cost estimate for the replacement of the generator is \$80,000.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-67  
**SUBMITTED BY** Rod Hoops **PAGE** 49

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees that the fencing at the Twin Peaks Station was unserviceable and needed to be replaced.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

**GROUP** Law & Justice **DATE** July 8, 2009  
**DEPARTMENT** Sheriff – Coroner **RECOMMENDATION NO.** 09-67  
**SUBMITTED BY** Rod Hoops **PAGE** 49

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**RESPONSE**

As of this date, all perimeter fencing and gates have either been replaced or repaired.

**Local Cost Impact**

The total cost to replace and/or repair the station's perimeter fencing was \$17,631; which included a new electric gate and repair of the existing electric gate. This was accomplished during the 2008-09 fiscal year under approved Capital Improvement Project #09-235; cost absorbed by the department's ongoing annual operating budget.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-68  
SUBMITTED BY Rod Hoops PAGE 50

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the findings and recommendations to relocate the Victor Valley Station to a larger building.



2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-69  
SUBMITTED BY Rod Hoops PAGE 51

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**FINDING – AGREE/DISAGREE ( If disagree, explain why )**

The respondent agrees with the finding that the generator room is unsecured on occasion.

2008-09 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE July 8, 2009  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 09-69  
SUBMITTED BY Rod Hoops PAGE 51

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**RESPONSE**

The area in question is controlled by county Facilities Management. The respondent will coordinate with Facilities Management to ensure there are functional locks on the roll-up door and other doors, as well as ensuring all doors are locked when the building is not occupied.

The West Valley Detention Center staff will also check this outbuilding during periodic perimeter checks.

**Local Cost Impact**

Any cost associated with the installation of appropriate locks on doors would be absorbed with Facilities Management's ongoing operational budget. There would be no additional local cost.

**COUNTY OF SAN DIEGO**

**COUNTY OWNED SURPLUS PROPERTY IN SANTEE  
DEVELOPMENT OPPORTUNITY**



**REQUEST FOR PROPOSALS FROM QUALIFIED  
DEVELOPERS**

**TABLE OF CONTENTS**

County of San Diego Surplus Property in Santee  
Request for Proposals from Qualified Developers

County of San Diego  
December 2000

<b><u>Title</u></b>	<b><u>Page No.</u></b>
Introduction – County of San Diego Surplus Property in Santee .....	1
Purpose of this Request for Proposals .....	2
Property Description.....	2
City of Santee Development Goals .....	3
Land Use Entitlement Process.....	3
Submission Requirements .....	3
RFP Evaluation Criteria.....	4
Master Developer Obligations.....	5
Selection Schedule .....	6
County of San Diego General Conditions .....	6
Request for Proposals Submission .....	7

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## **County of San Diego Surplus Property in Santee**

### **Request for Proposals from Qualified Developers**

**County of San Diego  
December 2000**

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#### **Introduction**

The County of San Diego (County) seeks to identify the most qualified development team interested in developing approximately 104 acres of surplus commercial property plus 79 acres of river floodway located within the City of Santee (City). This request for Proposals from Qualified Developers (RFP) is the second step in the County's effort to select a development team. In August 2000 the County issued a Request for Developer Qualifications (RFQ). The purpose of the RFQ was to identify development teams that were experienced and financially capable of building out a successful project on the County's property based on a land use plan to be approved by the City. A Selection Committee was formed to review responses from the RFQ. The Selection Committee approved the qualifications of each of the proposers ("Qualified Developers") eligible to participate in this RFP.

The County property is one of the last large developable parcels of commercially zoned vacant land remaining in the region. Strategically located along three major roads and only three blocks from full freeway access (State Route 52) in the near future, this property is within the City of Santee's rapidly developing Town Center Specific Plan area, and is a part of a larger City of Santee Redevelopment Area. The 1986 Santee Town Center Specific Plan identifies uses for commercial, office/commercial, civic, institutional, residential/institutional, theme/commercial, and floodway, although the property has not been subdivided.

The City of Santee envisions a master planned office park development that will attract significant users on large parcels engaged in scientific, technical, communication or other progressive endeavors that offer their employees above average compensation. The office park would be the landmark centerpiece of the City's Town Center, with some development oriented toward the banks of the San Diego River. Quality retail and residential uses may be considered as well as ancillary to the primary office park use and integrally designed into the overall concept for the development of the property.

