

ADMINISTRATIVE COMMITTEE

Human Resources Department

Findings – Agree/Disagree

Agree. The Grand Jury Report does indeed point out some of the contributors to the decision to place employees on Employee Relations Leave (ERL) and the county's duty to protect the rights of the employees while an investigation is in progress. A recently completed audit of ERL for the four and one-half year period ending June 2003 showed a total cost of \$1,706,000 during that period. The average cost of ERL is \$379,000 per year.

RECOMMENDATION

- 03-01. The Human Resources Department revise its policy on employee relations leave to allow some employees to be temporarily transferred to other departments rather than being placed on paid leave.

RESPONSE

The county agrees that this is an area in which improvements should be sought. The Human Resources Department will issue guidelines for departments to consider when an investigation or fitness for duty evaluation is being undertaken, encouraging the use of alternate work assignments in lieu of employee relations leave whenever practicable.

Employees are customarily placed on Employee Relations Leave (ERL) when they are the subject of administrative investigations, criminal investigations, and fitness for duty evaluations. An employee under investigation may or may not continue on the job pending the investigation or evaluation depending upon the circumstances surrounding the alleged misconduct and/or the severity of the fitness concern leading to the fitness for duty evaluation. However, the affected employee has rights afforded him/her based upon the law and the County Personnel Rules. These rights, in most cases, would prevent termination or the discontinuance of compensation without due process.

Currently, during the time an investigation or fitness for duty evaluation is being completed, consideration is given to retaining the employee in their current assignment pending completion of the investigation or evaluation. In most instances the employee is either retained in their current assignment or reassigned elsewhere so the investigation and the employee's health and well being will not be compromised. If it is determined that either the investigation or other employees' health and well being would be at risk if the employee were to be retained on the job, the employee would be placed on ERL.

With respect to peace officers assigned to the Sheriff's Department, as officers of the court, they are held to a higher standard of conduct than that of a general (non-sworn) employee. As such, in many cases, officers are placed on ERL until the investigation of allegations of terminable misconduct is completed in its entirety or until the investigation clears the affected officer of a terminable offense.

Further, it should be noted that peace officers are customarily removed from field assignments if it is believed that the mere allegations alone would distract the officer from the performance of their duties in a safe manner.

Unfortunately, any employee retained on the job (either in their regular assignment or a temporary assignment) would code their time as "regular hours worked". Accordingly, the county is unable to identify how many hours an employee is on the job in lieu of ERL pending completion of the investigation or evaluation.

**Interim Report
"NO GIFT" Policy**

Findings – Agree/Disagree

Agree.

RECOMMENDATION

03-02. The county adopt a No Gift Policy regarding people doing business with the County of San Bernardino.

RESPONSE

The county has addressed this issue adequately and no further action is necessary. The county has taken several steps to address the issue of gifts. These steps, in addition to existing laws, accomplish everything that can be reasonably achieved on this subject.

In response to the county's corruption cases, the Board of Supervisors approved a number of changes to the county's procurement procedures to ensure open competition for county contracts. For example, anyone contracting with the county must disclose whether any former county employees are employed with their company and there is a \$25,000/year limit on how much county departments can pay one vendor without approval from the Board of Supervisors.

Also, as part of the new procurement procedures, the county adopted Policy No. 11-02, Procurement Code of Ethics. This policy provides in pertinent part as follows: "Each employee shall be expected: To, at no time or under any circumstances, accept director or indirectly, gifts, gratuities or other things of

value which might influence or appear to influence procurement decisions “ This policy addresses gifts with respect to procurement decisions and is broad enough to cover any attempts to improperly influence procurements through gifts.

Also, in 1999, the county adopted the International City/County Management Association Code of Ethics, which under Tenet 12 holds:

“Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest. . . .

Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.”

The issue of gifts is also covered in the San Bernardino County Personnel Rules. Rule 1 of the San Bernardino County Personnel Rules is the Code of Ethics and Commitment to County Public Service. Under the Conflict of Interest section it states, “No official or employee shall engage in any business or transaction or shall have a financial or other personal interest or association which is in conflict with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.”

The County of San Bernardino Ethics Officer (ERO) has developed and published on the ERO intranet site the Gift Decision Reflection Process to assist county officials and employees with the question of accepting gifts while working for the county. This questionnaire process guides the reader through a series of questions to assist in making an appropriate and sound choice in the matter of accepting a gift. It also directs the reader to additional conflict of interest information as well as provides contact information for the county’s Ethics Resource Officer.

Additionally, state and federal law have significant provisions, which make it a felony to pay a bribe to a public employee and for a public employee to accept a bribe.

Under Government Code Section 89503, elected officials and those covered by the county's Conflict of Interest Code are prohibited from receiving a gift with a value over \$340.00. Further, pursuant to Government Code Section 8710 and 87103, county officers and employees cannot participate in a decision involving any donor of a gift of more than \$340.00 if the decision will have a material financial effect on the donor and where the gift occurred within 12 months prior to the decision. In addition, all officers and employees required to file a Statement of Economic Interest must already disclose all gifts they receive with a value of \$50.00 or more. These statements are public records.

The county has many policies in place that would prohibit unsolicited gifts that could lead to improper influence. The county does not intend to isolate county employees and officers from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions. Rules on when the acceptance of a gift is improper is comprehensively covered by existing laws and policies so that further regulation does not appear warranted.

Use of Volunteers

Findings – Agree/Disagree

Agree. The findings, as provided, are a statement of facts, both regarding volunteer operations in Los Angeles County and the County of San Bernardino, that are largely accurate reflections of current practice.

Many county departments currently utilize volunteers and manage them in a decentralized manner. The differences in standards and policies for recruiting, screening, and placing volunteers has more to do with legal mandates, e.g., fingerprinting individuals who work with children, the need for persons with specialized training, extra background checking in public safety settings, etc., than other reasons.

The decentralized approach to using volunteers has worked well to date because departments know when, where, and in what capacity volunteers are needed.

RECOMMENDATION

03-03. The County Administrative Officer establish a centralized volunteer coordinator office to recruit, quality, place and maintain San Bernardino County's volunteer pool.

RESPONSE

The county partly agrees with the Grand Jury's logic. A centralized volunteer coordinator might provide consistency, but centralizing this function assumes various departments would have the same needs and requirements. Further study would be needed.

The majority of the volunteers in the county are within two of the larger county departments: Arrowhead Regional Medical Center and the Sheriff's Department. Both of these departments have their own Volunteer Coordinator. Because of the unique requirements for hospital volunteers and volunteers working in a public safety setting, it is recommended that those departments manage their volunteers independently from any proposed centralized system.

The largest county department, Human Services System (HSS) Administration, is currently working with the Human Resources Department to obtain a volunteer coordinator position that would assist HSS departments but report to Human Resources. Human Resources is the best-suited department due to the recruiting aspect of finding and placing volunteers. However, because of HSS's restricted funding source, this position must be dedicated to HSS volunteers only.

The county realizes the importance of volunteer coordination as demonstrated with the three largest county departments either already have or working on obtaining a volunteer coordinator for their department. For all the other county departments, further research needs to be done on the extent those departments currently use or would use volunteers.

Current county policy does require that departments seek approval from the Board of Supervisors for any programmatic use of volunteers and interns. Any significant centralized program will require the establishment of additional policies and procedures to assure volunteers are managed appropriately. A concern when establishing a broader policy and potentially making greater use of volunteers would be the reaction of the various employee associations. Volunteer programs must be carefully drafted and utilized in a manner where the work to be performed is best suited to a volunteer rather than a full-time employee. Volunteers should be used part-time and in situations viewed as auxiliary to those of employees. Discussion of this intent with the employee associations would be necessary.

Paper Usage

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-04. Each department explore ways to limit the number of copies made of each document produced.

RESPONSE

The county agrees that it is always important to use its resources as wisely as possible, and the county is already doing much to reduce the amount of paper that is used within the organization.

