

2005-2006

San Bernardino County

GRAND JURY

FINAL REPORT





COUNTY OF SAN BERNARDINO

**GRAND JURY
FINAL REPORT**

2005-2006

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The Editorial Committee would like to acknowledge and thank the following individuals for their hard work and invaluable assistance in the preparation of the Final Report of the 2005-2006 San Bernardino County Grand Jury.

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FOREMAN'S STATEMENT

The 2005-2006 San Bernardino County Grand Jury is pleased to present this final report to the Presiding Judge of the Superior Court, the San Bernardino County Board of Supervisors, and the citizens of San Bernardino County.

This has been a very active year for the Grand Jury. Normally, the Grand Jury's year starts out with 19 citizens who have to spend the first 4 or 5 months of their year just learning about the County operations through visitations by each of the department heads and their staff. It is not until those visits/presentations are complete that the Grand Jury can proceed with its department investigations. This year we were fortunate to have six former Grand Jurors who applied and were selected to serve. This helped tremendously in getting us started with our investigations sooner and helped everyone have a better understanding of the Grand Jury process.

I was one of the former Grand Jurors selected, and feel honored that I was chosen by the Presiding Judge to be the Foreman. This is a responsibility that I did not take lightly. I would like to thank all of the 18 other Grand Jurors who made my job so very easy this past year. Without them, nothing would have been accomplished.

The Grand Jury's goal is to complete a Final Report by the end of June and submit it to the Presiding Judge and the Board of Supervisors by July 1. The Board of Supervisors then has up to 90 days to respond. In many instances, the Grand Jury may have completed some of its investigations in October or November of the preceding year, but the report doesn't go to the Board of Supervisors until July of the next year; and then they don't respond until October, possibly 12 months after the completion of the investigation! At that point, the term of the Grand Jury who wrote the report has been over for three months and they have no opportunity to respond to the County's response.

The 2005-2006 Grand Jury felt it was critical that if an investigation turned up important issues that should not be held up until the Final Report, we should initiate the option of submitting an Interim Report. The Penal Code allows for such a report, but the Board of Supervisors is still not required to answer until it responds to the Final Report. But at least the information and the Grand Jury's recommendations will be published for the citizens of the County and the Board to see and perhaps act upon.

During the 2005-2006 year, this Grand Jury released four (4) Interim Reports. The Grand Jury felt these issues were important enough that we did not want to wait until the end of our term to bring them out in the open. All four of these Interim Reports are included in this Final Report. I hope that future Grand Juries will give consideration to issuing more Interim Reports. If we truly find a problem that needs correcting now, the Grand Jury shouldn't wait for a year to let the County know of this issue.

The 2004-2005 Grand Jury Foreman discussed in his Statement in that Final Report the issue of the costs to the County and its citizens of services to illegal immigrants. At the beginning of the 2005-2006 Grand Jury term, I requested all Grand Jury committee and sub-committee chairmen ask each and every department they investigated if: (1) They provided services to illegal immigrants; (2) If so, what services; (3) What is the County cost of these services to illegal immigrants; and (4) Has anyone told them that they cannot ask users of the service about their legal status? You will find a report on this subject contained in this Final Report. We believe you will find it quite disturbing when you see the dollar amounts illegal immigrants are costing the County and taxpayers from just six (6) departments.

The Grand Jury has a difficult job. We are saddled with the role of investigating a government operation with almost 18,000 employees; all departments/entities of the County government (58); plus special districts. It is impossible to do a thorough investigation of this massive operation. But, each and every year 19 dedicated citizens of the County attempt to accomplish this task. Even though the job is almost impossible, the 2005-2006 Grand Jury made every effort to comply with their Charge. I again must give my thanks and congratulations to them for a job well done.

I would also like to state that this Grand Jury believes that the majority of San Bernardino County employees are truly dedicated and want to do a good job. The department heads and department supervisors were very cooperative in helping the Grand Jury understand what their departments' job was all about. There were a few times when we felt we were being "stonewalled" in hopes we would go away, but not too often. I would especially like to thank Mark Uffer, County Administrative Officer. Mr. Uffer has been extremely cooperative with this Grand Jury.

Finally, I take my hat off to the two people who make the Grand Jury's job possible. Sue Shuey, Grand Jury Assistant, and Clark Hansen, Jr., Deputy District Attorney and Grand Jury Legal Advisor. These two individuals provide leadership, guidance and support throughout the year. They have been doing this for many, many years and are a tremendous asset to the Grand Jury, the Superior Court and the County of San Bernardino, both government and the citizenry. I thank them for making my job so much easier.



BRADFORD L. KUIPER
Foreman
2005-2006 Grand Jury

2005-2006 GRAND JURY SAN BERNARDINO COUNTY

Bradford L. Kuiper	◇	Foreman
J. Mark Taylor	◇	Foreman Pro Tem
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Melinda J. O'Connor	◇	Hesperia
Jenny L. Overton	◇	San Bernardino
M. A. "Kelly" Potter	◇	Hesperia
Lawrence E. Rich	◇	Rialto
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Frank B. Travis	◇	Chino

RESIGNATIONS:

Joetta Lee Moore (August 2005)	Chino Hills
Joe A. Diaz (August 2005)	Alta Loma
Roberta F. Minor (August 2005)	Fontana
Michael Martinez (May 2006)	Ontario

Presiding Judge 2005	◇	Peter H. Norell
Presiding Judge 2006	◇	Larry W. Allen
Legal Advisor	◇	Clark A. Hansen, Jr.
Grand Jury Assistant	◇	Susan L. Shuey



Front (left to right): Susan L. Shuey (Grand Jury Assistant), Catherine Meister, Clark A. Hansen, Jr. (Grand Jury Legal Advisor), Kelly Potter, Frank Travis, Brad Kuiper (Foreman), Presiding Judge Larry W. Allen, Gordon Bjorklund, Elaine Marable, Sue Shuey (Assistant to the Grand Jury Assistant)

Back (left to right): Larry Rich, Mark Taylor, Susan Brewster, Tom Hale, Arden Fritz, Mel Abeyta, Frank Browning, Skip Burt, Betty Hornbrook, Jenny Overton, Ken Dean, Melinda O'Connor

San Bernardino County 2005-2006 Grand Jury



SB Architecture



SB Government Center



San Bernardino Mountains



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ADMINISTRATIVE AND AUDIT COMMITTEE

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Betty Hornbrook

Melinda O'Connor

Jenny Overton

Larry Rich

Mark Taylor



ADMINISTRATIVE AND AUDIT COMMITTEE

The Administrative and Audit Committee investigated the following boards, departments and agencies:

- Assessor
- Auditor/Controller-Recorder
- Board of Supervisors
- County Administrative Office
- Human Resources
- Purchasing Department
- Superintendent of Schools

The departments under Administrative and Audit have been through a number of changes in the past two years. The new County Administrative Officer has endeavored to streamline operations and improve customer service.

Two committee members attended all of the Board of Supervisors' meetings, including those that were scheduled in other areas of the County. Two Interim Reports were prepared concerning air ambulance services, which were filed with the Board of Supervisors. The committee received one complaint, which resulted in a final report on the Human Resources Department.

The actions of the Administrative and Audit Committee resulted in the following findings and recommendations.

COUNTY ADMINISTRATIVE OFFICE

BACKGROUND

The County Administrative Office is responsible for developing and implementing budgets, policies and procedures, directing departmental activities in accordance with the County Charter and general laws, and carrying out the strategic goals adopted by the Board of Supervisors.

The County Administrative Office is under the direction of the County Administrative Officer (CAO) who is appointed by, and reports directly to, the Board of Supervisors. The CAO oversees the operations of County departments and assists in the coordination of activities of departments headed by elected officials.

On September 8, 2005 the Board of Supervisors ratified a proclamation of a local emergency regarding Hurricane Katrina relief efforts. The County responded by providing medical, hospital, social services, public health, mental health, public safety, fire, public works, and other resources to aid in the Hurricane Katrina relief efforts both locally and to the incident.

FINDINGS

Fourteen (14) County personnel traveled by truck convoy to Gulfport, Mississippi to deliver the surplus goods and other donated items. In addition, eight high level County officials, three members of the Board of Supervisors, along with two Supervisors' Chiefs of Staff, and 13 other elected officials and high level management staff from other local public agencies traveled together to Gulfport in one charter flight. This was in violation of County Travel Policy No. 12-08.

The trip was a fact-finding mission to give County officials the opportunity to see first-hand the effects of a major disaster and to learn lessons from Gulfport's response to relief and recovery efforts. The County's Administrative Officer stated *"... the trip served as the impetus for the formation of a County Disaster Task Force to review the County's Emergency Preparedness Plan and apply any lessons that were learned during the Gulfport mission."*

County Travel Policy 12-08 states, in part, that *“No more than two members of the Board of Supervisors shall travel together on whatever transportation mode is utilized”* and *“Department Heads and Assistant Department Heads or their immediate subordinates are strongly discouraged from traveling together on the same flights or other common carrier.”* This is to ensure that the management of County government is not jeopardized by multiple injuries or fatalities to County executives traveling together on common carriers on County related business. If a serious accident with the chartered flight had occurred that resulted in major injuries or deaths, the ongoing management of County government and the other public agencies within the County, would have been jeopardized.