The County's preference is to ground lease the land, although it may consider the sale of portions of the property. The County is looking to enhance the value of its land by retaining control of the property through the entitlement process. Once entitled, parcels would be leased or sold with specific development plans approved by the City of Santee.

## **Purpose of this Request for Proposals**

On December 12, 2000, the Board of Supervisors adopted a resolution entitled “Resolution of the County of San Diego Declaring Its Intention to Consider Proposals to Develop County Owned Surplus Property in Santee.” The Board of Supervisors (Board) also authorized the Director of General Services to release the RFP to development teams selected from those who responded to the RFQ.

This RFP provides instructions for Qualified Developers to prepare proposals to the County of San Diego for the implementation of private development on County owned surplus property in Santee. Responses to this RFP will be evaluated as described herein and one development team will be selected (“Master Developer”) to negotiate acquisition rights with the County and land use entitlements with the City. To allow for maximum flexibility and creativity, the County is requiring the Qualified Developers to propose appropriate contracts for the land transitions throughout the development process and the ultimate disposition by lease or sale. The developer will explain the entitlement relationship with the City of Santee. If negotiations fail with the Master Developer, the County will initiate negotiations with the development team the Selection Committee concludes is the next best qualified.

The objective of this RFP is to obtain information from Qualified Developers that demonstrates their ability and approach to creating a successful development of the County’s property. Required information includes: identifying proposed uses for the property; discussing possible environmental issues caused by the project; providing a plan to finance the property’s infrastructure; providing a marketing feasibility analysis; creating a schedule for phasing the development; and providing a detailed methodology for establishing compensation to the County for the land.

## **Property Description**

The surplus property is part of a 326-acre tract of land owned by the County. Of this larger tract, the northern 69 acres are unimproved and planned for residential use and a proposed health campus. This acreage is outside the scope of this solicitation. A total of 257 acres (see Exhibit ‘1’) are included in this RFP. Included in this gross acreage are: the 79-acre San Diego River floodway; 16 acres presently occupied by Las Colinas; and 45 acres – the boundaries of which are yet to be determined – to be reserved for a proposed public safety center. After deducting 13 acres for existing roads, the remaining 104 acres are available for development.

The County will retain the 16-acre and 45-acre properties for the foreseeable future. Any of the County’s land not utilized by the County, or land made available when the existing Las Colinas is replaced, could be made available to the Master Developer for a future phase of development. The Board approved setting aside the 45 acres for a replacement women’s detention facility as part of a new public safety center. The proposed public safety center site will likely be adjacent to the existing Las Colinas, on the property now occupied by Edgemoor. The exact boundary for the new public safety center has not yet been determined and may incorporate a portion of the 16-acre existing detention facility. The County will determine final boundaries, with input from Santee and the Master Developer.

### **City of Santee Development Goals**

According to Santee's adopted Town Center Plan from 1986, the County's property is designated commercial, civic center, office/commercial, and residential/institutional. There are no entitlements for these land uses.

In August 2000, Santee adopted the Town Center Specific Plan Amendment TCSPA00-01, creating an Office Park Overlay Designation. The amendment does not introduce a new land or increase the intensity of land use, but places more emphasis on development of a comprehensively planned, mixed-use, office park with ancillary commercial and residential uses. The amendment states that "the Office Park Overlay is intended to provide for a significant, high end, master planned office park development including, but not limited to, uses engaged in scientific, technical, communication or other related endeavors...High quality commercial and residential uses may also be permitted, as ancillary to an office park development and integrally designed into a master planned concept."

### **Land Use Entitlement Process**

It is anticipated that the proposed development will require changes in the specific plan and the zoning for the property. The land use authority is the City of Santee. The County is the sole authority for approval of the lease of sale agreement(s) and any other real estate transaction document. The Master Developer is responsible for obtaining all land use approvals to implement the development proposal.

Responses to this RFP must include a narrative summary of possible environmental effects created by the proposed project with respect to earth movement, air quality, water quality, plant life, animal life, noise, land use, aesthetics, transportation, circulation, public services, energy, utilities, and cultural resources. The summary is not expected to be in a form or level of detail necessary for an Initial Study or EIR. However, it should be sufficient to highlight the developer's understanding of the potentially beneficial and adverse environmental consequences of the development considering both the construction period and long-term operation.