Departments will be encouraged to develop and explore methods to restrict the number of copies made for each document. This includes assessing total copies required and reduction of pages in a document. Currently mailed reports, Board of Supervisors agenda items, press releases, policy manuals, memos, and general information are transmitted electronically between staff and posted for general view on the county's web page. The Information Services Department, Customer Service Division, was formed in part to work with county departments to increase the awareness of electronic means of communicating as a way of reducing paper usage. County Policy 11-10 and Standard Practice 11-10SP define the county's recycling policy. During the annual procurement training conducted by the Purchasing Department in 2003-04, 11-10 and 11-10SP will be covered with emphasis on limiting the number of copies made of each document. Additionally, at office paper recycling meetings held throughout the county in July by the Facilities Management Department, employees were reminded of 11-10 and 11-10SP. Office paper recycling, reviewing distribution lists, limiting the number of copies made of documents, and electronic communication methods instead of paper were discussed as ways to minimize waste paper.

RECOMMENDATION

- 03-05. Each department limit distribution of copies of documents to only those who have an actual need for them.

RESPONSE

The county agrees with this recommendation. Departments will be encouraged to carefully assess required number of copies for meetings, general distribution to county employees, and informational purposes. Employees will be informed on adopting measures to prevent waste. Currently, mailed reports, Board of Supervisors agenda items, press releases, policy manuals, memos, and general information are transmitted electronically between staff and posted for general view on the county's web page. The Information Services Department, Customer Service Division, was formed in part to work with county departments to increase the awareness of electronic means of communicating as a way of

reducing paper usage. County Policy 11-10 and Standard Practice 11-10SP define the county's recycling policy. During the annual procurement training conducted by the Purchasing Department in 2003-04, 11-10 and 11-10SP will be covered with emphasis on limiting distribution of copies of documents to only those who have an actual need for them. Additionally, at office paper recycling meetings held throughout the county in July by the Facilities Management Department, employees were reminded of 11-10 and 11-10SP. Office paper recycling, reviewing distribution lists, limiting the number of copies made of documents, and electronic communication methods instead of paper were discussed as ways to minimize waste paper.

RECOMMENDATION

- 03-06. Wherever practical, all departments print multiple page documents on both sides of the paper.

RESPONSE

The county agrees with this recommendation. More than a year ago the county implemented a policy and standard practice requiring this.

Effective July 1, 2002, the county implemented County Policy 11-10 and Standard Practice 11-10SP regarding the county's Recycled Product Procurement Policy. In 11-10SP, Section 1, d. (1) and (2), and e., outside vendors and county staff are required to use both sides of paper when practical. The majority of copiers the county has on contract include the duplex feature (copying on both sides). During the annual procurement training conducted by the Purchasing Department in 2003-04, Policy 11-10 and 11-10SP will be covered with emphasis on using both sides of paper to achieve maximum cost savings. Additionally, at office paper recycling meetings held throughout the county in July by the Facilities Management Department, employees were reminded of 11-10 and 11-10SP. Office paper recycling, reviewing distribution lists, limiting the number of copies made of documents, and electronic communication methods instead of paper were discussed as ways to minimize waste paper.

RECOMMENDATION

- 03-07 The County Administrative Officer encourage all county departments to make use of paperless distribution of information whenever possible.

RESPONSE

The county agrees with this recommendation. In fact, this is already done, and an increasing number of county offices are embracing this practice.

Departments are encouraged to increase the use of paperless distribution of information whenever possible. Currently, mailed reports, Board of Supervisors agenda items, press releases, policy manuals, memos, and general information are transmitted electronically between staff and posted for general view on the county's web page. The Information Services Department, Customer Service Division, was formed in part to work with county departments to increase the awareness of electronic means of communicating as a way of reducing paper usage. County Policy 11-10 and Standard Practice 11-10SP – procurement of Recycled Products – encourages recycling or developing measures to divert materials from the solid waste stream. During the annual procurement training conducted by the Purchasing Department in 2003-04, 11-10 and 11-10SP will be covered. Additionally, at office paper recycling meetings held throughout the county in July by the Facilities Management Department, employees were reminded of 11-10 and 11-10 SP. Office paper recycling, reviewing distribution lists, limiting the number of copies made of documents, and electronic communication methods instead of paper were discussed as ways to minimize waste paper.

AUDIT/FISCAL COMMITTEE

Grand Jury Budget

Findings – Agree/Disagree

Disagree. The County of San Bernardino faced a difficult budget situation due to actions by the state and, therefore, had to take necessary steps that included implementing budget reductions that have impacted the Grand Jury's budget.

The county is well aware of the obligation to fund the Grand Jury system and understands the difficulty and restraint that will be necessary to operate within a reduced budget. If the need arises for the Grand Jury to make budget/appropriation requests during the year, the County Administrative Office will work with them to bring forward those needs for consideration by the Board.

RECOMMENDATION

03-08. Consult with the Grand jury regarding proposed cuts to its budget, and obtain the Grand Jury's input.

RESPONSE

The county agrees with this recommendation. The County Administrative Officer has responded to the Grand Jury Foreperson in a letter dated June 30, 2003 to explain the difficult budget situation faced by the County of San Bernardino due to actions by the state.

The County Administrative Office will continue to communicate and consult the Grand Jury Foreperson and staff with respect to any future issues that may impact the operations of the Grand Jury.

RECOMMENDATION

- 03-09. The County Administrative Office address, honestly, the question of budget reductions without using the across-the-board, one size fits all, cuts.

RESPONSE

The county agrees with this recommendation. The County Administrative Office has addressed the question of budget reductions in an honest and fiscally responsible manner. While each department was asked to come up with a 4% Spend Down Plan and, subsequently, a 30% Cost Reduction Plan, the County Administrative Office considered the components of each plan separately and did not recommend an across-the-board nor a one-size-fits-all approach to implementing the 2003-04 budget.

RECOMMENDATION

- 03-10. The County Administrative Office revert to a system whereby reasonably anticipated expenditures are budgeted and the need for funds in mid-year need not be brought to the Board for approval.

RESPONSE

Unfortunately, given the unusual circumstances of the state's budget deficit and related losses of local revenues, the County Administrative Office recommended a budget that contained reductions that will require some challenging restraint. However, the approved budget should still permit the Grand Jury to accomplish its core mission and functions.

The county is well aware of the obligation to fund the Grand Jury system and therefore would consider mid-year budget adjustments should there be a need that cannot be met within the adopted budget.

Judicial Benefits

Findings – Agree/Disagree

Partially Agree. The general background and findings in the Grand Jury Report pertaining to Judicial Benefits are correct.

Local judicial benefits have been an important part of a comprehensive compensation package that have been in place for a long time, as noted in the Findings of the Grand

Jury Report; and are the result of extensive negotiations, and help to ensure the best qualified individuals are recruited and retained to serve as judges in the County of San Bernardino.

The Board and the County Administrative Office recognize that judges are employees of the state and therefore would welcome and support the state fully taking over the costs of local judicial benefits. In the meantime, however, the county will continue to explore options that are fair, responsible, and economically feasible.

RECOMMENDATION

03-11. The Board of Supervisors immediately review payments made to Superior Court Judges.

RESPONSE

Each year the Board considers an agreement between the county and Superior Court that pertain to the areas where the county and Court interacts. Special attention is being given to the 2003-04 agreement in order to make it as comprehensive an agreement as possible. It will include the issue of judicial benefits.

RECOMMENDATION

03-12. The Board of Supervisors take a firm stance, similar to many other counties in California, and terminate or reduce county benefits to judges.

RESPONSE

County benefits to judges have been in place for several years, are the result of extensive negotiations, and represent an important part of a comprehensive salary and benefits package that ensure highly qualified judges are adequately compensated.

At the time of the writing of this response, the county was still in the process of negotiating the 2003-04 agreement between the Court and county, and the issue of judicial benefits was being discussed. The county will continue to review and consider available options, and is committed to finding an equitable solution.

RECOMMENDATION

03-13. No newly elected or appointed judges be offered any county benefits.

RESPONSE

At the time of writing of this response, the county was still in the process of negotiating the 2003-04 agreement between the Court and county, and the issue of judicial benefits were being discussed. The county will continue to review and consider all available options, and is committed to finding an equitable solution.