The Grand Jury finds that even though this endeavor may be commendable and its humanitarian efforts applauded, public opinion appears to be mixed on the value of the trip and the costs incurred by the County. The type of disaster that Gulfport experienced (flooding) is not one that this County would likely experience. A San Bernardino County major disaster would probably be an earthquake or a major fire calamity.

The Grand Jury also found the County Administrative Officer does not currently do annual Work Performance Evaluations on department heads. He stated department heads know what they have to do and their job duties and responsibilities are listed in their job description. If a department head is not doing his/her job, he gets rid of them. Currently, departmental evaluations are financially based. Departments are evaluated on their budgets, programs, and achievements accomplished.

RECOMMENDATIONS

- 06-01 COUNTY POLICY 12-08 BE STRICTLY COMPLIED WITH BY ALL COUNTY ELECTED OFFICIALS AND EMPLOYEES ON ALL COUNTY AUTHORIZED BUSINESS TRAVEL.
- 06-02 ESTABLISH AND IMPLEMENT A POLICY FOR ANNUAL WORK PERFORMANCE EVALUATIONS OF ALL COUNTY DEPARTMENT HEADS.

HUMAN RESOURCES DEPARTMENT

BACKGROUND

During an investigation into allegations made against a San Bernardino County employee, several areas of concern came to our attention regarding the Human Resources Department's policies. Members met with the Director of Human Resources for clarification of our concerns regarding job reclassification and/or upgrading, job descriptions, and employee background checks.

FINDINGS

When a position is being considered for reclassification, Human Resources and the office of the County Administrative Office (CAO) review the current duties and responsibilities of the position under consideration. Wording changes in the job title may be required due to changes in technology or technical requirements. If justified, a reclassification or an upgrade is recommended. The CAO's office and the affected department approve the job title change. It is then recommended to the Board of Supervisors that the request for reclassification be approved, subject to final approval from the Human Resources Department. The job descriptions, in some cases, are not complete when submitted to the Board for approval. Writing a job description after the fact makes it appear the job description is being written around a person already holding the position. Most counties complete the job description first, obtain final approval from the appropriate administration, and then fill the position under the new job description.

The County does background checks on most applicants being considered for employment. This is limited to a medical exam, drug testing, and a DMV check. If the position is for a high level post, or one that includes working with finances, a more thorough background check is done. The current policy on background checks is not consistent throughout the County, and they are not required for those hired for "at will" (appointed) positions. The Human Resources Department is working on a new background check policy that will set standards for positions from entry level (level 1) to the highest positions requiring a more extensive background investigation (level 4). This policy, if approved, will apply to any employees hired by the Board of Supervisors, new hires, and any promotional upgrades working for the County. Background checks cannot be done on present employees without just cause.

Currently the County does not have a program in place with the Department of Motor Vehicles (DMV) to automatically notify the County when a County employee has been charged with or convicted of any violations of the Vehicle Code. It is up to the employee to notify his or her supervisor of any such incidents. If an employee's license has been suspended for any reason, it could be putting the County at risk, especially with employees who drive County vehicles or conduct County business using their own personal vehicles.

RECOMMENDATIONS

- 06-03 REVERSE THE RECLASSIFICATION AND/OR UPGRADE PROCESS TO PROVIDE FOR A COMPLETE JOB DESCRIPTION BEFORE FILLING THE POSITION.

- 06-04 IMPLEMENT A STANDARD BACKGROUND CHECK POLICY FOR ALL NEW, UPGRADED, AND "AT WILL" EMPLOYEES.

- 06-05 IMPLEMENT A PROGRAM WITH THE DEPARTMENT OF MOTOR VEHICLES (DMV) THAT ALERTS THE COUNTY TO VIOLATIONS INVOLVING A COUNTY EMPLOYEE.

SUPERINTENDENT OF SCHOOLS

BACKGROUND

The County Superintendent of Schools (CSS) employs a staff of 2,000 that includes five assistant superintendents and a management team of 30. Their office is located in San Bernardino, and was built by the County in 1984. By Contract Agreement 84-552, the County is required to monetarily cover the costs of utilities and maintenance. What began as a \$196,541 annual expenditure 21 years ago now has escalated to \$1,200,000.

FINDINGS

Short of audit authority, the Grand Jury could determine little oversight or authority the Superintendent has over San Bernardino County's school systems. Even with audits, their responsibility was limited to simply determining if each school district had sufficient money available to cover their budget. The County Superintendent of Schools had no input into budgeting items or procedures. Even though all County schools are on the CSS accounting system, abuse or mishandling of Associated Student Body funds (as in the San Bernardino High School incident in November 2005) goes undetected.

School districts are not required to report absences and trancies to CSS; districts must first request CSS assistance before they can become involved. The 129 San Bernardino County schools that were not meeting their Annual Yearly Progress goals are only accountable to themselves and the State, not the County Superintendent of Schools.

When inquiries were made to determine the extent of illegal immigrant attendance, CSS chooses to interpret *Plyler v. Doe* as prohibition to identify, even though that court decision specifically applies to *denial* of services. Clearly, the Grand Jury only wanted to identify costs involving the 14,000 classrooms in the San Bernardino County school system, each with 20 or more non-English speaking students.

The above assimilation of facts is in no way meant to suggest that the County Superintendent of Schools is denying or shirking responsibilities. It is to say that the time has come to recognize the benefit of the CSS to the County would not denigrate with the transfer of funding to the State. Currently, the State of California reduces financial support to CSS to the extent of county funding. We are the lowest State-funded County Superintendent of Schools in California, and one of only three that is not totally funded by the State.

RECOMMENDATION

06-06 THE COUNTY SUPERINTENDENT OF SCHOOLS OFFICE SEEK LEGISLATIVE ACTION TO BECOME FISCALLY INDEPENDENT, AND THE COUNTY ADMINISTRATIVE OFFICE WORK WITH THE COUNTY SUPERINTENDENT TO DEVELOP A PROCESS TO MOVE TOWARD FISCAL INDEPENDENCE WHILE SUSTAINING CURRENT AND FUTURE FISCAL AND ADMINISTRATIVE SUPPORT FROM THE COUNTY OF SAN BERNARDINO, TO ENSURE NO REDUCTION OF STATE REVENUES TO THE COUNTY SUPERINTENDENT OF SCHOOLS OFFICE.

INTERIM REPORT

Released November 10, 2005

IS YOUR LIFE AT RISK?

On October 13, 2005, an unfortunate incident occurred in Apple Valley involving a young man on a bicycle, who was struck by a passing automobile. The Adelanto-based Mercy air ambulance was unavailable, and the Sheriff's air rescue helicopter was on another incident in Victorville. The next Mercy air ambulance on the list was also unavailable. The third Mercy airship took the call, only to report back three minutes later that it was also unavailable. At that point, personnel at the scene decided to do a ground transport to Loma Linda University Medical Center.

On October 6, 2005, there was another unfortunate incident involving a young motorcyclist and two vehicles, requiring three air transport helicopters. The Sheriff's air rescue helicopter responded to the initial call. When the call came for the second air ambulance unit, Mercy's first three air ambulances were unavailable, and it became necessary to go to the Mercy unit assigned in Banning. California City Air Ambulance was not called.

In early 2004, unavailability was again the issue when there was a traffic accident on Highway 58 at the BNSF Railroad crossing west of Kramer Junction. The first two Mercy units were not available. While the third Mercy unit responded some 37 minutes later, California City Air Ambulance had an ETA of less than ten minutes. In spite of the restrictions imposed by giving priority to Mercy Air, California City Air Ambulance continued to provide "last resort" services as a mutual aid provider to San Bernardino County on ten occasions during 2004.

gold-en hour *adj.* That time period when most trauma patients, suffering from shock, can most likely be saved.

Trauma begins the moment a person is involved in a serious accident. If trauma is severe enough, circulation becomes impaired or non-existent, and chemical changes in the body bring on shock. If bleeding can be stopped and blood pressure restored within that **golden hour**, the medical community contends that a patients' chances of surviving are greatly increased.

Some trauma patients in San Bernardino County may not have been afforded that increased chance for survival.

In April, there was an accident involving three vehicles near Kramer Junction, resulting in seven patients, six of which had to be extricated, four needed immediate attention by a trauma unit, and one expired at the scene. Two Mercy units were dispatched rather than utilizing the services of California City Air Ambulance, who could have arrived at the scene approximately 30 minutes prior to arrival of Mercy's second airship. ICEMA's (Inland Counties Emergency Medical Agency) staff report to the Emergency Medical Care Committee (EMCC) included this information, also noting there could potentially have been "four fatalities".

Under authority of the California Code of Regulations, Title 22, Division 9, Chapter 8, Section 100276, ICEMA is the governing body designated to recommend and approve EMS (emergency medical service) aircraft policies, as well as recommend the integration of EMS aircraft into San Bernardino County's transport system. The San Bernardino County Board of Supervisors is also the ICEMA Board of Directors.

In early 2004, ICEMA recognized inherent delays with San Bernardino County's ALS (Advanced Life Support) system due, in part, to there being only one permitted provider: Mercy Air. Having proven the need and necessity to increase emergency medical helicopter assistance in the Highway 395/Highway 58 corridor in the High Desert of San Bernardino County, ICEMA approached California City Air Ambulance with a request for them to become qualified under ICEMA's pre-hospital requirements. After completion of a study, ICEMA proposed to the EMCC in January 2005, that California City Air Ambulance be permitted to operate within San Bernardino County's 20,000 square miles to improve response times in certain corridors. This proposal passed by EMCC 8-0, with one abstention.

