

Before the Board of Supervisors

County of San Joaquin, State of California

B-10-852

MOTION: **Bestolarides/Vogel/4**

Approval of Responses to 2009-10 Grand Jury Final Report

This Board of Supervisors does hereby:

1. Approve the responses to the 2009-10 Grand Jury Final Report.
2. Authorize and direct the Chairman to sign and submit the responses to the Presiding Judge of the Superior Court.

I HEREBY CERTIFY that the above order was passed and adopted on August 31, 2010 by the following vote of the Board of Supervisors, to wit:

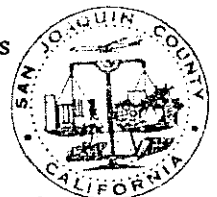
AYES: **Bestolarides, Vogel, Ruhstaller, Villapudua**

NOES: **None**

ABSENT: **Ornellas**

ABSTAIN: **None**

LOIS M. SAHYOUN
Clerk of the Board of Supervisors
County of San Joaquin
State of California



A handwritten signature in cursive script, reading "Lois M. Sahyoun", is written over the printed name and title.

(COB 12/87)



LOIS M. SAHYOUN
Clerk of the Board

August 31, 2010

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Responses to 2009-10 Grand Jury Final Report

a. San Joaquin County Human Services Agency, Mary Graham Children's Shelter – Case 0109 – Mary Graham Children's Shelter

Finding F1:

The management team at the Shelter recognizes that there is a constant challenge in clear and constant communications with the staff of a 24 hour facility, but have implemented means to correct the dilemma. Communications are achieved daily through e-mail, weekly team meetings, the establishment of daily/strategy meetings prior to the start of each shift and Nextel 2 way radio phones.

Response to F1:

Agree

MGCS management team will continue to explore avenues to increase the flow of communication with all staff employed at the shelter.

Finding F2:

Morale is low among staff members and appears to be exceptionally low on the PM shift and the grave yard shift. Staff on grave yard shifts has additional duties of housekeeping due to budget cuts and reduction in personnel. Shelter management has tried many approaches to raise morale including special staff lunches, dinners and other recognition. The Leadership Committee consisting of Shelter Supervisors was established to help raise the overall morale of the staff. However, staff appears content and the Shelter has many long term employees.

Response to F2:

Agree in part

MGCS Administration recognizes that the morale at the Shelter is not as high as we would like it to be. As we also recognize that work in a 24 hour facility is extremely stressful and difficult, the staff appreciation committee continues to work hard at improving staff morale and team building. This is done through personal notes of appreciation, special meals and bake sales where staff can show off their creativity. In these tight fiscal times, it is anticipated that morale may dip due to the uncertain economic environment. That being said, MGCS administration and leadership team will continue to do all it can to develop positive opportunities where staff will be recognized for the very important role they play in the lives of the abused and neglected children of this County.

Finding F3:

The Director and Assistant Director are available to staff on a 24 /7 basis and in their absence, by phone. Although the Director and Assistant Director are not present on every shift, their hours and shifts do rotate in an attempt to cover as many shifts and work with as many staff as possible.

Response to F3:

Agree

The Director and Assistant Director will continue to make themselves available to the staff in the manner in which they are currently operating. The availability on multiple shifts has strengthened the relationship building that MGCS Administration hoped to achieve.

Finding F4:

The Director of HSA is aware of the communication deficiencies and morale at the Shelter, but relies on the Director and Assistant Director to correct matters related to their control.

Response to F4:

Agree

The HSA Director restructured the organizational responsibilities that have the Deputy Director of Children Services providing oversight of the MGCS Administration. Since this new system has been put in place the Deputy Director has been highly visible and works very closely with the MGCS Director and Assistant Director on improving communication and morale at the Shelter.

Finding F5:

The Shelter Manual and Employee Handbook were revised in September of 2008 and are living documents which receive constant updates and changes.

Response to F5:

Agree

The Shelter Manual and Employee Handbook are living documents and are currently in the process of another revision. The purpose of the current revision is to clarify operational aspects of the shelter as well as updating county, state and federal law changes and regulations.

Findings F6:

The complaint of increasing full time staff during low census in the Shelter was unfounded. San Joaquin County has imposed a hiring freeze for the past two years. When the number of children residing in the Shelter is down, part time employee's hours are cut to reduce salary costs.