ECONOMIC DEVELOPMENT/PUBLIC SERVICES COMMITTEE

Airports Department

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-14. Install pilot controlled lighting at the county airports in Baker, Barstow/Daggett, Needles and Twentynine Palms.

RESPONSE

The county agrees with this recommendation. The department has installed a pilot controlled lighting system at Twentynine Palms Airport. After considering the ongoing cost savings associated with this action, the department now plans to install lighting systems at Baker, Needles, and Barstow-Daggett Airports prior to June 30, 2004.

**Needles Special Project
Economic Development**

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-15. The County Economic Development Department and the First District County Supervisor follow up on the five-year strategic plan that has been put in motion, and determine what progress is being made.

RESPONSE

The county agrees with this recommendation. The county has maintained regular contact and continuing discussions with City of Needles officials regarding the adoption of the five-year strategic plan by the City Council. As of July 18, 2003, the city had not officially adopted the five-year plan.

The county's Economic Development/Public Services Group (ED/PSG) is working with First District staff to coordinate a "summit" to include City of Needles staff and elected officials, the First District Supervisor, state legislators, and possibly federal elected and non-elected officials. The purpose of the summit would be to familiarize participants with the city's goals and to identify specific areas where the county, state, and federal government can provide assistance.

The county will continue to provide economic development and workforce development support to the City of Needles.

County Fire Department

Findings – Agree/Disagree

Agree. The County Fire Department agrees with all of the findings, which includes the need to establish a permanent fire facility in Baker. The challenges of providing fire, rescue, and emergency medical services in the northern and eastern desert areas of San Bernardino County have been well documented and acknowledged. The need for appropriate staffing levels and fire station facilities has also been demonstrated. It should be noted that the prisoners from the correctional facility are not considered to be adequately trained first responder personnel. They should be utilized as an additional staffing resource to compensate for the extreme travel distances faced by the next nearest responding fire stations. The county has and continues to investigate a multitude of sources to fund these service demands, especially in relationship to emergency responses to incidents on the hundred of miles of interstate and state highways.

RECOMMENDATION

- 03-16. The Board of Supervisors, through legislative representatives, urge the federal government accept its responsibility to assist with the funding for a full-time staffed fire station in the Baker area. In addition, explore any further sources of funding.

RESPONSE

The Board of Supervisors appropriated \$200,000 in 2003-04 to fund the operations and part-time staffing of an engine and patrol unit, to be used in conjunction with a 2 to 5-person inmate crew from the prison in Baker. This

funding will enable the department to continue the current level of service until a permanent fire station facility is established in Baker.

The county continues to explore and pursue a variety of funding opportunities at the local, state, and federal levels, including discussion with representatives of neighboring states.

RECOMMENDATION

- 03-17. County Fire Department work with the Sheriff's Department to station a rescue helicopter in the High Desert during high profile times.

RESPONSE

On selected previous occasions, such as the Y2K New Year's Weekend, the County Fire Department and the Sheriff's Office have jointly staffed a rescue helicopter. Discussions between the two departments are currently ongoing whereby the Sheriff's Office would provide the helicopter and pilots, and the fire department would provide a firefighter/paramedic and associated rescue equipment. The intent would be to initially make this resource available on selected holiday weekends or other special event periods, and ultimately as a regular rescue service during daylight hours to the northern and eastern desert areas of San Bernardino County. Typically, responses by ground resources can take up to an hour or longer depending on the location of the incident and traffic congestion on the highways.

The constraining factor in implementing such a program is identifying a funding source for both the firefighter/paramedic staffing and the helicopter operations. Both departments are exploring further sources of funding.

Department of Public Works

Regional Parks Division Hyundai Pavilion

Findings – Agree/Disagree

Disagree. First, there is centralized management of Regional parks and its specific operations, such as the Hyundai Pavilion, through the Economic Development/Public Services Group. This Group is headed by an Assistant County Administrator who oversees fiscal and policy matters, with the day-to-day administration of the Pavilion contract administered by the Regional Parks Director.

Second, the projection that the county will be losing \$500,000 a year from this facility seems to have been based on old data. Actually, the facility should at least breakeven through the end of the contract in 2024. This is because, in 2001-02 and 2002-03, the

county paid off \$5 million of the Pavilion's debt as well as refinanced that debt. Also, the annual rent automatically increases from \$900,000 in 2003 to \$1,400,000 by 2012. Revenue from naming rights and other revenue sources will further benefit the county financially. It should be noted that the Pavilion's debt included the cost of a freeway interchange (Series C Bonds), which would not normally be associated with the cost of building and operating an amphitheater.

RECOMMENDATION

- 03-18. The county pay new owners to take over the Pavilion and the associated debt, to minimize the estimated \$11 million loss over the next 21 years.

RESPONSE

The county does not plan to implement this recommendation because the conclusion by the Grand Jury that the Pavilion will lose money over the next 21 years is not accurate.

RECOMMENDATION

- 03-19. The county implement an independent advertising campaign to improve sales at the Hyundai Pavilion.

RESPONSE

This recommendation might be implemented if a radio advertising plan under development by the county includes promotion of programs at the Pavilion. The county entered into a naming rights agreement with Pavilion Partners (through its Clear Channel Radio Groups) and Hyundai, which allocates \$35,000 annually for the next five years to place radio ads on any number of Clear Channel radio stations in Southern California. Staff currently is formulating a plan to use these radio ads and promoting programs at the Pavilion is one possible element to be included in such a plan.

RECOMMENDATION

- 03-20. The county auction the 58 tickets for each performance to help pay the debt service.

RESPONSE

The county does not plan to implement this recommendation because the costs associated with administering such auctions, including promotion and auditing, would minimize any revenue the county might realize from the sale of tickets. Such actions would also put the county in the undesirable role of competing with the private-sector operator and its ticket distributor for ticket sales. Conducting

auctions also places the county in the position of being a ticket broker or “scalper” by selling tickets for amounts higher than their face value. Rarely are the events sold out, and the county’s 58 tickets would not have an impact on the overall sales.

RECOMMENDATION

03-21. The county make use of the Pavilion for events for which it currently pays to rent other venues.

RESPONSE

This recommendation will be implemented as appropriate. Except during inclement weather, the Sheriff’s Department has expressed a willingness to use the Pavilion for its academy graduations. Other opportunities for its use will be explored.

RECOMMENDATION

03-22. The county appoint one county department or employee to oversee the county’s role in the Amphitheater Project, to include: maintaining all records, communications with the operator, distribution of the 58 tickets, and keeping informed about such issues as financing.

RESPONSE

The suggested oversight already exists. The Assistant County Administrator, Economic Development/Public Works Group oversees finance and policy issues while the Regional Parks Division (which reports to the Assistant County Administrator, Economic Development/Public Works Group) oversees the Pavilion’s day-to-day operations.

Registrar of Voters

Findings – Agree/Disagree

Partially Disagree. The Grand Jury states that “...without a voter-verifiable ballot in the (November 7, 2001) election, a recount would have been an impossibility; the true will of the electorate would have been lost”. This is inaccurate. The electronic voting system purchased by the county does have ballot-printing capability for purposes of a recount. These ballots can be printed after the election and could have been used for purposes of a recount following the November 7, 2001 election. However, if electronic voting had been in place during that election, a recount would have been unnecessary as the programming problems associated with the punch cards could not have occurred. Any problems relating to tabulating the votes would have been easily detected by staff long

before election night and by early voters when using the electronic system to cast their vote.

The voter-verifiable receipt discussed by the Grand Jury simply allows the voter to read his/her ballot either before or immediately after the vote is cast. While this receipt can also be used for recount purposes, it is not the only means of providing recount capability.

RECOMMENDATION

- 03-23. The county require the direct recording electronic (DRE) system vendor to upgrade its system to include a voter-verifiable paper record of each vote cast and obtain the relevant required certifications for such an upgrade, as required by the RFP.

RESPONSE

The county cannot implement this recommendation unless the state certifies a voter-verified receipt system for use in California. However, the county has plans to implement this recommendation if and when state rules on this issue are changed.