California City Air Ambulance agreed to pursue the permitting process, and after an out-of-pocket expense of \$48,500, passed all qualifications and signed an agreement with ICEMA on June 8, 2005 to become permitted to operate in San Bernardino County.

On June 21, 2005, Item 130, "Agreement with California City Fire Department to Authorize and Classify Advanced Life Support Air Ambulance Service" was placed on the San Bernardino County Board of Supervisors' Consent Calendar for approval. The County Administrative Office, County Counsel and Department of Public Health supported this action. The First District Supervisor requested that Item 130 be continued until July 12, 2005.

On July 12, 2005 the item again appeared on the Consent Calendar, and this time the First District Supervisor pulled it off calendar without explanation. As of the date of this report, the Board of Supervisors' has never voted on this issue.

This Grand Jury was sworn in July 1, 2005, and in August began an investigation into the status of this matter. San Bernardino County is divided into 18 HDZ's (helicopter demand zones) in order to cover emergency medical evacuation needs. While San Bernardino County air space is non-exclusive, Mercy Air is the **only** permitted company, aside from the Sheriff's air rescue unit, operating within the County. Others, such as California City Air Ambulance, are not permitted and can only provide service within the County as a mutual aid provider. Being a "non-permitted" or mutual aid provider means:

1. On-board medical equipment may not meet ICEMA standards and medical personnel on board may not have the required qualifications.
2. Because of infrequency of use in most areas of San Bernardino County, pilots and crews of mutual aid providers are not always current on flight routes, facilities and other associated issues with regard to critical timing issues.
3. The only permitted carrier (Mercy Air) receives absolute priority over all mutual aid providers, **even though response times may not be superior.**

Air ambulance dispatches increased from 1,382 in 2002 to 1,819 in 2004, an increase of 32 percent. As populations increase, it is likely that trauma incidents requiring air ambulance rescue will also increase. Of necessity, resources providing this service must also increase.

After interviewing ICEMA personnel, as well as California City's Fire Chief, inquiry was made of each member of the Board of Supervisors as to the status of the ICEMA recommendation that was pulled from the Board's agenda. Of the five Supervisors, the Board Chairman took responsibility, advising that he was "... *not convinced that providing a permit to California City Air Ambulance was the right thing to do.*" He further stated "... *the Board has to concern itself with the financial security and stability of its current provider.*". Mercy Air's business manager has also written several letters of objection to ICEMA, EMCC, and the Board of Supervisors.

Inasmuch as ICEMA's endorsement request had only recommended approval for California City Air Ambulance to be "third on the list" in only three of the 18 HDZ's, it was obvious that this, in itself, would not cause the insolvency of a major provider such as Mercy Air, whose parent company, Air Methods, reported second quarter 2005 results of a net income increase of 32 percent. The only "financial issue" the County Board of Supervisors should have concern for is that they can ill afford **not** to provide additional emergency aircraft resources. ICEMA should be allowed to function in its intended

capacity. The Board of Supervisors should not discount ICEMA's expertise and allow Mercy Air's business manager to override the recommendation of its own designated authority.

Further investigation revealed that 9-1-1 and emergency transport calls are not the greatest monetary provider to the air ambulance industry. The bigger picture is in "after the fact inter-hospital transports." In that regard, only those providers with a permit from ICEMA are allowed to provide such service. Therefore, Mercy Air is now the sole provider of inter-hospital service, and there is no restriction or cap on the amount that can be charged for this service. Indeed, if the Board of Supervisors desired to operate the County's air ambulance service in the best financial interests of its citizens, they would consider the fact that California City Air Ambulance is a non-profit entity.

The tendency might be to divert criticism toward Mercy Air; however, mechanical failures do occur, and an extraordinary sequence of events will sometimes preclude availability of equipment. Under FAA regulations, helicopters must be periodically grounded for necessary inspections and, in the free-enterprise system, companies will work hard to gain a competitive advantage. However, no provider of services should ever be allowed to position itself to dictate to the County. It is not cost effective or efficient to allow a single-source provider. If *any* company doing business in San Bernardino County is financially unstable, it is not the responsibility of the County Supervisors to protect them. The Board of Supervisors must be in the business of protecting the health and welfare of its citizens.

A review of public records found that Mercy Air and its parent company, Air Methods, based in Colorado, have over a period of time, contributed thousands of dollars to the campaigns of several former and current members of the San Bernardino County Board of Supervisors. When genuine concern for the safety of constituents gives way to politics, the public suffers!

RECOMMENDATIONS

06-07 THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS, SITTING AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA) SHOULD APPROVE THE PERMITTING OF CALIFORNIA CITY AIR AMBULANCE AS AN ADVANCED LIFE SUPPORT (ALS) PROVIDER WITHIN SAN BERNARDINO COUNTY, IN ORDER TO PROVIDE ITS CITIZENS WITH THE BEST OPPORTUNITY TO REACH A TRAUMA CENTER WITHIN THAT CRITICAL "GOLDEN HOUR."

- 06-08 INLAND COUNTIES EMERGENCY MEDICAL AGENCY SHOULD REVISE THE HDZ (HELICOPTER DEMAND ZONE) PROVIDER LIST. QUICKEST RESPONSE TIMES SHOULD BE THE DETERMINING FACTOR IN DECIDING WHICH PERMITTED PROVIDER IS FIRST CALLED TO RESPOND TO THE NEED.
- 06-09 OTHER AIR AMBULANCE PROVIDERS WHO HAVE APPLIED AND BEEN DENIED IN THE PAST SHOULD BE RECONSIDERED. IF THEY COMPLY WITH ICEMA'S QUALIFICATION REQUIREMENTS, THEY SHOULD ALSO BE GIVEN AN OPPORTUNITY TO QUALIFY AS A PERMITTED AIR AMBULANCE PROVIDER.
- 06-10 THE COUNTY BOARD OF SUPERVISORS SHOULD NOT SERVE AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA). IN ADDITION MEMBERS OF THE BOARD OF DIRECTORS OF ICEMA SHOULD NEVER BE IN A POSITION TO ACCEPT DONATIONS OR CAMPAIGN CONTRIBUTIONS FROM ANY PERMITTED PROVIDER OR ITS PARENT COMPANY.

COUNTY OF SAN BERNARDINO RESPONSE TO NOVEMBER 10, 2005 INTERIM REPORT OF THE 2005-2006 COUNTY GRAND JURY January 31, 2005

The County of San Bernardino welcomes the grand jury's interest in the important subject of air ambulance Advanced Life Support services within the County. However, the grand jury's interim report dated November 10, 2005, contains key inaccuracies and is not in the County's view a balanced account of the current status of air ambulance service in the County.

As an overall premise, the report erroneously states the public's safety is at risk because California City Air Ambulance in Kern County has not been granted a permit to provide Advanced Life Support services within San Bernardino County. This conclusion creates the false impression that California City's services are not available to accident victims in San Bernardino County and is based on the inaccurate notion that a permit would improve air ambulance response times and availability.

In fact, California City has been and would continue to be utilized as a provider of emergency air services in the County regardless of whether it is granted a permit. It must be noted that a permit would not change the fact that California City has only one helicopter in its fleet, and that currently it has no helicopters at its disposal, compared to eight owned by Mercy serving the County and 15 total from all providers serving the County (California City's one helicopter has been removed from service, and the agency does not expect to have a replacement aircraft in operation until late April). Also, a permit would not move California City's helicopter any further up on the priority call list.

The grand jury's interim report contains errors of fact and omission that call the report's conclusions and recommendations into question. They include:

- The grand jury used an account of an October 13, 2005 emergency incident to support its conclusion that granting California City a permit would increase the availability of air ambulance service in San Bernardino County. The grand jury's account of the incident omits the fact that California City was contacted to respond to the incident, but that its one helicopter was unavailable.
- The grand jury used an account of an October 6, 2005 emergency incident to support its conclusion that granting California City a permit would improve air ambulance response times. The grand jury's account of the incident omits the

fact that the units that were contacted all responded in less than 40 minutes, and that a permit for California City would not have affected response times for that incident.

- The grand jury used an account of an April 18, 2004 emergency incident also to support its conclusion that granting California City a permit would improve air ambulance response times. The grand jury concluded that California City's helicopter "could have arrived at the scene approximately 30 minutes prior to arrival of Mercy's second airship." This would have been impossible given the fact that the Mercy helicopters arrived a respective 25 minutes and 27 minutes after they were dispatched.
- The grand jury reported that Mercy air "receives absolute priority over all mutual aid providers, even though response times may not be superior." This is false. In some regions, California City is higher in the dispatch order than some Mercy units. For instance, in Red Mountain, California City is third in the dispatch order, ahead of six Mercy units. In Barstow, California City is fifth in the dispatch order, ahead of seven Mercy units. In some of the more remote regions of the County, mutual aid providers are first in the dispatch order, ahead of all permitted units.
- The grand jury states "California City Air Ambulance is a non-profit entity." Although on its face this statement is true, it omits the fact that California City's Air Ambulance provider, Tri-State Care Flight, is a private for-profit entity that may have a direct financial stake in whether California City is granted a permit.

The grand jury concluded via a statement attributed to the Chairman of the Board of Supervisors that the County should not concern itself with the financial viability of companies providing services to the County and its citizens and visitors.