### **Submission Requirements**

Since the RFP is a continuation of the RFQ, none of the qualification materials previously submitted should be included. Each proposing development will be required to submit the following:

- confirmation of the development team. Any changes from the RFQ should be described. Identify the individual who will be executing documents for the development and the basis of the authority;
- a detailed land use plan;
- a description of the proposed development, including public amenities;
- a summary of the physical site development requirements;

- a market analysis or feasibility study to support the phasing of the development;
- a rendering or schematic of the proposed development improvements;
- revenue plan for the land, to include payments, if any during the negotiating period;
- an initial non-refundable deposit of \$5,000 for consultant services during the selection process;
- a detailed cash flow pro forma for the proposed development, detailing financial and development assumptions, including capital requirements of the project;
- a project schedule and proposed land development phasing program. This section should include sufficient narrative to describe project implementation correlating with the financial pro forma;
- two years or more of audited financial statements of the developer or financial partners. These statements should provide evidence of liquid assets to cover predevelopment and preconveyance costs;
- a proposed contract between County and developer. This document should, at a minimum, include: the amount of the deposit; periodic payments to the County during the due diligence period; milestones for performance; and termination provisions. This document should provide protections to both parties to assure that the project proceeds in a timely manner. ***(Prepared by the County?)***

### **RFP Evaluation Criteria**

Each proposing development team will be given an opportunity to make a presentation to the Selection Committee. It is anticipated that proposing development teams will be evaluated considering, but not limited to, the following criteria:

- Potential lease and/or sale revenue to the County of San Diego (Revenue Plan). The plan should identify income projections based on alternative development timetables.
- How well the proposal articulates an achievable realization of the office park, quality employment, and aesthetic vision desired by the City of Santee for its Santee Town Center and the community as a whole.
- How well the proposal achieves a positive impact upon the regional economy, Santee's local economy, and municipal finances.
- Whether the proposal provides credible support for anticipated market absorption of proposed uses within the planned timeframe of the project.
- Site planning and project design that establish uses into a master planned concept including integration with the surrounding natural and urban environment.

- Sufficient equity capital to demonstrate commitment to the success of the project and to satisfy conventional lender requirements;
- Whether the risks to complete the project, as proposed, are acceptable and reasonable.

### **Master Developer Obligations**

It is anticipated that the Master Developer will consist of an architect(s), an engineer(s), a general contractor, and primary entity (ies) for financial responsibility. The following is a general overview of anticipated Master Developer obligations. At minimum, the selected development team must provide the following services:

- A. Proposed Land Use Plan: The Master Developer will be responsible for creating a land use plan that will achieve market acceptance while incorporating the City of Santee's goals for well-paying job development and design excellence.
- B. Development Approvals: Procuring required subdivision maps, zoning, permitting, and other regulatory approvals shall be the sole responsibility of the Master Developer. This will include any CEQA requirements, hazardous/toxic waste assessments, and mitigation plans.
- C. Financing: The responsibility for financing infrastructure and private improvements will be the sole responsibility of the Master Developer.
- D. Construction: The Master Developer will be responsible for the construction of any on-site and off-site improvements necessary for the development of the property.
- E. Revenue Development: The Master Developer will be responsible for marketing the project and generating revenues to the County through each state of development.
- F. Project Deposit: The Master Developer will be required to increase its deposit to \$50,000 at the time of selection.

NOTE: THE EVALUATION OF THE RESPONSES TO THE RFP DOES NOT CONSTITUTE ANY FORM OF COMMITMENT BY THE COUNTY OR THE CITY. IT IS ANTICIPATED THAT EACH RFQ RESPONSE WILL BE EVALUATED BASED UPON THE INFORMATION SUBMITTED IN THE RESPONSE PLUS ANY OTHER INDEPENDENT INFORMATION DEVELOPED BY THE COUNTY OR THE CITY. THE COUNTY RESERVES THE RIGHT TO REQUEST CLAFIRICATION OR ADDITIONAL INFORMATION FROM A RESPONDENT IF NECESSARY OR TO CANCEL THE PROCESS AT ANY TIME. ALL COSTS ARE THE RESPONSIBILITY OF THE DEVELOPMENT TEAM.