There is currently no federal or state law or regulation that permits the use of a Voter Verified Receipt (VVR) feature, and such a feature must receive such approval (certification) before it can be deployed. Vendors of direct recording electronic systems, including the county's selected vendor, are attempting to achieve certification of this feature. Until a specific approach to this feature is certified by the state, however, vendors are unable to upgrade their systems as suggested by the Grand Jury.

Pursuant to direction indicated by the Board of Supervisors, the county's selected vendor has agreed to provide VVR feature, when one is certified, at no additional cost. This commitment will be assured by a provision being placed in the purchase contract now being negotiated between the county and vendor.

RECOMMENDATION

- 03-24. The county withhold payment on the electronic voting system until the vendor complies with all the requirements of the request for proposal, specifically the requirement "to provide a printed ballot for voter verification".

RESPONSE

There is no need to implement this recommendation at this time. There is currently no legal authority or standard for a printed ballot for voter verification. However, the vendor has agreed to provide this feature at no additional cost to the county once it is certified by the Secretary of State, and this condition will be enforced through the purchase agreement being developed for Board approval.

The county has a legal responsibility to provide this vendor with reimbursement for the hardware and software components it delivers in accordance with the purchase agreement.

HEALTH AND HUMAN SERVICES COMMITTEE

Department of Aging and Adult Services

Findings – Agree/Disagree

Agree.

RECOMMENDATION

03-24A. Support the Department of Aging and Adult Services in acquiring medical services for desert communities, along with Nevada and Arizona, to alleviate the long drive for these services.

RESPONSE

The county agrees with this recommendation. The county fully supports the efforts of the Department of Aging and Adult Services to acquire medical services for our desert communities.

The Department of Aging and Adult Services was one of the founding members of a tri-state workgroup and an instigator in actively seeking to find potential tri-state solutions for obtaining needed medical and social services for the eastern border communities of San Bernardino County. As a result of a recent department survey of 40 medical providers in the Needles area, the workgroup has received the assistance of the Executive Director of the State Independent Living Council. The State Independent Living Council plans to meet with the State Director of Medi-Cal to advocate for the certification of a medical provider interested in serving the Needles area. The findings from the department's survey of medical providers who are potentially available in the tri-state area have been shared within San Bernardino County government for further work.

The department has also begun discussions with a private home health agency that had expressed preliminary interest in serving communities along the Needles to Blythe corridor. Arrangements have been made to obtain the cooperation of Riverside County as well in providing population and program statistics to the agency to assist its directors in deciding whether to include the region in their service area. Conversations with Arrowhead Regional Medical Center are presently underway to see what assistance may be available contractually for residents in Needles.

RECOMMENDATION

- 03-25. Implement the frozen meals program to insure all eligible seniors are receiving daily nutritional meals, including those in the Needles area of San Bernardino County.

RESPONSE

An assessment of department clients' ability to partake in the frozen meal program is presently underway countywide. Conversion to frozen meals for those eligible and able is at varying stages. Hi Desert Meals on Wheels was the first of the department's contractors to begin converting their program to the delivery of frozen meals. This contractor is scheduled to complete its conversion to frozen meals in the Victor Valley Region, Barstow and Lucerne Valley by September 30, 2003. The two remaining contractors that provide home-delivered meals in the county are scheduled to complete their conversion to frozen meals by the end of 2003-04. Hi Desert Meals on Wheels has contractually agreed to begin providing home-delivered meals to the Needles area beginning within the first half of 2003-04.

RECOMMENDATION

- 03-26. Explore the possibility of utilizing local community college facilities to prepare tapes for advertising the Ombudsman Program, and utilize the contract with Clear Channel Media Corporation in order to advertise the program.

RESPONSE

The county partially agrees with this recommendation. The Department of Aging and Adult Services plans to seek the assistance of college media training programs or other non-profit resources to design and create a video for the purpose of advertising the Long-Term Care Ombudsman Program and recruiting volunteers for the program. The department will aim to complete the video by February 28, 2004. The advertising provision of the Clear Channel contract is geared mainly toward audiences outside of the county for the purpose of inviting people from other counties to take advantage of services and opportunities in San Bernardino County. The county will certainly explore other ways to make county residents aware of the Ombudsman Program.

Department of Behavioral Health

Findings – Agree/Disagree

Agree, however, funds to make the master plan a reality are not available. When the budget situation improves, the feasibility of constructing a new building will be reviewed.

RECOMMENDATION

- 03-27. The Board of Supervisors provide all necessary assistance and funding to bring the Department of Behavioral Health’s Master Plan to final completion by June 2005.

RESPONSE

The issue of the Department of Behavioral Health’s buildings will be addressed in the county’s Capital Improvement Plan. When reviewing the need for buildings, competing priorities and fiscal constraints will be analyzed as part of the decision making process in funding the Department of Behavioral Health’s master plan.

Public Health Department

Findings – Agree/Disagree

Agree. The Grand Jury findings for the Department of Public Health mainly describe the existing programs within the department and some of the techniques used to control diseases. Members of the Grand Jury visited several Public Health Clinics within the county.

Public Health Clinic professional staff have not transported patients at the Needles Clinic to medical appointments. Rather, the 417 hours referenced most likely came from the RN II assigned to the Department of Aging and Adult Services (DAAS) programs who did transport many clients to medical appointments within the City of Needles. Transportation was also provided to medical specialists in Victorville and other sites.

The current use of a county van and driver obtained through grant funds has helped with providing transportation for medical appointments. For Public Health clients, an MOU to include the transport of DAAS clients is being negotiated to cover the costs of the van driver. In addition, the implementation of the Tele-Med Video Link with Arrowhead Regional Medical Center will reduce the number of medical transports to that facility.

RECOMMENDATION

- 03-28. Increase the nurse practitioner time at the Needles Public Health Clinic from biweekly to weekly.

RESPONSE

The recommendation to increase the nurse practitioner time at the Needles Public Health Clinic from biweekly to weekly requires further study to determine if additional nurse practitioner time is actually needed. A new physician who takes Medi-Cal patients has begun his practice in Needles since the visit of the Grand Jury. Staff is in the process of re-evaluating the community need for

primary care services in Needles. This is expected to be completed by September 30, 2003.

RECOMMENDATION

- 03-29. Add the capability for colposcopy examinations at the Public Health Clinic in Needles.

RESPONSE

The county agrees with this recommendation. Colposcopy equipment has been obtained and the staff is trained in its use. The first colposcopy clinic took place on July 22, 2003 and clinics will continue quarterly. The frequency of colposcopy services will be determined by the demand at that location.

RECOMMENDATION

- 03-30. Install splatter screens in those Public Health Clinic areas in which there is unprotected space between patients and the public health workers.

RESPONSE

The county agrees that splatter screens should be installed where they are needed. Two clinic facilities are currently without splatter screens. The Barstow facility is county-owned. This safety measure is being pursued through Facilities Management. Installing the splatter screens at the Hesperia Clinic, a leased facility, is anticipated to be completed by October 31, 2003.

Animal Care and Control Program

Findings – Agree/Disagree

Agree.

RECOMMENDATIONS

- 03-31. Expand the spay/neuter program in the Animal Care and Control Program to meet the increased population.

RESPONSE

Animal Care and Control's (ACC) 2003-04 budget included an additional year of funding to continue the Spay/Neuter Program.

ACC is currently assisting the Yucaipa Animal Placement Society (YAPS) in Yucaipa for the same program. This will expand eligibility to residents of

Yucaipa. YAPS has also discussed the possibility of expanding the program even further into Calimesa.

In addition to the Spay/Neuter vouchers, ACC contracts with the Humane Society of San Bernardino for mobile spay/neuter services. The mobile unit travels to select locations in the unincorporated areas of the county to provide this service. The Humane Society spent approximately forty-five (45) days in these areas from the period of May 2002 through March 2003.

RECOMMENDATION

03-32. Expand city contract services for animal care and control.

RESPONSE

The implementation of this recommendation depends upon the desire of cities to contract for additional services.