When appropriate, the County responsibly concerns itself with the financial security and stability of providers of vital public services to ensure that there is no interruption of service. This is why the County in contract situations often requires prospective providers of critical and/or ongoing services to provide certified documentation of their fiscal health and stability.

In the case of air ambulance service, the grand jury stated that inter-hospital transports are the greatest monetary provider to the air ambulance industry. Since the County has established that granting a permit to California City would have zero impact on air ambulance response times, California City's entrance into the inter-hospital business in San Bernardino County becomes an issue.

The County has received no indication from the customers of inter-hospital transports – hospitals within the county – that competition is needed to control rates, improve patient care, or achieve some other public benefit.

While the County is not directly concerned with the financial state of Mercy Air, it would be highly irresponsible for the County not to concern itself with factors that might influence the level of service Mercy makes available to the County. While the grand jury is most likely correct in assuming that competition from California City's one helicopter would probably not threaten Mercy's existence, it may prompt Mercy to make a business decision to reduce the number of airships currently serving the County or to not add airships as need increases. Whereas the vast majority of air ambulance Advance Life Support service in the County is provided by Mercy, it seems questionable to grant a permit to California City when the only effect would be to create competition that serves no apparent benefit to the public and could compromise a vital life-saving public safety function.

Finally, the County will keep the 2005-2006 Grand Jury informed of any action or changes regarding this subject matter.

RECOMMENDATIONS

1. THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS, SITTING AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA) SHOULD APPROVE THE PERMITTING OF CALIFORNIA CITY AIR AMBULANCE AS AN ADVANCED LIFE SUPPORT (ALS) PROVIDER WITHIN SAN BERNARDINO COUNTY, IN ORDER TO PROVIDE ITS CITIZENS WITH THE BEST OPPORTUNITY TO REACH A TRAUMA CENTER WITHIN THAT CRITICAL "GOLDEN HOUR."

County Response: Granting a permit to California City Air Ambulance would provide no increased opportunity to reduce air ambulance response times or otherwise provide County citizens or other injured persons a better opportunity to reach a trauma center within one hour of the onset of injuries. A permit provides ICEMA with the opportunity to exert medical supervision over an air ambulance provider's operations, and allows the provider to transport stabilized patients from one hospital to another. If a recommendation can be made to the ICEMA governing board that granting a permit to California City Air Ambulance is in the best interests of the public, the board will reconsider the recommendation.

2. INLAND COUNTIES EMERGENCY MEDICAL AGENCY SHOULD REVISE THE HDZ (HELICOPTER DEMAND ZONE) PROVIDER LIST. QUICKEST RESPONSE TIMES SHOULD

BE THE DETERMINING FACTOR IN DECIDING WHICH PERMITTED PROVIDER IS FIRST CALLED TO RESPOND TO THE NEED.

County Response: This recommendation has been implemented. During the summer, several months before the grand jury's interim report was released, the Chairman of the Board of Supervisors' office requested that California City be moved higher in the dispatch order in the Red Mountain, Barstow, and Kramer Junction areas. The request apparently never reached ICEMA staff, so the request was renewed following the appearance of the grand jury interim report. The dispatch order is set based upon recommendations by the Emergency Medical System Aircraft Providers Task Force, which includes all providers, including Mercy and California City. ICEMA staff brought the issue before the Task Force on January 18, 2006. California City did not attend meeting, at which the Task Force unanimously recommended moving California City from third to second in the dispatch order in the Red Mountain area, from fifth to third in the Barstow area, from seventh to fifth in the Victorville area, and from third to second in the Kramer Junction area. This recommendation will be implemented when California City resumes air ambulance service.

3. OTHER AIR AMBULANCE PROVIDERS WHO HAVE APPLIED AND BEEN DENIED IN THE PAST SHOULD BE RECONSIDERED. IF THEY COMPLY WITH ICEMA'S QUALIFICATION REQUIREMENTS, THEY SHOULD ALSO BE GIVEN AN OPPORTUNITY TO QUALIFY AS A PERMITTED AIR AMBULANCE PROVIDER.

County Response: This recommendation cannot be implemented because the ICEMA Executive Director is aware of no other provider besides California City that has applied for a permit.

4. THE COUNTY BOARD OF SUPERVISORS SHOULD NOT SERVE AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA). IN ADDITION, MEMBERS OF THE BOARD OF DIRECTORS OF ICEMA SHOULD NEVER BE IN A POSITION TO ACCEPT DONATIONS OR CAMPAIGN CONTRIBUTIONS FROM ANY PERMITTED PROVIDER OR ITS PARENT COMPANY.

County Response: The County will not implement this recommendation. As representatives directly accountable to the people of San Bernardino County, the Board of Supervisors is ideal to serve as the governing board members overseeing an agency charged with such an important public safety mission. Also, having the Board of Supervisors serve as directors of ICEMA ensures that all matters involving the agency are deliberated during public meetings of the Board of Supervisors. Assigning this task to an appointed board would result in ICEMA matters being considered during meetings of that appointed board, which would most likely be sparsely attended and receive

much less news media coverage than meetings of the Board of Supervisors. Clearly, the public is best served by having the Board of Supervisors act as the ICEMA governing board.

INTERIM REPORT

Released May 11, 2006

WHY ISN'T THERE COMPETITION?

BACKGROUND

In February of 2004, the Inland Counties Emergency Medical Agency (ICEMA), which includes authority over air ambulance service, approached California City Air Ambulance (CCAA) with a request to qualify to meet ICEMA standards in order to become "permitted" within San Bernardino County. CCAA agreed to do so, completing all requirements by April of 2004, after expending \$48,500 to do so.

After considerable investigation, ICEMA substantiated it to be in the best interests of the public to add "permitted" air ambulance resources. Before proceeding with any recommendations to its governing board (Board of Supervisors), ICEMA followed protocol, bringing the issue before the Emergency Medical Care Committee (EMCC) to secure their approval. This Committee is comprised of physicians, law enforcement personnel and hospital administrators, as well as nurses and Emergency Medical Technician (EMT) personnel. At their January 2005 meeting, the EMCC voted 8-0 in favor of ICEMA's recommendation to request the governing board (Board of Supervisors) to permit CCAA. ICEMA then submitted the recommendation to County staff, and it was placed on the June 21, 2005 Board of Supervisors' agenda.

On June 13, 2005 the Chairman of the Board received a \$1,000 donation from Mercy Air Ambulance. Eight days later, at the June 21st meeting, the Chairman deferred the ICEMA agenda item until July 12, 2005. At the July 12th meeting, the Chairman then pulled the item from the agenda.

After investigation, the Grand Jury released an Interim Report dated November 15, 2005, recommending the Board of Supervisors grant California City Air Ambulance a permit. On January 31, 2006 the Board responded regarding their denial to do so stating, "If a recommendation can be made to the ICEMA governing board that granting a permit to California City Air Ambulance is in the best interest of the public, the board will consider the recommendation."

FINDINGS

In response to the aforementioned Interim Report, the Board's Chairman stated he had instructed the ICEMA staff to revise the calling order of air ambulance providers, *"...in the summer, several months before the Grand Jury's interim report was released."* The Director of Public Health recalled a discussion took place, but did not interpret it as a directive. The Public Health Officer, who was also at the meeting, did not recall such a statement. The Director of ICEMA, who would have enacted such instructions, never received such an order. What the Grand Jury *has* found is the following:

1. San Bernardino County has a reputation that its top officials accept contributions from people it does business with, and grants favors in return.
2. Mercy Air Ambulance's parent company donates to members of the Board of Supervisors.
3. June of 2005 the proposal of permitting CCAA to be a provider of air ambulance service, in addition to Mercy Air, was placed on the Boards' calendar.
4. June 13, 2005, Mercy Air contributed \$1,000 to the Chairman of the Board.
5. Eight days later, on June 21, 2005, the item was continued until July 12, 2005.
6. July 12, 2005, the Chairman pulled the item from the Consent Calendar.
7. November 15, 2005, the Grand Jury released its Interim Report criticizing the Boards' actions.
8. Board of Supervisors then requests "an objective view" of the proposal from someone not involved; a Deputy County Administrative Officer.
9. November 21, 2005, the report from the Administrative Officer was returned to the Board of Supervisors. This "study" was accomplished by reviewing ICEMA's original recommendation and analysis, and no new data was obtained. The study recommended that ICEMA reconsider several issues and resubmit the proposal to the Emergency Medical Care Committee (EMCC) for another vote.

10. January of 2006, ICEMA did reconsider these issues as outlined in the November recommendations from the Administrative Officer and, once again, presented it to the EMCC. The vote was again 8-0 in favor of allowing California City Air Ambulance to be permitted.
11. Board of Supervisors' responded in January of 2006 to the Grand Jury report, stating it is "inaccurate, offensive, and the reported risk to the public's safety is erroneous". However, the Town of Apple Valley has subsequently requested ICEMA to undertake a study to evaluate automatic air ambulance dispatching to improve air ambulance response. Apparently, Apple Valley did not feel the stated issues were "erroneous".

The delay since this issue initially surfaced has taken its toll. California City Air Ambulance has apparently been discouraged from becoming a competitive asset to the County. The Fire Chief in California City, who established their air ambulance service, has since accepted another position. The helicopter has been placed out of service for major equipment upgrades, and we have now been informed CCAA will no longer pursue the "permitting" process in San Bernardino County.