## Selection Schedule

The following is the anticipated schedule for this process:

- August 25, 2000: Issue RFQ
- October 2, 2000: Deadline for submitting Qualification Statements
- November 15, 2000: City Council review
- December 12, 2000: Board approval of selected developers
- December 18, 2000: Issuance of RFP to selected developers
- April 9, 2001: Deadline for submitting responses to the Request for Proposals
- June 27, 2001: City Council conceptual approval of land uses
- July 10, 2001: Board's recommendation of successful Development team and approval to enter into a Disposition and Development Agreement

*These dates allow time for Santee's City Council review.*

## County of San Diego General Conditions

The following general conditions apply to this submittal:

- A. General Guidelines for Content: The response to the RFP shall be clear, concise, and detailed enough to enable the selection committee to make a thorough evaluation and arrive at a sound determination as to whether the proposed development concept and development team meet the goals of the County and Santee.
- B. Duty to Inquire: Before submitting a response to the RFP, respondents should carefully read all sections of this RFP and fully inform themselves as to all conditions and limitations. Should a respondent find discrepancies in or omissions from the RFP documents, or should the respondent be in doubt as to their meaning, the respondent shall at once notify the County. Such notifications and questions must be in writing, and must be received by the County at least ten (10) calendar days before the submittal date. (See page 16 for address.)
- C. Explanation to Respondents: The County of San Diego reserves the right to interpret or change any provision of this RFP at any time prior to the submission date. Such interpretations or changes shall be in the form of an addendum, and will be made available to each person or organization that has received the RFP. Oral explanations will not be binding. The County, at its sole discretion, may determine that a time extension is required for submission of the response to the RFP. In such a case, an addendum shall include a new response to the RFP submission deadline.
- D. Right to Judge Representations: The County Board of Supervisors shall be the final judge of the acceptability of a respondent's written or oral representations.
- E. Failure to Conform/Proof of Presentation: Any response to the RFP that modifies or fails to conform to the essential requirements or specifications of the RFP will be considered non-responsive and unacceptable.

The County may require whatever evidence is necessary relative to the respondents' financial stability. The County also reserves the right to request further information from the authorized representative of a respondent, either orally or in writing. Written requests will be addressed to the authorized representative of the respondent.

- F. Truth and Accuracy of Representations: False, incomplete, or non-responsive statements will be cause for rejection of the response to the RFP. The evaluation and determination of the fulfillment of the above requirements will be the County's responsibility and its judgment will be final.
- G. Rights to RFP Information: Information disclosed in the response to the RFP and attendant submissions will become the property of the County.
- H. Protest Procedures: Any protest or appeal resulting from this request must be submitted in writing to John A. Miller, the Director, Department of General Services, within five (5) working days of notification of rejection.
- I. Disclaimer: This solicitation does not commit the County of San Diego to award a contract or the City of Santee to approve a land use plan, to pay costs incurred in the preparation of a response, or to procure a contract for any services. The County, at its sole discretion, may reject any and all submittals and incur no expense.
- J. Board of Supervisors Contact: Development team members should not contact Board Members, Supervisors' staffs, or City Council Members regarding this solicitation. Any such contact may be cause for rejection of a submittal.

#### **Request for Proposals Submission**

- A. Response to the RFP must be received no later than 4:00 PM on April 9, 2001. Responses to the RFQ received after that time will be returned unopened.
- B. Send or deliver Statements of Qualifications to:

<p>Department of General Services  Real Estate Services  5555 Overland Avenue, Building 2, Room 110  San Diego, CA 92123-1294  Attn: Brian Sampson, Senior Real Property Agent  Subject: Request for Qualifications for County of San Diego Property in Santee</p>
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Ten (1) copies of each response to the RFP are required.

C. Questions should be submitted in writing, e-mailed, or faxed to:

DEPARTMENT OF GENERAL SERVICES  
Real Estate Services  
Attn: Brian Sampson  
5555 Overland Avenue, Building 2, Room 110  
SAN DIEGO, CA 92123-1294

CONTACT, TELEPHONE NUMBER, AND E-MAIL ADDRESS;  
PRIMARY: Brian Sampson  
PHONE: (858) 694-2188  
FAX: (858) 694-2369  
E-MAIL: [bsampsgs@co.san-diego.ca.us](mailto:bsampsgs@co.san-diego.ca.us)