Animal Care and Control (ACC) currently contracts with six cities: Big Bear Lake, Grand Terrace, Highland, Rancho Cucamonga, Rialto, and Yucaipa. The remaining cities within the County of San Bernardino either operate their own animal control programs or contract with other agencies for these services.

The county is essentially subsidizing the contract cities, as the current cost of handling contract cities is more than the county receives from the cities. The county is in the process of increasing the cost of the contract with the cities in order to recoup the actual cost.

RECOMMENDATION

03-33. Increase kennel capacity at the county animal shelter to meet growing needs.

RESPONSE

The county agrees with this recommendation. The county has been working for several years to meet this need and those efforts are coming to fruition. Funding was approved in 2002-03 to expand the existing Devore Animal Shelter. A Request for Proposal (RFP) was issued in March 2003 to expand the shelter by forty (40) stainless steel kennels. The Board of Supervisors also approved a project to convert the existing septic system to a hook-up with the local sewer system. The sewer system project and the construction to expand the shelter is expected to be completed in October 2003.

Bio-Terrorism

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-34. Make the county population aware of the Public Health Department's relentless preparation against Bio-Terrorist activity.

RESPONSE

The county agrees with this recommendation. The Public Health Department is continuing to develop methods to distribute bioterrorism-preparedness information to the public.

Within the department the Health Education Program Manager and staff, the Health Officer, and the Chief Public Health Medical Officer communicate regularly regarding information distribution. As significant developments occur they are announced to the public either through media interviews, at Board of Supervisors meetings, or through other arenas where these individuals interact with the public.

Needles Special Project Health and Human Services

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-35. Form a liaison between county officials and health care professionals to address the Medi-Cal problems in the City of Needles.

RESPONSE

The county believes the approach it is taking on this issue is the best approach; therefore, the county does not plan to implement the Grand Jury's recommendation.

The departments of Aging and Adult Services and Behavioral Health recently completed a survey of 40 professional medical providers located in the Needles area. The information gathered through the survey was shared with county administration and a member of the governor's cabinet. In 2003-04 activities begun by a tri-state workgroup will continue to bring the Medi-Cal problems to the attention of state officials.

We agree that there is a need to address the Medi-Cal problems identified with professional medical services in the City of Needles, but do not agree that forming a liaison between county officials and health care professionals will address an issue that is the state's jurisdiction and function. Medi-Cal is a federal and state funded program administered by the state. Certification of professional medical service providers, provider rates and payment timelines are under the authority of the State of California and are outside the jurisdiction of the county.

RECOMMENDATION

- 03-36. Provide the services of a nurse practitioner in Needles every week.

RESPONSE

The recommendation to increase the nurse practitioner time at the Needles Public Health Clinic from biweekly to weekly requires further study to determine if additional nurse practitioner time is actually needed. A new physician who takes Medi-Cal patients has begun his practice in Needles since the visit of the Grand Jury. County staff is in the process of re-evaluating the community need for primary care services in Needles. This is expected to be completed by September 30, 2003.

RECOMMENDATION

- 03-37. Provide colposcopy equipment at the Needles Public Health Clinic so that patients could be diagnosed and treated without long distance travel and a prolonged wait for results.

RESPONSE

The county agrees with this recommendation. Colposcopy equipment has been obtained and the staff is trained in its use. The first colposcopy clinic took place on July 22, 2003 and clinics will continue quarterly. The frequency of colposcopy services will be determined by the demand at that location.

RECOMMENDATION

- 03-38. Extend social services, community services and Department of Aging and Adult Services to provide hospice, home health and home-based food programs in Needles.

RESPONSE

Services are being provided in the Needles area by the Departments of Public Health, Behavioral Health, and Aging and Adult Services.

The county's Health and Human Services Special Projects Unit has initiated a review of healthcare delivery throughout the county to determine the feasibility of consolidated community clinics in providing health services, including behavioral health services. While originally designed to include Public Health, Behavioral Health, and the county's Arrowhead Regional Medical Center, the scope can easily be expanded to address the needs of aging and adult services specific to Needles and other areas.

Aging and Adult Services provides the following in Needles:

- Adult Protective Services and Senior Information and Assistance provided by a social services practitioner working in the department's Needles Office.
- In-Home Supportive Services provided through its Barstow and Big River Offices.
- Family Caregiver Services are available through the department's contract with Inland Caregiver Resource Center.

A Home Delivered Meals program is scheduled to commence in Needles in the first quarter of 2003-04 and will be provided through the department's High Desert Meals on Wheels contract. The department is working cooperatively with Public Health to provide transportation services to medically needy adults. Exploration for finding a home health agency interested in providing service in the Needles area is underway. Hospice services are outside the regulated scope of Aging and Adult Services programs and the department is unaware of any agency interested in providing hospice services in the Needles area at this time.

RECOMMENDATION

03-39. Connect the video link equipment for the Public Health Department in Needles.

RESPONSE

The county agrees with this recommendation. Video equipment was installed at Needles by a project funded through Arrowhead Regional Medical Center. The delay in start up was due to a geographic gap in microwave transmission. The transmission gap has now been filled as evidenced by the Department of Behavioral Health's success in tele-med client care.

Veterans' Affairs Department

Findings – Agree/Disagree

Partially agree. With respect to publicizing services, advertising is limited by current budget constraints. Further, Veterans Affairs does use volunteers and VA work-study students to assist with a variety of tasks.

For clarification, “presumptive claims” are not a new category of veterans’ claims. Herbicide presumptive claims are only one of many instances that the federal VA presumes certain disabilities are related to an individual’s military service.

The federal VA currently has a backlog of approximately 126,000 appeals awaiting adjudicative disposition, therefore, disagrees with the Grand Jury’s findings of a backlog of 300,000 veterans’ claims being challenged by the government.

RECOMMENDATION

- 03-40. Utilize marketing strategies to create greater visibility of benefits available to veterans. Actively work with groups such as the Disabled American Veterans, American Legion and the Veterans of Foreign Wars to disseminate information.

RESPONSE

The county agrees with this recommendation. Veterans Affairs uses public service announcements, press releases, public transportation and cinema advertising to inform the veteran community of services provided by the department and of recent changes in federal benefits. However, state budget cuts have forced staff to consider reducing advertising expenses. The Board of Supervisors has not made the final decision on this yet.

For many years the department has worked closely with all of the major veterans’ organizations on the national, state and local levels. Unfortunately, only 20-25% of all veterans are members of one or more veterans’ organizations and a much smaller number are considered “active” members by the organizations. The greater challenge is in reaching those veterans not affiliated with a service organization.

In the last three years the department has asked service organization members to participate in veterans’ needs and opinions surveys. The department also conducts regular mailings to service organization posts in an attempt to inform their membership of recent changes in federal or state veterans’ benefits and services. Both the department director and staff speak at service organization meetings throughout the year.

RECOMMENDATION

- 03-41. Utilize the San Bernardino County Human Resources Department to acquire volunteers to assist in office tasks and public contact positions that would relieve paid staff to focus on core demands of this agency.

RESPONSE

Human Resources does not recruit volunteers for individual county departments. Veterans Affairs normally relies on Veterans Work-Study students to assist with general office and public contact activities. Work-Study students are using their VA educational assistance benefits and are paid minimum wage by the federal government to work in jobs serving veterans.

INTERNAL SERVICES COMMITTEE

Fleet Management Department

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-42. Take immediate corrective actions on all discrepancies noted by the August 6, 2002 safety inspection by the County Fire Department’s Hazardous Materials Division.

RESPONSE

The county has accomplished this. On August 6, 2002, a safety inspection at the Fleet Management facility at 210 North Lena Road was conducted by County Fire’s Hazardous Materials Division, Wayne Williams; Risk Management Safety Officer, Leanna Williams; Transportation/Flood Control Superintendent, Rick Ferguson; and Fleet Management Weld Shop Supervisor, Jamie Harkey. Ninety discrepancies were noted. Most were minor infractions. Some of the infractions simply involved a better way of completing a task; a few others required immediate corrective action.

Most infractions were corrected within ten days. All remaining infractions have been resolved and documented.