In a letter from the State Director of Emergency Medical Services Authority, the State has concluded that, in spite of allowing Mercy Air an exclusively "permitted" air ambulance contract, San Bernardino County has never applied at the State level for approval of an Exclusive Operating Area (EOA). If nothing changes, the County is subject to anti-trust litigation. This applies not only to the County, but the local EMS agency (ICEMA) as well, in spite of their recommendation to the Board. Such exposure to litigation is totally unnecessary. Any successful litigation would drain precious funds from critically needed projects.

Lack of competition has also taken its toll. There are a total of 18 helicopter "calling zones" within San Bernardino County. Of these, Mercy Air is first on the list to be called in 15 of these zones, with our County Sheriff's rescue copter being listed first in two other zones. The one remaining zone, on the Arizona border, is protected with resources from Mercy Air in Nevada, and Native and Guardian Air from Arizona who, like California City, are mutual aid non-permitted providers.

Aside from safety, what better "interest of the public" could there be than cost? Below is a reproduction of an actual invoice received from Mercy Air, covering less than 90 minutes service time, from dispatch to return to base, a 28 mile flight.



While Mercy Air received \$3,500 from the recipient’s insurance carrier as payment, the patient was billed for the additional \$7,220. *This is not an issue with which the Grand Jury faults Mercy Air – they are exercising the freedom provided them by the County.* Without competition and an operating agreement that places a cap on charges, Mercy Air is simply participating in a perfect business world. The issue lies with those responsible for making governmental decisions.

Justification for alternative resources cannot be better exemplified than the results of a comparison of fees charged in San Bernardino County with other counties. Calstar provided air ambulance service, alongside Mercy Air, in Santa Barbara County and adjoining Ventura County. Mercy Air’s “liftoff” rate (Helicopter Base Rate) in Ventura County was \$7,897, or \$1,200 less than San Bernardino County. Also, the mileage charge was \$49.50, or \$7.43 per mile less than San Bernardino County.

Approximately 90 days following completion of a new contract with Ventura’s Board of Supervisors, Mercy Air stopped serving both Ventura and Santa Barbara counties.

Mercy Air moved that equipment to the Marine Base at Twentynine Palms. During this process, unauthorized Mercy Air equipment operated in San Bernardino County. Mercy Air's departure from Santa Barbara and Ventura counties points out the severe need for an alternative, competitive air ambulance resource in San Bernardino County.

The Board of Supervisors needs to revisit this entire issue. ICEMA is mandated to make recommendations on behalf of the health and well being of the citizens of San Bernardino County. It is ill advised, at best, to allow a *political* board to have veto power over a *medical* panel such as ICEMA and the EMCC. Because of the Board's response citing concern for the "stability" of Mercy Air, the citizens of San Bernardino County are benefactors of a governmental system that has responded to "special interests" and not the "public's interest."

When the Board of Supervisors sits as the governing board of ICEMA, they are subject to California Government Code Section 84308, that "Prohibits any public official acting in a non-elected or appointed capacity from being involved in a decision that affects anyone who has donated more than \$250.00 in the preceding 12 months to his or her campaign". This Code is not currently being complied with.

ICEMA is one of eight EMS agencies in the State with multiple county jurisdictions. Unlike the other seven counties, our Board of Supervisors serves as ICEMA's governing board. San Bernardino County Supervisors, in response to an earlier Interim Report, insist on serving as ICEMA's governing board because it "...ensures that all matters involving the agency are deliberated during public meetings..." In this case, however, "deliberations" consisted of pulling the item from the agenda, and San Bernardino County is now vulnerable to anti-trust litigation.

RECOMMENDATIONS

- 06-11 ADVERTISE AN IMMEDIATE REQUEST FOR PROPOSAL (RFP) IN AN ATTEMPT TO SECURE ADDITIONAL COMPETITIVE AIR AMBULANCE RESOURCES.

- 06-12 THE BOARD OF SUPERVISORS CEASE FUNCTIONING AS THE GOVERNING BOARD OF THE INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA) TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY.

- 06-13 THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS CEASE ACCEPTING CAMPAIGN DONATIONS FROM ALL EMERGENCY MEDICAL PROVIDERS, GROUND AND AIR.

COMPLAINTS COMMITTEE

Allen (Skip) Burt, Chairman

Ken Dean

Kelly Potter

Mark Taylor

Frank Travis



COMPLAINTS COMMITTEE

The Grand Jury receives complaints from throughout the County. It is the duty of the Complaints Committee to evaluate these complaints and determine if the Grand Jury has jurisdiction and, if so, does the complaint actually have merit. When it is determined that a complaint is valid, it is given to the appropriate existing committee or an ad hoc committee may be formed.

The 2005-2006 Grand Jury received 15 complaints, of which three were investigated.

ECONOMIC DEVELOPMENT COMMITTEE

Tom Hale, Chairman

Mel Abeyta

Gordon Bjorklund

Frank Browning

Skip Burt

Ken Dean

Arden Fritz

Elaine Marable

Catherine Meister

Jenny Overton



ECONOMIC DEVELOPMENT COMMITTEE

The Economic Development Committee had the responsibility to investigate the following County departments:

- Agriculture, Weights & Measures
- Airports
- Community Development and Housing
- County Library
- County Museums
- Redevelopment
- Regional Parks
- Workforce Development

Subcommittees were established to review the function and operation of each department. The committee carefully reviewed prior Grand Jury reports and Board of Supervisors' responses regarding the departments, back to 1995. Visitations were made to all departments.

Findings and recommendations from the investigations are detailed in this final report for the following departments:

- Community Development and Housing
- County Library
- County Museums
- Regional Parks

DEPARTMENT OF COMMUNITY DEVELOPMENT AND HOUSING

(Report jointly submitted by the Community Development & Housing
and Administrative and Audit's Audit/Fiscal Subcommittees)

BACKGROUND

The Department of Community Development and Housing (CDH) is responsible for administering Federal, State and local grant funds allocated to the County of San Bernardino for housing and community development programs. CDH obtains grants from the United States Department of Housing and Urban Development (HUD) to fund construction, housing rehabilitation, economic development, public service, and community revitalization projects throughout the County. Other sources that provide funds for CDH are Community Development Block Grants, Emergency Shelter Grants, Home Investment Partnership Act Grants, Neighborhood Initiative Grants, the Economic Development Initiative Program, and administrative fees written into State of California housing bond issues.

FINDINGS

The 2003-2004 Grand Jury became aware of the existence of the Housing Trust Fund administered by CDH at the end of its term. The 2005-2006 Grand Jury was alerted to this fund from reports of the previous Grand Jury and decided to reinvestigate this issue. The source of the funds in the Housing Trust Fund is an administrative fee written into each of the State of California housing bond issues.

During a visitation in September 2005 with the prior director of CDH, the existence of this fund was acknowledged. All the monies provided by Federal and State sources are audited annually. However, the Housing Trust Fund has never been audited. At the suggestion of the Audit/Fiscal Subcommittee, the director agreed that an audit of the fund was in order and asked his staff to implement such an audit with the office of the County Auditor/Controller-Recorder (ACR). To date, this request has not been received by the ACR. The amount of money in the fund varies, but at present is approximately \$1.2 million. The Grand Jury feels that, given the size of this fund, it should be audited. CDH and the Auditor/Controller would need to establish the basis and scope of the audit.

RECOMMENDATION

06-14 CONDUCT AN IMMEDIATE FINANCIAL AUDIT OF THE HOUSING TRUST
 FUND.

COUNTY LIBRARY

BACKGROUND

The County Library serves 30 branches in the unincorporated areas and 18 cities in the County of San Bernardino. In addition, there are two new joint-use branches, Carter High School, now open in Rialto, and Summit High School, opening in September 2006 in North Fontana.

The County Library is working with the City of Victorville in its efforts to establish a city library. Victorville is considering using Development Impact Fees to build a library. It is anticipated that they will build another library in the west end of the city in five to seven years, also using Development Impact funds. Victorville city officials believe by taking over the library, they could use Development Impact Fees to improve library services to the community. The County will turn over its operation to the city in July 2006.

Building a new County library in Hesperia will currently meet the needs of that city, but the County Librarian predicts another library will soon be needed in Hesperia to meet future needs.

The County Library has a budget of \$13 million, with 80 percent of that coming from special district taxes. The rest of the funds come from the County and fund raising efforts of the various Friends of the Library organizations.

The County Library has a total of 370 employees, which includes 215 part-time employees. Upgrading of their computer system and refurbishing of the main Library headquarters facility in San Bernardino are currently in progress.

The County Librarian is projecting a minimum space increase of 20 percent over the approximate 200,000 square feet currently available; a 15 percent increase over the 395 personal computers currently available; and a ten percent increase over the 175,000 current transactions through the next two years.

FINDINGS

The Library's biggest challenge is finding the funds to increase the \$1,390,000 book budget. Over the last 12 years, the County's book budget has decreased from \$1.98 per patron to \$1.00 per patron, while the State's budget has increased to \$2.81. The Friends

of the Library have raised over \$500,000 for books, but it still does not meet the book budget needs.

The County Library System does not have access to Development Impact Fees; San Bernardino County does not impose such fees. Victorville is an example of how Development Impact Fees are used to improve the library system in its city. Many libraries in the System are old and outdated and in need of enlargement or new construction. The County Library System needs to find new sources of revenue.

RECOMMENDATIONS

- 06-15 ALLOCATE ADDITIONAL FUNDS TO THE LIBRARY TO BRING FUNDING IN LINE WITH THE \$2.81 PER PATRON STATE AVERAGE.