Response to F6:

Agree

Prior to the imposed hiring freeze, MGCS Administration had stopped hiring full time staff and will continue to be fiscally responsible in the management of Shelter operations.

Recommendation R1:

The Director and Assistant Director as well as the HSA Director develop a budget and a plan for awards and recognition of the staff to help build morale and leadership.

Response to R1:

The recommendation will not be implemented. MGCS will continue to focus on increasing staff morale through the staff appreciation committee and by identifying other avenues of support to help increase staff morale. MGCS funding is provided by the County, State, and federal governments and cannot be utilized for this purpose.

Recommendation R2:

The Director, Assistant Director, and the HSA Director continue to search for outside County support to assist in the funding of the Shelter to preserve quality staffing levels. The independent MGCF could be instrumental in this effort to build public awareness and support.

Response to R2:

The recommendation will be implemented. Staffing levels will continue to meet or exceed State licensing requirements. MGCS staff to child ratio is always at or above the State licensing requirements. MGCS will continue to explore any additional supportive services that would help us increase our services to the children of San Joaquin County, which includes the ongoing support from the MGCS private foundation.

b. San Joaquin County Registrar of Voters – Case 0309 – Vote by mail

Finding F1:

California law does not permit all counties discretion to conduct elections exclusively by mail. If the Legislature gave the County authority for VBM, then San Joaquin County could save an estimated \$500,000 for each general election and lesser amounts for special elections. In these stringent economic times, VBM provides an opportunity to reduce cost.

Response to F1:

Respondent agrees.

Finding F2:

California law requires that each county provide appropriate voting processes for special needs voters. The County has discretionary authority to implement alternative voting methods for special needs voters. Alternative voting methods that comply with the law could save an additional \$500,000 for each general election and lesser amounts for special elections.

Response to F1:

Respondent agrees in part. Respondent agrees that California law requires that each county provide appropriate voting processes for special-needs voters. However, enabling legislation would be required to allow the County to implement alternative voting methods for special-needs voters.

Recommendation R1:

The San Joaquin County Board of Supervisors pursue enabling legislation that will allow the County the option of conducting future elections exclusively by mail.

Response to R1:

The recommendation will be reviewed. The Registrar of Voters Office agrees with the recommendation to pursue legislation that will allow San Joaquin County the option of conducting

future elections exclusively by mail. The Registrar of Voters will analyze alternative voting by mail methods and enabling legislation. If a viable plan for voting by mail is developed, the Registrar of Voter will provide a recommendation for the Board of Supervisors' consideration.

Recommendation R2:

The San Joaquin County Board of Supervisors reduce the number of precincts with voting machines provided for special needs voters throughout the county. Five sites could provide adequate access. Public transportation is available to special needs voters.

Response to R2:

The recommendation will be reviewed. The Registrar of Voters will explore options to reduce the number of precincts with voting machines provided for special needs voters throughout the County. If a viable option is determined, the Registrar of Voters will provide a recommendation for the Board of Supervisors' consideration.

**c. San Joaquin County Human Services Agency, Child Protective Services –
Case 0409 – **Best interest of the child****

Finding F1:

CPS failed to provide a policy and procedure describing the process for citizen complaints against CPS personnel.

Response to F1:

Agree in part

Although CPS does not provide literature to citizens that specifically describes how they can make a complaint about a social worker, many practices are utilized to ensure client complaints are received. They include:

- CPS staff provides a business card to clients upon entering their homes. The business cards provide the staff members telephone number and e-mail address.
- At first contact, clients are provided written information regarding their civil rights. This document contains the State of California Civil Rights telephone number clients can call should they feel their civil rights are being violated by anyone within our agency.
- Social work staff are trained on the “chain of command” complaint process, which is that they are to inform clients that they have the absolute right to talk to the social worker’s supervisor, division chief, deputy director or the agency director, (in that order), if they are unhappy with their social worker or their CPS experience. This “chain of command” process is utilized frequently by our clients.
- Should a citizen and their child(ren) become a part of the juvenile court process, they are appointed an attorney by the Juvenile Court to represent them. This includes representation in their quest to have their children returned to their care; or their experience with CPS in general. In these cases, client attorneys can and do contact CPS attorneys, supervisors, division chiefs, and the deputy director to problem solve any issue the client may have. The client and/or their attorney can also bring forward any concerns they may have to the Juvenile Court Judge.