RECOMMENDATION

- 03-43. Assign one person in each area the task of “Safety Monitor” to perform documented weekly inspections and follow-up to correct any discrepancies noted.

RESPONSE

The county agrees with this recommendation. The work area supervisor is the safety monitor. Inspections are performed weekly and annually (with Risk Management Safety Specialist, Leanna Williams).

A new policy implemented July 2, 2003 enhances compliance and follow-up to safety inspections. Infractions are identified with a numbered "Out of Service" tag. A description of the infraction is noted on the numbered inspection sheet with a digital picture of the infraction. The safety infraction must be resolved within 10 days or referred to higher-level management for increased emphasis. Once the infraction has been resolved, the Superintendent responsible for the shop will remove the tag. A digital picture of the resolved infraction is placed in the safety inspection logbook, along with the date and signature of the approving superintendent. Copies are then forwarded to the Safety Specialist for completion of the entire process.

RECOMMENDATION

- 03-44. Allocate funds necessary to modify existing work bay with equipment to perform all maintenance on compressed natural gas (CNG) vehicles, in lieu of building a new work bay.

RESPONSE

The county agrees with this recommendation. Compressed natural gas (CNG) monitoring equipment was purchased in May 2003. The department is in compliance with all requirements related to working on CNG vehicles in the existing work bays.

RECOMMENDATION

- 03-45. Analyze feedback from using customers to determine a real need for the use of the electric carts that are on loan for a test.

RESPONSE

The county agrees with this recommendation. On October 1, 2002, the Board approved an agreement with Pathway Research for loan of 84 Neighbor Electric Vehicles for use by various county departments. As part of the agreement, participating departments were required to complete three surveys assessing the product's features, utility, practicality, and value.

Based on survey data collected, Fleet Management has discovered that only 60% of users operate the vehicles more than once per day. The primary use by most departments is for the movement of personnel within a confined area. All

surveyed departments expressed the need for additional passenger/cargo area, utility beds, and onboard chargers. These requirements are not available on this vehicle.

The Pathways, while very handy vehicles, are not practical for the needs of county departments. Fleet Management is working on alternative solutions for departments interested in continuing to utilize this type of vehicle.

RECOMMENDATION

- 03-46. Recommend purchase of electric carts only for county organizations that have the most need and economical use (e.g. Regional Parks, County Airports, and the Sheriff's Aviation Division).

RESPONSE

On October 1, 2002, the Board approved an agreement with Pathway Research for loan of 84 Neighbor Electric Vehicles for use by various county departments. As part of the agreement participating departments will have the opportunity to purchase vehicles at a cost of \$5,200 each when the loan agreement ends in September 2003.

The vehicles are handy but lack features that would make them a true workhorse. Surveys completed by departments indicated that the contract price was too high in relation to the vehicle's utility. Fleet Management has made an offer to purchase the vehicles at a much lower price. The vendor did not accept that offer. Therefore, all 84 vehicles are being returned to Fleet Management in September 2003 for inspection and preparation for dealer pickup.

The pathways, while very handy vehicles, are not practical for the ongoing needs of county departments at the requested purchase price. Fleet Management is working on alternative solutions to meet the needs of department's interested in utilizing these types of vehicles.

RECOMMENDATION

- 03-47. Complete implementation of the 2002 Black & Veatch Rate Study in the manner recommended to the Board of Supervisors by the Fleet Management Director.

RESPONSE

The county agrees with this recommendation. The Board of Supervisors has adopted the Fleet Management Department's rates for 2002-03 and 2003-04 based on the Black and Veatch model. Also, as outlined in the Black and Veatch recommendation, a new cost accounting system has been implemented.

The cost accounting system provides more accurate data for use in the annual development of the department's rate structure.

Purchasing

Findings – Agree/Disagree

Disagree with the findings in the following areas:

Printing Services

Because paper products are delivered to Printing Services using a Just-In-Time Program, pallets arrive daily; as a result very little storage area is required. Pallets are routed to a central area and only block aisles as they are delivered.

Risk Management has tested the air quality in Printing Services and found the air quality complies with OSHA standards.

Mail Services

Mail Services becomes overcrowded only during the processing of large mailings. Staff doesn't contribute to the overcrowding.

Surplus

County Policy 11-09 and Standard Practice 11-09SP require that items declared surplus be offered first to other county departments and then to non-profit organizations. To achieve the full potential of the non-profit organization donation program per 11-09 and 11-09SP, it is most efficient to conduct donations two to three times annually, contributing to slower turnover of surplus. Remaining items are then sold at public auctions, which are held two to three times annually. Any items remaining after public auction discarded.

The process for receipt of items from departments through the distribution to departments, non-profit organizations, or disposal at public auction, is well documented including a sophisticated bar coding system, distribution tracking, and final reporting.

RECOMMENDATION

03-48. Provide additional space at Printing Services for all carts and pallets of paper ready for press production.

RESPONSE

The county is determining whether additional space is needed. The County Administrative Office (CAO), Capital Improvement Projects, has received a space planning study of space needs for the General Services Group (GSG)

Building located at 777 E. Rialto Avenue. All departments in the GSG Building were surveyed for current and future space needs. Printing Services was included and the report indicated at current staff levels more space was needed. Various options were suggested to accommodate Printing Services. Once the impacts from the reduction in the state budget are absorbed and Printing Services determines the impact on service demand and staffing levels, Printing Services will determine if additional space is still needed. If additional space is needed, Printing Services will pursue acquiring additional space with the CAO.

RECOMMENDATION

- 03-49. Risk Management conduct an environmental check (clean air system) in the press areas.

RESPONSE

The county agrees with this recommendation. Risk Management has conducted a noise and chemical environmental check in the press areas during the past two fiscal years; the last check occurring in February 2002. No negative results were found. Printing Services will request another annual check in 2003-04.

RECOMMENDATION

- 03-50. Allot additional space to mail services for the processing of bulk mail.

RESPONSE

The county is determining whether additional space is needed. The County Administrative Office (CAO), Capital Improvement Projects, has received a space planning study of space needs for the General Services Group (GSG) Building located at 777 E. Rialto Avenue. All departments in the GSG Building were surveyed for current and future space needs. Mail Services has included \$200,000 in the 2003-04 budget for portable modular trailers and/or remodeling, if approved by the CAO. Once the impacts from the reduction in the state budget are absorbed and Mail Services determines the impact on service demand and staffing levels, Mail Services will determine if additional space is still needed. If additional space is needed, Mail Services will pursue acquiring additional space with the CAO.

RECOMMENDATION

- 03-51. Relocate mail services into the Registrar of Voters area to provide the space needed by Printing and Mail Services and to provide efficiency.

RESPONSE

The county is determining whether additional space is needed. The County Administrative Office (CAO), Capital Improvement Projects, has received a

space planning study of space needs for the General Services Group (GSG) Building located at 777 E. Rialto Avenue. All departments in the GSG Building were surveyed for current and future space needs. After storage space needs are determined for the new voting systems approved by the Board of Supervisors on July 29, 2003, and the impacts from the reduction in the state budget are absorbed and Mail Services determines the impact on service demand and staffing levels, Mail Services will determine if additional space is still needed. If additional space is needed, Mail Services will pursue acquiring additional space with the CAO.

RECOMMENDATION

- 03-52. Prepare a written protocol to dispose of all surplus equipment, separating useable and non-useable surplus furniture and office equipment.

RESPONSE

The county agrees with this recommendation. County Policy 11-09 and Standard Practice 11-09SP provide direction on the transfer, disposal, or reissue of county surplus property. Although there is an informal standard operating procedure on separation of useable/non-useable surplus, the department will develop a written protocol.

LAW AND JUSTICE COMMITTEE

Pre-Trial Detention Review Unit

Findings – Agree/Disagree

Partially Agree. Although the county believes in the sharing of information between departments, and is willing to do so, it must be noted that the employment information obtained by the Detention Review Officer is little more than that obtained by the court at the time of appointment of the Public Defender and, therefore, may not significantly increase determination of an individual as indigent.