- 06-16 IMPOSE DEVELOPMENT IMPACT FEES TO ASSIST THE FUNDING OF THE COUNTY LIBRARY SYSTEM REGARDING CAPITAL IMPROVEMENTS AND EXPANSION.

COUNTY MUSEUM

BACKGROUND

The San Bernardino County Museum maintains and develops cultural as well as natural science collections. The Museum hopes to inspire the public to learn more about the cultural and natural history of this region and the greater Southwest, attempting to accomplish this goal through responsible collection, preservation, exhibition and education.

The Museum provides educational and cultural programs at its main facility in Redlands and seven other regional sites: the Agua Mansa Cemetery in Colton, Casa de Rancho Cucamonga (Rains House) in Cucamonga, the Daggett Stone Hotel in Daggett, the Asistencia Mission in Redlands, the Mousley Museum in Yucaipa, the Yucaipa Adobe also in Yucaipa, and the Yorba-Slaughter Adobe in Chino.

FINDINGS

The Museum director addressed issues regarding inadequate fire protection in their document and artifacts storage areas, which was a concern of a previous Grand Jury. We observed that this fire protection upgrade was nearing completion. Our discussion and visual observations indicated that some of the storage and filing cabinets were obviously secured to prevent loss or damage in the event of an earthquake. Others appeared not to have any earthquake preventive aspects or precautions.

RECOMMENDATION

06-17 BRING MUSEUM FACILITIES UP TO CURRENT SAFETY STANDARDS.

REGIONAL PARKS DEPARTMENT

BACKGROUND

The San Bernardino County Regional Parks Department has responsibility for ten regional parks with a full range of activities, from camping with full hook-ups, to waterslides and picnic facilities. Grand Jurors visited the parks at Glen Helen, Cucamonga-Guasti, Prado, Lake Gregory, Calico and Mojave Narrows.

The director has an ambitious program for expansion of the parks' facilities and improvement of existing facilities. Much of the money for expansion comes from State Parks and other grants. New programs in partnership with the Wildlands Conservancy at Bluff Lake in Big Bear and Bear Paw in Forest Falls are primarily designed for youth education.

FINDINGS

Glen Helen Regional Park has two 300-foot waterslides and one half-acre swim lagoon. There is a need for lifeguards at all parks where swimming facilities are provided. The director indicated that they have difficulty in recruiting lifeguards because the pay scale is not adequate to attract qualified applicants. Lake Gregory Regional Park sponsored a Red Cross lifeguard training program recently to attract lifeguards. Although the training was successful, it was not enough to prevent the lifeguards from accepting positions where the pay scale exceeded the \$10 per hour paid by the County. Without adequate lifeguards, swimming facilities at the parks cannot be opened.

At Prado Regional Park, mud hens routinely cross the walkways and the children's playground, leaving mounds of slippery droppings. The children's playground is not fenced and the mud hen droppings present a hazard.

At Mojave Narrows Regional Park there was evidence of dry rot on the beams around one of the snack bar areas. Several of the park benches and picnic tables should be replaced or restored. The restrooms and other facilities are being rehabilitated, but these are done on a piecemeal basis whenever funds are available. The park offers fishing on Horseshoe Lake, with picnic facilities and barbecue grills.

Lake Gregory Regional Park was clean and well maintained. They are currently adding a skateboard park. The St. Mortiz clubhouse is under utilized for weekday

activities. It temporarily houses the senior center. The restroom facilities at the baseball fields are portable toilets, and are located close to an existing sewer line.

The use of Sheriff's Work Release personnel was seen in all the parks visited. Using these workers has helped keep costs from increasing. Funds for replacing barbecues, tables, trash cans and benches, etc., come from the operating budget. If there is not enough money, then the replacement is not done. The director estimated an additional \$153,000 annual budget allocation for a period of three years would be enough to catch up with needed replacement of barbecues, tables, benches and trash cans.

Most of the ten parks do not have an assigned permanent superintendent to oversee the day-to-day activities, supervise maintenance, and control vandalism. As an example, the superintendent at Lake Gregory divides his time between there and Mojave Narrows in Victorville.

San Bernardino County does not have development impact fees. Other counties have developer fees tied to their regional parks, which are then able to fund expansion and capital improvements. Many cities have developer fees to pay for parks and other public services.

Due to the variety and diversity of the Regional Parks system, the department needs more coordination of information between its facilities.

RECOMMENDATIONS

- 06-18 INCREASE THE HOURLY PAY RATE FOR LIFEGUARDS AT COUNTY REGIONAL PARKS TO A COMPETITIVE LEVEL.
- 06-19 FENCE THE CHILDREN'S PLAYGROUND AT PRADO REGIONAL PARK TO KEEP THE MUD HENS OUT OF THAT AREA.
- 06-20 CONSTRUCT PERMANENT RESTROOM FACILITIES AT THE BASEBALL PARK AT LAKE GREGORY REGIONAL PARK.
- 06-21 INCREASE THE BUDGET BY \$153,000 ANNUALLY TO PAY FOR REPLACEMENT OF EQUIPMENT AT REGIONAL PARKS FACILITIES.
- 06-22 IMPLEMENT DEVELOPMENT IMPACT FEES TO PROVIDE FOR A PORTION OF FUTURE FUNDING FOR THE EXPANSION AND CAPITAL IMPROVEMENTS OF REGIONAL PARKS.

06-23 ESTABLISH A REGIONAL PARKS INTER-DEPARTMENTAL NEWSLETTER.

COMMENDATION

The committee was extremely impressed with the efforts by the Director of Regional Parks to establish working partnerships with outside agencies and businesses/corporations to enhance the opportunities for County residents to enjoy the benefits that the Regional Parks provide. This includes partnerships with the Wildlands Conservancy involving Bluff Lake, Bear Paw Camp and the Santa Ana River Trails; Turner's Sporting Goods, and their associated vendors, to promote the fishing derbies; and various County service districts to coordinate the use of the Regional Parks to support programs for the youth of the County. This vision toward the future, and the passion of the director and his staff, can be used as a model for other County departments.

THE GRAND JURY COMMENDS THE DIRECTOR OF REGIONAL PARKS AND HIS STAFF FOR THEIR VISION, DEDICATION AND CREATIVITY IN PROVIDING OUTSTANDING SERVICES TO THE RESIDENTS OF SAN BERNARDINO COUNTY.

HEALTH CARE SERVICES COMMITTEE

Susan Brewster, Chairman

Arden Fritz

Betty Hornbrook

Elaine Marable

Melinda O'Connor

Jenny Overton

Kelly Potter

Larry Rich

Frank Travis



HEALTH CARE SERVICES COMMITTEE

The Health Care Services Committee was given the responsibility of investigating the Arrowhead Regional Medical Center and the departments of Behavioral Health and Public Health. Our meetings with department personnel not only focused on the functions of the department, but also concerns such as current policies and procedures manuals, accountability measures, performance reviews, and the cost to the County of services to undocumented immigrants. The committee selected the following specific areas for its review and research:

Arrowhead Regional Medical Center

- Disaster Preparedness Plan
- Emergency Room Overcrowding – Ambulance Wait Time
- Facility Security
- Fiscal Services – Certificates of Participation
- Satellite Clinics

Department of Behavioral Health

- Adult System of Care
- Alcohol and Drug Programs
- Disaster Preparedness Plan
- Mental Health Services Act – Prop. 63
- Patients Rights

Department of Public Health

- Animal Care and Control
- Disaster Preparedness Plan
- Disease Control and Prevention
- Environmental Health Services
- Inland Counties Emergency Medical Agency
- Vector Control

The committee was gratified to find all department personnel with whom we spoke to be knowledgeable, enthusiastic, and most cooperative with the committee. They were professional, caring, forward thinking, and committed to providing excellent services to San Bernardino County.

The Health Care Services Committee submits the following findings and recommendations detailed in this final report for the following department:

Department of Public Health
Inland Counties Emergency Medical Agency (ICEMA)

DEPARTMENT OF PUBLIC HEALTH

INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA)

BACKGROUND

Under authority of the California Code of Regulations, Title 22, Division, 9, Chapter 8, the Inland Counties Emergency Medical Agency (ICEMA) is the governing body to recommend and approve emergency medical service (EMS) aircraft policies, as well as recommend the integration of EMS aircraft into San Bernardino County's transport system.

There are 18 Helicopter Air Ambulance Zones in San Bernardino County. Being a "permitted" air ambulance service provider means that it has qualified to meet ICEMA's standards. After meeting ICEMA's standards, the contract is approved by ICEMA's governing board, the San Bernardino County Board of Supervisors. A "permitted" air ambulance is the only one that can do inter-facility transfers, which is more financially lucrative than responding to 9-1-1 calls. Other air ambulance services can operate within the County to respond to 9-1-1 calls; they are mutual aid providers only.

FINDINGS

Currently there is only one "permitted" air ambulance service provider under contract with ICEMA to use County air space. This service has several helicopters in its fleet. Even though ICEMA has sought to have other air ambulance service providers permitted, having proven both need and necessity, the governing board (County Board of Supervisors) has not heeded that request.

By allowing air ambulance exclusivity in San Bernardino County, there is no competition to keep the costs down. An actual invoice received by a patient's family from the "permitted" air ambulance provider totaled \$10,720.59 for a run covering less than 90 minutes, and flying only 28 miles. When ICEMA was asked if they knew what the one "permitted" air ambulance service was charging patients, they stated they did not. A definite rate structure should be developed, based upon documented costs and acceptable profit margins.

