

# RESPONSE ACCOUNTABILITY



## **RESPONSE ACCOUNTABILITY**

### **Introduction**

Each year the Grand Jury is required by law (California Penal Code, Section 933(c)) to submit a Final Report to the presiding judge of the Superior Court with appropriate recommendations and results from investigations conducted by the Grand Jury.

The Grand Jury decided to review and follow up on some past Grand Jury reports. Prior reports were reviewed, selecting three particular issues to revisit. Interviews were conducted in order to determine if the recommendations made and agreed to, were actually completed.

This section of the Final Report contains updates on those three past issues:

- Public Health Department
- San Manuel Amphitheater
- Sheriff-Coroner: Public Administrator and Department of Aging and Adult Services:  
Public Guardian Warehouse

## **DEPARTMENT OF PUBLIC HEALTH**

### **BACKGROUND**

The 2008-2009 Grand Jury investigated a complaint letter forwarded to them from the Board of Supervisors, which they had received from the former Department of Public Health (DPH) officer. The letter had criticized many aspects of the DPH and one complaint was significant because it could have been a threat to public health. An extensive investigation was done by the 2008-2009 Grand Jury regarding this specific complaint of the letter. Due to this complaint, the 2011-2012 Grand Jury began a follow-up review of the 2008-2009 Grand Jury's findings of this allegation.

The specific complaint that the Grand Jury investigated was an incident that occurred in Needles, California on August 30, 2008; this was Labor Day weekend. The incident required the coordination efforts between the DPH and the Sheriff's Department. In summary, the complaint had stated; despite prior repeated warnings by the DPH, to a patient with active Tuberculosis (TB), the warning was disregarded. In addition to a DPH order regarding the treatment regimen of quarantine and medication, the health officer decided to enforce an order to have the patient transported to Arrowhead Regional Medical Center for treatment and evaluation. According to the complaint, efforts by the DPH to obtain assistance from the Sheriff's Department were delayed due to poor communication and coordination. The patient was eventually transported to Arrowhead Regional Medical Center and was placed in isolation.

The 2008-2009 Grand Jury noted that the San Bernardino County DPH had no written policies or procedures in place for the enforcement of civil orders to detain, isolate or quarantine individuals with active TB that is resistant to the required treatment protocol.

### **FINDING**

RECOMMENDATION 09-02: The 2008-2009 Grand Jury's recommendation was to develop written policies and procedures to prevent future delays and communicate to detain active resistant TB patients.

UPDATE: The 2011-2012 Grand Jury found that the County DPH Tuberculosis Control Program created a written treatment policy that outlines procedure duties and responsibilities of the various departments for the Civil Enforcement of Detention and Quarantine of Persons with Infectious TB. The policy was written on March 12, 2011; the written policy is thorough and outlines duties of all departments involved.

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Due Date</b>
No Response Required		

## SAN MANUEL AMPHITHEATER

### BACKGROUND

In researching past reports, the Grand Jury became interested in the 1999-2000 Grand Jury Final Report regarding the Amphitheater located at Glen Helen Regional Park, currently known as the San Manuel Amphitheater (Amphitheater). Recommendations were made at the time, with positive responses from the County of San Bernardino.

Interviews were conducted to follow-up on the responses and this Grand Jury found the following information to be true and is satisfied with the outcome.

### FINDINGS

#### **Recommendation Number: 00-142**

**Stated:** “Evaluate periodically whether the three Certificates of Participation can be refinanced at terms more favorable to reduce the interest rate and annual cash outlay.”

**Response:** The Department/County agreed to the recommendations, stating “this is done on an ongoing basis, within the constraints of the law relating to government debt issues. On September 20, 2000, the Board of Supervisors approved the hiring of a financial advisor to assist in evaluating all outstanding bond issuances of the County and whether or not refinancing any of those issuances is appropriate to help reduce the County’s financing cost.”

**Update:** The County has refinanced the three Certificates of Participation and could refinance the remaining balance but with six years left on the lease it would be financially irresponsible to refinance now because in six years at the end of the lease the Amphitheater will be paid for and the County will own the building outright.

#### **Recommendation Number: 00-143**

**Stated:** “Notify the lessee that past performance has not met the reasonable expectations of the County and the lessee shall take reasonable action to remedy such shortfalls and to increase the use of the facility.”

**Response:** The Department/County agreed to the recommendation, stating that “the County has met with and continues to meet with authorized representatives of SFX Entertainment (SFX), the lessee, with the purpose of increasing both the number and quality of entertainment acts appearing at the facility. The dialogue with SFX has dramatically increased the number and

quality of acts in the 1999 and 2000 season, with a related increase in paid attendance at the Pavilion.”

**Update:** SFX no longer holds the lease for the Amphitheater. The lease is now held by Live Nation World Wide, Incorporated, which is responsible for the booking and advertising of events. There has been no increase in events. However, with low attendance at the Amphitheater the County is not losing money because Live Nation World Wide, Incorporated is required to pay its lease regardless if an event is booked.