The county somewhat agrees with the statement that releasing arrestees saves the county money. Although the release of an arrestee represents lower costs in Sheriff's housing and transportation as well as continued support to dependents, the average income of defendants in the county may continue to make them eligible for Public Defender services even if their employment continued. The county does agree that continued employment could represent the ability to repay the county for some or all of the cost of Public Defender services.

The county disagrees with the finding regarding the Los Angeles County Pretrial Services Division performing the same functions as the county's Pre-Trial Detention Review Unit (PTDRU). The county's PTDRU does not perform the additional tasks outlined in the

Grand Jury Report. These tasks are performed by other divisions within the department. The county agrees with the finding that the PTDRU provides a valuable function; however, the county cannot agree that the unit saves the county money until a study is performed.

RECOMMENDATION

- 03-53. Expand the duties of the Pre-Trial Detention Review Unit to include providing pre-trial plea reports to the court.

RESPONSE

State law prohibits the county from implementing this recommendation. The Detention Review Officers employed in this unit do not have the necessary training or peace officer status to prepare the reports suggested. In addition, there is no statutory allowance for the completion of the reports by Detention Review Officers. County Probation Officers, upon request from the court, provide pre-trial plea reports as specified in the California Penal Code.

RECOMMENDATION

- 03-54. The Pre-Trial Detention Review Unit share information with the Public Defender concerning the financial situation of potential Public Defender clients.

RESPONSE

The county does not plan to implement this recommendation. Although the county believes in the sharing of information between departments and is willing to do so, the information gathered by the Detention Review Officer is little more than that obtained by the court at the time of appointment of the Public Defender. Therefore, the county believes the limited information gathered would not significantly increase determination of an individual as indigent.

RECOMMENDATION

- 03-55. Fill temporarily vacant Detention Review Officer positions in the Pre-Trial Detention Review Unit.

RESPONSE

The county does not plan to implement this recommendation. One Detention Review Officer position is temporarily vacant as the officer is on military leave. Although the county agrees that filling this position may provide a temporary solution for the department, the county does not believe the recommendation presents a long-term solution for the following reasons.

- Filling the position entails paying two individuals. The officer on leave and the officer's replacement. This presents an economic hardship for the county.
- The officer on leave has a right to return to the position. Therefore the returning officer would "bump" the newly hired individual from the job.

RECOMMENDATION

03-56. Review the possibility of expanding the Pre-Trial Detention Review Unit.

RESPONSE

The county realizes the valuable function the Pre-Trial Detention Review Unit performs and will take the recommendation of expanding the unit under consideration.

Law Offices of the Public Defender

Findings – Agree/Disagree

Agree.

RECOMMENDATION

03-65. The Pre-Trial Detention Review Unit of the Probation Department share information with the Public Defender concerning the financial situation of potential public defender clients.

RESPONSE

The county does not plan to implement this recommendation. Although the county believes in the sharing of information between departments and is willing to do so, the information gathered by the Detention Review Officer is little more than that obtained by the court at the time of appointment of the Public Defender. Therefore, the county believes the limited information gathered would not significantly increase determination of an individual as indigent.

RECOMMENDATION

03-66. The Public Defender decline to represent clients who can afford to retain their own attorney.

RESPONSE

The county agrees with this recommendation. This recommendation reflects a long-established practice in this department. The Public Defender currently

declines to represent clients who can afford to retain their own attorney once a determination is made that the client has the means to afford counsel. The Public Defender will continue to follow this practice.

RECOMMENDATION

03-67. Expand or relocate overcrowded Public Defender offices.

RESPONSE

The department is working with Real Estate Services to locate additional, affordable space for its offices.

RECOMMENDATION

03-68. Make use of the vacant former Law Library space at the Foothill Communities Law and Justice Center (Rancho Cucamonga Courthouse).

RESPONSE

The county does not plan to implement this proposal, but an alternate solution may be reached. The county conducted a study to determine the most efficient use of the vacant space in the former Law Library and found that the Superior Court Family Law Division could benefit most from use of this space, and will relocate when funding is secured. When the Family Law Division vacates its current space in the basement of the facility, the Public Defender will obtain some of the vacated space for storage.

RECOMMENDATION

03-69. Improve security between the public and employees' areas at the Juvenile Division's Central Office.

RESPONSE

The county agrees with and is implementing this recommendation. A requisition has been sent to Facilities Management and necessary security improvements will be completed by October 2003.

RECOMMENDATION

03-70. The county assume control of the administration of the Indigent Defense Fund

RESPONSE

This recommendation might have merit but would require further analysis. Currently the County Administrative Office monitors the Indigent Defense budget and reviews expenditures.

RECOMMENDATION

- 03-71. Refrain from reductions in the Public Defender's budget when such budget reductions increase county expenses elsewhere.

RESPONSE

The county agrees with this recommendation. It is standard practice for the county to fully examine the potential effects of all budget decisions before they are made and to monitor impacts as they occur for consideration in future budget decisions.

Alternate Public Defender Office

Findings – Agree/Disagree

The county agrees with some of the findings regarding the Alternative Public Defender Office. The county cannot agree with the finding that the Conflicts Panel is far more expensive than the Public Defender on a cost-per-case basis as there is not current data to support this finding. Additionally, the county has no first-hand knowledge to use to support or dispute the findings regarding other California counties.

RECOMMENDATION

- 03-72. County of San Bernardino create an alternate Public Defender Office to handle the legal defense of indigent defendants in cases where the Public Defender has declared a conflict of interest and been removed as legal counsel.

RESPONSE

This recommendation might have merit but will require further analysis before implementation could be considered.

**Sheriff
Including Needles Offices of the
Sheriff and Public Defender**

Findings – Agree/Disagree

The Public Defender and the Law & Justice Group agree with the findings.

RECOMMENDATION

- 03-73. Move the Public Defender's operation in Needles into a portion of the 4,275 square feet of unused space.

RESPONSE

The county plans to examine how best to provide Public Defender services in the Needles area.

RECOMMENDATION

- 03-76. Use of the grant money requested from the South Coast Air Quality Management District to install a video conference system in the Needles Branch of the Public Defender's Office.

RESPONSE

The county agrees with this recommendation. The county began working on this project before the Grand Jury issued its final report. In April 2003 the County of San Bernardino Law and Justice Group submitted a proposal to the South Coast Air Quality Management District for the implementation of a video conferencing system between the West Valley Detention Center (WVDC), and the branch offices of the Public Defender, Probation Department and Superior Court. The Needles branch of the Public Defender's Office was included in the proposal.

Implementation of the video conferencing system is proposed to reduce the number of trips and the time spent on travel time to and from these facilities, which can take as long as three to four hours in one direction. The proposal includes the purchase and construction of 12 hardened Polycom Judicial Collaboration System units to be located within each inmate pod area of the jail. The video conferencing equipment also requires cameras, television viewing units and cabinets to be located at the independent offices of the Public Defender, Probation Department and courthouses. Where possible, existing equipment and resources would be used to reduce the overall costs associated with this project.

The goal of the project is to improve operational efficiencies by reducing the number of trips associated with meetings, interviews, and field-related work.

The proposal seeks funding in the amount of \$301,284.

The South Coast Air Quality Management District Board is scheduled to review the county's proposal at its November 2003 board meeting.

**Inspection of Public Prisons
By County Grand Jury**

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-77. The Board of Supervisor seek legislative changes to Penal Code Section 919(b) to give county grand juries jurisdiction to make recommendations regarding state prisons within their county, and require the State Department of Corrections to respond to those recommendations.

RESPONSE

The county does not plan to implement this recommendation. The Grand Jury is the investigative arm of the Superior Court and, as such, would best be served to approach this legislative modification through the court and likely through the Administration of Courts, particularly due to its statewide nature.

In addition, a legislative effort for this change would not only be viewed as an extension of jurisdiction but also likely be seen as duplicative of existing state agency oversight. Currently, this oversight and investigative authority rests with the State Attorney General's office, the Bureau of State Audits and the Legislature.