When asked if they make unannounced visits to the bases where “permitted” air ambulances are stationed, ICEMA responded they do not. Regular base inspections should be made to ensure that equipment and personnel meet the contract’s required standards.

The present “permitted” provider is not required to explain to ICEMA or the Communications Center why a helicopter is not available for emergency service. When the Communications Center calls, only then, in some cases, are they notified the helicopter is “out of service”. The Communications Center should be informed of the absolute status of all resources at all times. When someone’s life may be depending on a quick response by the air ambulance, the Communications Center loses valuable time going through the list to find an available responder.

From the information gathered, it appears there is a lack of supervision by ICEMA in governing the air ambulance contract.

RECOMMENDATIONS

- 06-24 DEVELOP AN ACCEPTABLE RATE STRUCTURE FOR AIR AMBULANCE PROVIDERS, INCLUDING BOTH 9-1-1 CALLS AND INTER-FACILITY TRANSFERS.

- 06-25 ESTABLISH A PROCEDURE WHEREBY THE COMMUNICATIONS CENTER IS AWARE, AT ALL TIMES, OF THE STATUS OF ALL AIR AMBULANCE EQUIPMENT BEING UTILIZED, WHETHER AVAILABLE OR REASON FOR NON-AVAILABILITY.

- 06-26 ESTABLISH UNANNOUNCED BASE INSPECTION PROCEDURES TO CONFIRM EQUIPMENT AND PERSONNEL MEET CONTRACT REQUIRED STANDARDS AND ARE AT THE ASSIGNED LOCATION.

HUMAN SERVICES COMMITTEE

Catherine Meister, Chairman

Susan Brewster

Frank Browning

Betty Hornbrook

Elaine Marable

Melinda O'Connor

Kelly Potter

Frank Travis



HUMAN SERVICES COMMITTEE

The Human Services Committee had the responsibility of reviewing and investigating all departments within the Human Services Group (HSG). The committee was also able to investigate the divisions and programs in the Administrative Support Division of the Human Services Group.

The committee would like to thank each of these departments for their cooperation:

- Department of Aging and Adult Services
- Child Support Services
- Children's Network
- Department of Children's Services
- Performance, Education and Resource Centers
- Preschool Services
- Transitional Assistance
- Veterans Affairs

- HSG Administrative Support Division
 - Legislation, Research and Quality Support Services
- Program Development Division
- Program Integrity Unit

All department heads and staff we encountered were professional, dedicated and cooperative.

The Human Services Committee submits the following findings and recommendations.

DEPARTMENT OF AGING AND ADULT SERVICES

ADULT PROTECTIVE SERVICES

BACKGROUND

The Adult Protective Services (APS) division of the Department of Aging and Adult Services is a State mandated program designated to investigate jointly with law enforcement reports of abuse of elderly and dependent adults. APS provides crisis intervention services to victims of abuse and/or self-neglect alleging to have occurred anywhere other than in a long-term care facility.

FINDINGS

Reports of abuse to Adult Protective Services (APS) are classified as Emergency or Non-emergency.

The State defines emergency as imminent danger or an immediate life-threatening situation. Emergencies require a response by APS within 24 hours. One other criterion for an emergency response is if law enforcement requests an APS worker on scene.

A non-emergency, by State definition, is *self-neglecting, or is being neglected, or physically, sexually, emotionally or financially abused by another person*; the State allows a **response within 10 days**. Based upon the serious nature of the State's definition of a "non-emergency", the Grand Jury finds reports of being abused "*sexually, emotionally or financially*" require a much faster response than 10 days. The department also believes the State mandate of 10 days for a non-emergency is too long. The department provided APS statistics that show their average response time to a non-emergency is five (5) days.

RECOMMENDATION

06-27 THE DEPARTMENT OF AGING AND ADULT SERVICES ADOPT AS POLICY, A REQUIREMENT THAT ADULT PROTECTIVE SERVICES RESPOND TO NON-EMERGENCY REPORTS WITHIN FIVE (5) DAYS.

LONG-TERM CARE OMBUDSMAN PROGRAM

BACKGROUND

The Long-Term Care Ombudsman Program within the Department of Aging and Adult Services is State and Federally funded. It is mandated by State and Federal law to receive, investigate, and work to resolve problems and complaints on behalf of residents in skilled nursing homes and residential care facilities. Ombudsman services are free and confidential. The Ombudsmen are independent, neutral and objective. They are responsible for identifying root causes of a problem and to resolve complaints and concerns. They also observe, suggest, and monitor the care of the patient, and keep them connected to the outside world.

California law requires that any *Durable Power of Attorney for Health Care and Advanced Directives* executed by a resident of a skilled nursing facility must be signed in the presence of an Ombudsman and a second witness. This is done to ensure that the resident understands the meaning of a *Durable Power of Attorney for Health Care*, and is not coerced into signing the document against his or her will.

FINDINGS

This program is very important. An Ombudsman is an advocate who gives a voice to the resident and assures that his or her rights will be protected.

The Ombudsman Program has two full-contract workers, one full-time County employee, four part-time contract workers, and 27 volunteer Ombudsmen. These 27 Ombudsmen are responsible for over 12,600 individuals living in long-term care facilities in San Bernardino County.

The Ombudsmen visit the 56 skilled nursing homes and 241 residential care facilities located throughout San Bernardino County. Visits are required once a quarter to the skilled nursing facilities and twice a year for the residential care facilities. **This computes to 31 minutes a year that a volunteer is able to spend in each facility.** In addition, a report is required to be filled out on each visit covering the general appearance of the facility, checking for license, food quality, activities, and quality of care and staffing.

Ombudsman volunteers must undergo 36 hours of training and 12 more hours throughout each year. They must agree to donate at least 20 hours of service each month. Volunteers receive mileage reimbursement for travel between their homes and their assigned facilities. It is not enough to pay for the high cost of driving their own vehicle. They must provide their own transportation. They receive no compensation for meals or any per diem expense. If the County were to pay someone to do this job, even at minimum wage, it would cost \$135 a month per volunteer. That would be \$3,645 per month, based on 27 volunteers, for a yearly cost of \$43,740. Offering per diem in the way of a meal allowance or stipend would help the Ombudsmen offset their own personal costs.

The department is currently recruiting Ombudsman volunteers; the response has been poor. Aging and Adult Services hasn't had much success in keeping volunteers, and there is a large turnover. At this time they do not survey past volunteers to find out why they left the program.

RECOMMENDATIONS

- 06-28 OFFER PER DIEM, IN ADDITION TO MILEAGE, AS AN INCENTIVE TO ATTRACT MORE OMBUDSMAN PROGRAM VOLUNTEERS.

- 06-29 SURVEY PAST VOLUNTEERS TO ASCERTAIN WHY THEY LEFT THE OMBUDSMAN PROGRAM.

DEPARTMENT OF CHILDREN'S SERVICES

CHILD PROTECTIVE SERVICES

BACKGROUND

The mission of Child Protective Services (CPS) is to protect endangered children, preserve and strengthen families, and develop alternative family settings. CPS works to prevent further harm to children from intentional physical or mental injury, sexual abuse, exploitation or neglect by a person responsible for a child's health or welfare. Foster Care and Adoption services are available as support for these families. New legislation (AB636) and the mandated Self-Improvement Plan (SIP) have been implemented since January of 2004. San Bernardino County currently has over 5,000 children in placement.

FINDINGS

There is a standardized method of risk assessment for children: Assess, determine appropriate response, notify regional manager, assign worker, contact family, and start an investigation. Calls to the Child Abuse Hotline (CAHL) take approximately 24 hours to process. If the child is not in immediate danger, the plan of action may take 3 to 4 days to determine, although CPS states they have 10 days to make the first contact. The Intake Staff, who handle emergency responses, average 18 referrals per month. A referral is different than a case. A referral is the abuse/neglect allegation that comes in from the community to the hotline. A worker is assigned to investigate that referral. If an incident is deemed critical, police and a social worker are dispatched to the home within two hours. Children are always removed from the home in critical cases. A court order must be obtained within 72 hours following removal.

The Carrier Staff, who handle the ongoing cases after they are adjudicated by Juvenile Court, average 42 cases per worker. They monitor the children in placement and help the birth parents with the service plan that will best help reunify the family. A family is typically given 12 months to reunify. The Carrier Staff also carries the permanency cases; those children who now have a permanent plan of adoption, guardianship or long-term foster care. Every effort is made to keep a child in his or her environment. When a child comes into the system and cannot stay in the home, family members are considered

first. These homes must meet the same standards as any other foster homes, and these family members must meet the same standards as other foster care parents.

Family-to-Family is a test project in Rialto which brings the community, churches, schools, and the CPS Department together to plan programs for the children, giving them a broader sense of the community and all the help it has to offer. The department is hoping to expand to the city of San Bernardino next. With the implementation of this and other creative program and support services, the department expects to see an increase in reunification rates and support for families of at-risk children.

Child Protective Services is currently in the process of developing a standardized risk assessment tool for line staff. This will assess the risk level for potential caregivers and identify early intervention that would benefit the family members. This is planned to be in effect by the end of 2006.

The mandated Self-Improvement Plan gives the department statistics to work with for a measurement of success or failure. The County is not inputting the data in a timely manner. Therefore, the Quarterly Outcome and Accountability Data Reports are running six months behind.