- CPS (via the Human Services Agency main telephone number) has an Auto Attendant Telephone System that allows clients to call and directly access social worker's supervisors and managers. This phone number is listed in the telephone book and also on the HSA website.

Finding F2:

Parents do not know how to report SW misconduct.

Response to F2:

Do not agree

This finding is one that is difficult to respond to due to the fact that until the Grand Jury investigation and subsequent report, CPS was unaware that any citizen in our community was having difficulty accessing personnel to complain about a social worker. To the best of our knowledge, our current practice (as outline in F1), has been successfully and effectively meeting the needs of the community. Furthermore, without knowing the specifics of the complaints, we are unable to respond to whether or not we did in fact have contact with these citizens or the outcome of these interactions with them.

Recommendation R1:

CPS create a policy and procedure dealing with citizen complaints against CPS personnel.

Response to R1:

Has been partially implemented, CPS will formalize the existing complaint process into the policy and procedure manual. Staff will be trained on this policy.

Recommendation R2:

CPS draft, make available for distribution in print and on the web site, information advising the public how to report SW misconduct.

Response to R1:

Will be implemented, CPS will implement the following policies and procedures, include them in the CPS policy and procedure handbook, and train social work staff.

- CPS will include the main telephone number on the civil rights brochure to insure clients have direct access to supervisory staff should they have complaints about their social worker.

**d. San Joaquin County Community Development Department – Case 0709 –
Use permit for Morada Mosque**

Finding F1:

All matters of contention by the MAA were addressed in the Board of Supervisors' staff report. The Board of Supervisors approved all recommendations in the staff report for modification of the building permit.

Response F1:

The respondent agrees with the finding.

Finding F2:

All required actions were performed by the CDD according to applicable laws and regulations. Approval of the project by the Planning Commission and the Board of Supervisors afforded many opportunities for public review and comment. The Morada Monitor provided important information to their readers concerning the application approval process and issues involved.

Response F2:

The respondent agrees with the finding.

e. San Joaquin County Board of Supervisors – Case 1009 – Public appointment process

Finding F1:

Some legislative bodies do not follow policies and procedures for boards/commissions/committees (BCC) appointments. The Grand Jury is aware of at least one instance where an appointee was not required to complete an application prior to appointment.

Finding F2:

Brown Act and fiduciary responsibility training is not routinely offered for BCC.

Finding F3:

Recruitment for vacant BCC appointments lack initiative.

Finding F4:

BCC appointee performance is rarely reviewed.

Finding F5:

Policy for BCC appointee removal is not always defined.

Finding F6:

Criminal and credit background investigations are not performed on appointees.

Response to F1 – F6:

The County understands that the findings are based on a broad overview of many boards and commissions, including boards and commissions from non-County agencies. While the findings may be valid for other agencies, with the exception of finding F6, the respondent does not agree with the general concept of the findings.

Recommendation R1:

Develop or update policies and procedures for appointment of BCC members.

Recommendation R2:

Provide and document Brown Act and fiduciary responsibility training to all appointees.

Recommendation R3:

Utilize alternative sources to advertise vacant positions; i.e. Twitter, movie theatres, television, radio, announcements at public events.

Recommendation R4:

Annually review appointee performance and take appropriate action.

Recommendation R5:

Develop policy and procedures defining the processes for appointee removal.

Recommendation R6:

Develop criminal and credit background checks on all appointees prior to appointment.

Response to R1 – R6:

Again, the County understands that the findings and recommendations are based on a broad overview of many boards and commissions, including boards and commissions from non-County agencies. Recommendations R1, R2, R4, and R5 are currently being performed at some level and the current procedures comply with applicable regulations governing boards and commissions. Recommendation R3 has been addressed by an effort of the County departments to augment recruitment efforts resulting in a decrease in boards and commissions vacancy rates. Recommendation R6 will not be implemented at this time due to lack of funding and staffing reflecting budget shortfalls.

f. San Joaquin County Public Defender, Probation Department, and County Administrator – Law and Justice Authority and Overview – San Joaquin County Detention Facilities and Law Enforcement Agencies – Video teleconferencing

Note: The responses are for findings and recommendations to County departments reporting to the San Joaquin County Board of Supervisors, and do not reflect responses from County elected officials and non-County law enforcement agencies.