**AD HOC COMMITTEE ON
DISASTER PREPAREDNESS**

Office of Emergency Services

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-78. Establish a central command/manager to ensure that all agencies involved in a disaster/emergency receive direction from one source.

RESPONSE

The recommendation is basically already in practice to the county's satisfaction.

Typically, at the Emergency Operations Center (EOC) level, a single EOC Director will be utilized with a Deputy Director position assigned if needed. For example, if the incident/emergency in the field were a fire with extensive

community evacuations, then a Chief Officer from the Fire Department would typically serve as EOC Director (to interface with the Fire Field Command) with the Sheriff being the EOC Deputy Director (to coordinate with the Law Field Operations in charge of evacuations). These assignments may be reversed depending on the emergency. For example, in a terrorism incident, Law Enforcement (Sheriff) may be the EOC Director and Fire may be the EOC Deputy Director.

However, a Single Incident Commander at the Field Level is not always in the best interest of the incident for a large-scale emergency. For example, in a large urban interface fire, decisions may need to be made involving an equal share of command, financial commitment, etc. The Incident Command System (ICS) uses the concept of Unified Command. Establishing Unified Command is a valuable tool to help ensure a coordinated multi-agency response and ensures each agency with jurisdiction responsibility participates at the policy level. The State of California, Standard Emergency Management System (SEMS) has also adopted this system. In fact, an entire training module is devoted to Incident Command and the use of Unified Command in the SEMS, Field Response Level Course of Instruction.

Additional advantages of using Unified Command include: one set of objectives is developed for the entire emergency; a collective approach is made to developing strategies to achieve incident goals; information flow and coordination is improved between all jurisdictions and agencies; all agencies with responsibility for the incident have an understanding of each other's priorities and restrictions; no agency's authority or legal requirements will be compromised or neglected; each agency is fully aware of the plans, actions and constraints of all others; the combined efforts of all agencies are optimized as they perform their respective assignments under a single Incident Action Plan, and duplicative efforts are reduced or eliminated, thus reducing cost and chances for frustration and conflict.

The Unified Command in the EOC can be the same as the Unified Command System utilized at the Field Level. As in the Field, the coordination at the EOC level might need to occur with the decision making and responsibility shared by several agencies.

NEEDLES SPECIAL PROJECT

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-15. The County Economic Development Department and the First District County Supervisor follow up on the five-year strategic plan that has been put in motion, and determine what progress is being made.

RESPONSE

The county agrees with this recommendation. The county has maintained regular contact and continuing discussions with City of Needles officials regarding the adoption of the five-year strategic plan by the City Council. As of July 18, 2003, the city had not officially adopted the five-year plan.

The county's Economic Development/Public Services Group (ED/PSG) is working with First District staff to coordinate a "summit" to include City of Needles staff and elected officials, the First District Supervisor, state legislators, and possibly federal elected and non-elected officials. The purpose of the summit would be to familiarize participants with the city's goals and to identify specific areas where the county, state, and federal government can provide assistance.

The county will continue to provide economic development and workforce development support to the City of Needles.

Findings – Agree/Disagree

Agree.

RECOMMENDATION

- 03-35. Form a liaison between county officials and health care professionals to address the Medi-Cal problems in the City of Needles.

RESPONSE

The county believes the approach it is taking on this issue is the best approach; therefore, the county does not plan to implement the Grand Jury's recommendation.

The departments of Aging and Adult Services and Behavioral Health recently completed a survey of 40 professional medical providers located in the Needles area. The information gathered through the survey was shared with county administration and a member of the governor's cabinet. In 2003-04 activities begun by a tri-state workgroup will continue to bring the Medi-Cal problems to the attention of state officials.

We agree that there is a need to address the Medi-Cal problems identified with professional medical services in the City of Needles, but do not agree that

forming a liaison between county officials and health care professionals will address an issue that is the state's jurisdiction and function. Medi-Cal is a federal and state funded program administered by the state. Certification of professional medical service providers, provider rates and payment timelines are under the authority of the State of California and are outside the jurisdiction of the county.

RECOMMENDATION

- 03-36. Provide the services of a nurse practitioner in Needles every week.

RESPONSE

The recommendation to increase the nurse practitioner time at the Needles Public Health Clinic from biweekly to weekly requires further study to determine if additional nurse practitioner time is actually needed. A new physician who takes Medi-Cal patients has begun his practice in Needles since the visit of the Grand Jury. County staff is in the process of re-evaluating the community need for primary care services in Needles. This is expected to be completed by September 30, 2003.

RECOMMENDATION

- 03-37. Provide colposcopy equipment at the Needles Public Health Clinic so that patients could be diagnosed and treated without long distance travel and a prolonged wait for results.

RESPONSE

The county agrees with this recommendation. Colposcopy equipment has been obtained and the staff is trained in its use. The first colposcopy clinic took place on July 22, 2003 and clinics will continue quarterly. The frequency of colposcopy services will be determined by the demand at that location.

RECOMMENDATION

- 03-38. Extend social services, community services and Department of Aging and Adult Services to provide hospice, home health and home-based food programs in Needles.

RESPONSE

Services are being provided in the Needles area by the Departments of Public Health, Behavioral Health, and Aging and Adult Services.

The county's Health and Human Services Special Projects Unit has initiated a review of healthcare delivery throughout the county to determine the feasibility of consolidated community clinics in providing health services, including behavioral health services. While originally designed to include Public Health, Behavioral Health, and the county's Arrowhead Regional Medical Center, the scope can easily be expanded to address the needs of aging and adult services specific to Needles and other areas.

Aging and Adult Services provides the following in Needles:

- Adult Protective Services and Senior Information and Assistance provided by a social services practitioner working in the department's Needles Office.
- In-Home Supportive Services provided through its Barstow and Big River Offices.
- Family Caregiver Services are available through the department's contract with Inland Caregiver Resource Center.

A Home Delivered Meals program is scheduled to commence in Needles in the first quarter of 2003-04 and will be provided through the department's High Desert Meals on Wheels contract. The department is working cooperatively with Public Health to provide transportation services to medically needy adults.

Exploration for finding a home health agency interested in providing service in the Needles area is underway. Hospice services are outside the regulated scope of Aging and Adult Services programs and the department is unaware of any agency interested in providing hospice services in the Needles area at this time.

RECOMMENDATION

03-39. Connect the video link equipment for the Public Health Department in Needles.

RESPONSE

Video equipment was installed at Needles by a project funded through Arrowhead Regional Medical Center. The delay in start up was due to a geographic gap in microwave transmission. The transmission gap has now been filled as evidenced by the Department of Behavioral Health's success in tele-med client care.

Findings – Agree/Disagree

The Public Defender and the Law

RECOMMENDATION

- 03-73. Move the Public Defender's operation in Needles into a portion of the 4,275 square feet of unused space.

RESPONSE

The county plans to examine how best to provide Public Defender services in the Needles area.

RECOMMENDATION

- 03-74. Use of the grant money requested from the South Coast Air Quality Management District to install a video conference system in the Needles Branch of the Public Defender's Office.

RESPONSE

The county began working on this project before the Grand Jury issued its final report. In April 2003 the County of San Bernardino Law and Justice Group submitted a proposal to the South Coast Air Quality Management District for the implementation of a video conferencing system between the West Valley Detention Center (WVDC), and the branch offices of the Public Defender, Probation Department and Superior Court. The Needles branch of the Public Defender's Office was included in the proposal.

Implementation of the video conferencing system is proposed to reduce the number of trips and the time spent on travel time to and from these facilities, which can take as long as three to four hours in one direction. The proposal includes the purchase and construction of 12 hardened Polycom Judicial Collaboration System units to be located within each inmate pod area of the jail. The video conferencing equipment also requires cameras, television viewing units and cabinets to be located at the independent offices of the Public Defender, Probation Department and courthouses. Where possible, existing equipment and resources would be used to reduce the overall costs associated with this project.

The goal of the project is to improve operational efficiencies by reducing the number of trips associated with meetings, interviews, and field-related work.

The proposal seeks funding in the amount of \$301,284.

The South Coast Air Quality Management District Board is scheduled to review the county's proposal at its November 2003 board meeting.