**Recommendation Number: 00-145**

**Stated:** “Remain alert to any reasonable offer to sell the facility so the County could rid itself of involvement in a specialized entrepreneurial business.”

**Response:** The Department/County agreed to the recommendation, stating “the County has reviewed this option in the past and will consider all reasonable offers for sale of the facility.”

**Update:** The bond for the Amphitheater is \$1.2 million and the County has no immediate plans to sell the Amphitheater although the Board of Supervisors has approval. Between lease fees of \$1.4 million with Live Nation World Wide, Incorporated and the naming rights contract with San Manuel in the amount of \$50,000 annually, the facility is paying for itself so there is no need to sell the Amphitheater at this time.

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Due Date</u>
No response required		

**SHERIFF-CORONER  
PUBLIC ADMINISTRATOR  
AND  
DEPARTMENT OF AGING AND ADULT SERVICES  
PUBLIC GUARDIAN  
WAREHOUSE**

**BACKGROUND**

The San Bernardino County Grand Jury completed an interview and site visitation as part of a review of the Public Administrator on August 23, 2011 and with the Public Guardian on January 24, 2012.

The Grand Jury was focusing specifically on the Public Administrator and Public Guardian in the overseeing, managing and storing of personal property.

The Public Administrator is required by law to take responsibility for personal property belonging to persons who have died without an executor. They manage the estates of the deceased until families assume responsibility. However, if no family member claims the estate, the property goes to public auction.

The Public Guardian/Conservator is a division of the Department of Aging and Adult Services. The Public Guardian is appointed by the court and administers to the needs of living individuals who are not able to care for themselves.

Estates and assets may include real estate, motor vehicles, home furnishings, bank accounts, creditors, stocks/bonds, cash, jewelry, art/antiques, firearms/ammunition, etc. Items listed above must be inventoried and some items photographed then stored appropriately.

When property is to be liquidated, a notice of auction is placed on the county's website. From the proceeds, in the case of the Public Administrator, only actual expenses incurred by the county are reimbursed to the county; whatever is left, after all claims are paid, goes to the State of California.

In the case of the Public Guardian, when the property is sold, the proceeds go to the cost of the person's on-going care.

**FACTS**

The following are recommendations from the 2004-2005 Grand Jury:

05-126 Provide digital cameras for use by warehouse attendants.

05-127 Divide the warehouse to create two distinct areas: one for Public Administrator and the other for Public Guardian

05-128 Acquire computer tracking software for warehouse inventory management.

05-129 Utilize a bar code system to ensure tracking of estate property.

05-130 Store property lots on pallets in uniform size containers. Utilize standard size portable partitions to divide property lots.

05-131 Enforce the policy of two signatures on every inventory and log sheet.

05-132 Store printed material, photos, and paintings in archival quality boxes.

## **FINDINGS**

1. Attendants now have digital cameras to use.
2. The Warehouse is now divided into two distinct areas: one for Public Guardian and the other for Public Administrator.
3. The Public Administrator and Public Guardian have developed their own case management computer system which allows better tracking of inventories and management of property.
4. The Public Administrator and Public Guardian intend to implement a bar code system when budgetary constraints allow.
5. Personal property is securely stored in steel containers the employees called “pods.” Property is stored with portable partitions to separate one client’s property from another’s. Each unit is inventoried and the “pod” is sealed with a tamper-evident seal that has a serial number that must be recorded any time entry is made. The Public Administrator and the Public Guardian use separate containers. Firearms and ammunition from estates are maintained under the care and custody of the Sheriff/Coroner until the estates are liquidated.
6. Currently the warehouse is managed by two Estate Property Specialists who work for the Public Guardian. The warehouse is equipped with a digital camera security system that is monitored on the Public Guardian computers and visitors are required, upon entry, to sign a log-in sheet.
7. A few special items such as bibles, photographs, keepsakes or old historical records that will never be destroyed are stored in archival quality boxes.

**COMMENDATION**

The Grand Jury commends the Public Administrator and the Public Guardian for implementing the recommendations of the 2004-2005 Grand Jury.

**RECOMMENDATION**

12-39            The Public Administrator and Public Guardian implement a bar code system to better track estate property. (Finding 4)

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Due Date</u></b>
Board of Supervisors	12-39	September 29, 2012
Sheriff-Coroner-Public Administrator	12-39	September 29, 2012

Information regarding the  
San Bernardino County Grand Jury  
or an application to serve on the Grand Jury  
can be obtained by contacting the

Office of the Grand Jury  
351 North Arrowhead Avenue, Room 200  
San Bernardino, CA 92415-0243

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Information is also provided on the website at [www.sbcounty.gov/grandjury](http://www.sbcounty.gov/grandjury)