Finding F2:

The process for implementation of previous video arraignment recommendations has not been addressed. ALL persons interviewed, regarding the video usage, concurred on the benefits of video teleconferencing.

Response to F2:

The respondent disagrees with the finding. The capability to implement video arraignment at the Jail has existed since the mid-1990's when a "pilot" project was conducted for the Tracy Court. From a technical standpoint, the implementation process would be fairly straightforward once the Court (State) secures funding to purchase and install the necessary equipment, and identifies the facilities to be utilized. Operationally, however, since current law does not obligate defendants to participate in video arraignment, it is unknown how many individuals would actually elect to use the system.

Recommendation R2:

The District Attorney, Public Defender, Sheriff, Probation Department, San Joaquin County Bar Association (Lawyer Referral Services) and County Administrator, in furtherance of efforts to install a teleconferencing system:

- a. Prepare a preliminary cost estimate for acquisition and installation*
- b. Prepare a cost benefit analysis*
- c. Identify potential grant sources to implement the system*

Response to R2:

The recommendation requires further analysis, with timeframe dependent upon the Court (State): a) defining the project work scope; and b) committing funding for the project. The County is not opposed to the Court instituting a video arraignment program, but the project requires definition in order to properly determine the equipment needed, installation costs, facility modifications, etc. The County would be supportive of the Court's efforts to research the use of this technology and to locate grant funding for its implementation.

g. Review and Investigation of Responses to the 2008-09 Final Grand Jury Report – 2009-10 San Joaquin County Grand Jury Case #0909

- i. San Joaquin County Public Defender – Case 0909A – Information and technology security**

Finding F2:

Relocated its operations to a new facility. Funding for updating the primary and back-up servers has not been approved.

Response to F2:

Respondent is in agreement.

Finding F3:

Completed IT training for 70% of employees and 100% of new hires. All employees will receive mandatory IT training every two years.

Response to F3:

Respondent is in agreement.

Finding F7:

IT department encrypted the hard drive on all laptops.

Response to F7:

Respondent is in agreement.

Finding F8:

Access to confidential data is limited to authorized personnel.

Response to F8:

Respondent is in agreement.

Recommendation R2:

Update its primary and back-up servers.

Response to R2:

The replacement of these aged but not troublesome servers will have to await another budget year, as severe cuts reduced personnel, services, and supplies.

Recommendation R3:

Complete IT training.

Response to R3:

Internet security training compliance is improving monthly, with complete compliance expected by the end of 2010. The County's Internet security training will continue as update training courses are required of each employee every two years.

**ii. San Joaquin County Human Resources Department – Case 0909J –
Follow-up final report**

Finding F1:

A 30-day tickler system prompts departments of pending employee performance evaluations with periodic reminders.

Response to F1:

Respondent is in agreement with this finding. The tickler system is an automatic electronic email notification system which notifies supervisors, managers, and department heads of pending and past due performance evaluations.

Finding F2:

The HR Director has access to all employee performance evaluations.

Response to F2:

Respondent is in agreement with this finding.

Finding F3:

HR worked with the Information System Division to develop and provide several tools to help departments easily identify the status of compliance with Civil Service Rule 13.

Response to F3:

Respondent is in agreement with this finding.

Finding F4:

HR anticipates having an electronic method of recording performance evaluations by the end of 2010.

Response to F4:

Respondent is in agreement with this finding.

Finding F5:

Although performance evaluations are not mandated for exempt at will employees, the HR Director has encouraged department heads to provide timely feedback.

Response to F5:

Respondent is in agreement with this finding.

Recommendation R1:

HR Director routinely monitor the status of performance evaluations for all departments ensuring the County is in compliance with Civil Service Rule 13.

Response to R1:

Recommendation R1 has been implemented.

Recommendation R2:

Annual performance evaluations for all employees.

Response to R2:

Recommendation R2 will not be implemented. Civil Service employees, covered by Civil Service Rule 13, are the only County employees that fall within the scope of the rules on performance evaluations. San Joaquin County exempt staff are not covered by Civil Service Rule 13. As noted in this report's Finding F5, the HR Director has encouraged Department Heads to provide timely feedback utilizing methods they believe are effective.