RECOMMENDATION

06-30 INPUT THE DATA FROM EACH CONTACT FOR THE OUTCOME AND ACCOUNTABILITY DATA REPORT WITHIN 24 HOURS, TO PROVIDE A MORE TIMELY MEASURE OF DEPARTMENTAL PERFORMANCE.

FOSTER HOME SERVICES

BACKGROUND

The mission of Children's Services is to protect endangered children, preserve and strengthen their families, and develop alternative family settings. Services, as mandated by law and regulation, are provided in the least intrusive manner with a family-centered focus. This mission is accomplished in collaboration with the family, a wide variety of

public and private agencies, and members of the community. Children's Services is State and Federally funded, with some local matching funds.

In 2001 the California State Legislature enacted Assembly Bill 636 (AB636), the Child Welfare System Improvement and Accountability Act. AB636 replaces a process-driven compliance review system with an outcome-driven system. It became effective in San Bernardino County in January of 2004. The key issues that are measured are related to the safety, permanency and well-being of children in the Foster Care System. Along with AB636 came the Self-Improvement Plan (SIP). This is the plan by which Children's Services plan to achieve measurable outcome improvements called for in AB636. The Department of Children's Services receives quarterly reports from the State, "*The California Child Welfare Outcomes and Accountability County Data Report*", derived from continuous data supplied by the department.

FINDINGS

The County selection process to become foster parents includes a mandatory Livescan (background check), a health checkup, and a mandated 24-hour training course, along with 20 additional hours per year; the State requires only 8 hours. Anyone frequenting the home on a regular basis is required to have a background check to determine if they may pose a threat to the child. Foster parents today are looked at more and more as potential permanent parents.

Thirteen percent (13%) of children in the foster care system are not being seen in a timely manner. According to the January 2006 "*Outcome and Accountability County Data Report*" only 86.3 percent of the children in foster care were seen in April 2005, 86.2 percent in May 2005, and 87 percent in June 2005. The caseload for Intake Workers is 15–18 referrals per month. Social Workers, who carry cases after adjudication, have 35–55 cases, depending on the contact and the court requirements for each case. Each allegation of abuse or infraction in a foster care situation is evaluated on a case-by-case situation. The action taken is determined by the severity of the allegation and the findings by the County Licensing Investigator. A plan of correction for the foster parent may involve retraining, followed up with visits by the licensing investigators to insure compliance. There are some highly publicized cases of abuse; however, they make up a very small percentage of cases the department handles. The State mandates that each child is contacted or visited monthly, and a licensing worker make annual visits. Some exemptions may apply for contact compliance.

The department does provide some services for undocumented children. At this time there are approximately 20 undocumented children in the care of Children's Services. They are entitled to limited benefits for childcare, medical, and foster care. Childcare

services are limited to undocumented children born to legal residents, which is extremely rare. Under medical, service is restricted to emergencies, such as the patient's health in serious jeopardy, impairment of bodily functions, or dysfunction of any body part or organ. Under foster care, undocumented children placed under the jurisdiction of the Juvenile Court and/or considered a dependent of the Court are eligible for Permanent Residence Under Color of the Law (PRUCOL). There is an attempt to unite undocumented children with relatives, or Children's Services assists them in becoming citizens before they reach the age of 18. The Grand Jury has received no evidence of systematic tracking of the cost of services to the undocumented.

RECOMMENDATIONS

- 06-31 ENFORCE THE PLAN BY WHICH EACH CHILD IN FOSTER CARE IS VISITED IN THE TIME MANDATED.
- 06-32 IMPLEMENT A PROGRAM TO TRACK THE COST TO THE COUNTY OF SERVING THE UNDOCUMENTED.

INDEPENDENT LIVING PROGRAM

BACKGROUND

The Independent Living Program (ILP) is a mostly Federally funded nationwide program designed to provide life skills, career exploration, and job readiness preparation for foster care youth. A small amount of funding comes from the State. Eligible youth, 16 to 21 years of age, learn skills to prepare them to transition to adulthood and live independently. ILP services include workshops, conferences, training career counseling, tutoring, and assistance with scholarships. The department contracts with community groups for many of these services. Most former foster care youth are eligible for full Medi-Cal benefits until their 21st birthday. The County Mission Statement is *"The goals of the ILP are to enable eligible youth to achieve self-sufficiency prior to leaving the Foster Care support system and through the continuum of emancipation. Providing independent living skill assessments, basic services, and written Transitional Independent Living Plan for each participating youth assists in achieving the goal."* It is a top priority of the California Department of Social Services to make the Independent Living Program available and

accessible to all eligible youth in California. The Grand Jury met with representatives of the County ILP on November 2 and November 16, 2005.

FINDINGS

All foster care youths are to be identified at 15-1/2 years of age. Case workers and foster families are to notify the youths of the Independent Living Program (ILP). Fliers are also sent to them. Some youths do not receive notification. The department believes this happens because caseworkers quit or transfer to another position, and a lack of information occurs. Youths are sometimes placed in another county.

ILP measures success by the youth being employed, having a place to live, and having a "life plan". Currently, ILP is serving 4,191 youths. The program is voluntary. The County offers incentives (money) and transportation within the county for the youth to attend various workshops or classes. The County offers ten week classes in skills ranging from relationships and self-enhancement, computer skills, handling finances, writing resumes, studying for the Standard Aptitude Tests, and passing the required high school graduation tests. The ILP department believes every youth succeeds at his/her level, and no one fails. The youths evaluate themselves. They can repeat classes if they wish. There are no set standards or measurement for achievement. The department does send an annual program status report to the State.

ILP is a State mandated program, but there has been no requirement for tracking success or failure. The recent Self-Improvement Plan (SIP) calls for a system to enable tracking. The department can retrieve data on an individual but cannot give statistics on the program. Data can be found in the State Reports or Berkeley Reports. The department is working with Loma Linda University to develop a system to track the program's success in the early stages (ages 16 to 18). The department does not track youths who have left the program. Sometimes youths who have left the program contact ILP, and the department can note how those particular past participants are doing.

The department believes community involvement is not only helpful, but a necessary component for the Independent Living Program. The new Family-to-Family Program is promising, but it is only a first step in countywide implementation and is limited to a small area of the County. The department stated a need for more mentors, especially male mentors. ILP states they have a Speaker's Bureau which, at present, consists of the ILP Coordinator. The speaker will go into the community to encourage people to become mentors.

ILP does serve the undocumented, but does not keep a record of financial costs. Presently, the department has identified eight undocumented youth in the program.

RECOMMENDATIONS

- 06-33 ESTABLISH STANDARDS FOR MEASURING THE SUCCESS OR FAILURE OF THE PARTICIPANTS IN THE INDEPENDENT LIVING PROGRAM.
- 06-34 IMPLEMENT AN OVERALL DOCUMENTED STATISTICAL COUNTY TRACKING SYSTEM TO IDENTIFY THE STRENGTHS AND WEAKNESSES OF THE INDEPENDENT LIVING PROGRAM.
- 06-35 ESTABLISH A COUNTYWIDE ONGOING PROGRAM TO ACTIVELY SEEK MENTORS AND COMMUNITY INVOLVEMENT.
- 06-36 TRACK THE COST OF PROVIDING SERVICES TO THE UNDOCUMENTED.

LAW AND JUSTICE COMMITTEE

J. Mark Taylor, Chairman

Gordon Bjorklund

Skip Burt

Tom Hale

Melinda O'Connor

Kelly Potter

Larry Rich

Frank Travis



LAW AND JUSTICE COMMITTEE

The Law and Justice Committee experienced a very active year of investigation. Our term enabled us to focus on the following five areas:

- West Valley Detention Center
- District Attorney
- Probation
- Sheriff/Coroner
- Public Defender

West Valley Detention Center – Early release of prisoners became the initial subject of investigation, particularly after it was discovered San Bernardino County release percentages were almost 40 percent higher than surrounding counties. Upon discovery of capacity issues and laws imposing early release, the need for additional detention facilities was evident. Due to our desire for this issue to be included in the County's budget planning process for 2006, an Interim Report was released in March.

District Attorney – This subcommittee was initially motivated by DUI repeaters, failures to appear in court, and subsequent outstanding warrants. Ultimately it was discovered there were over 144,000 warrants, including over 14,000 felony warrants. Discussions ensued regarding formation of a "warrant unit", and the District Attorney's staff took ownership of this project and met with the Sheriff and local city police. The groundwork has been accomplished and we will soon be hearing of results from the warrant unit. Kudos to law enforcement personnel in San Bernardino County.

Sheriff/Coroner – The Board of Supervisors in February 2006 authorized \$2.6 million to the Sheriff to improve Coroner facilities. While this did address much needed issues at their main facility, the satellite facility in the high desert was not addressed. Our Final Report makes recommendations that would alleviate concerns that arose as a result of our investigation.

Public Defender – With a new Public Defender appointed in mid-March, time must be allowed for potential new policies to be put in place. However, the issues of failing to identify illegitimate indigents and cost of defense of illegal immigrants were two issues addressed in the Final Report.

Probation – Because of the time required to make quality investigations into other departments, Probation was given only a cursory investigation, with no concerns arising.

On behalf of all members of the Law and Justice Committee, we thank the Sheriff and his staff, the District Attorney's staff, and all department heads for their cooperation and support during our term. What follows represents our findings and recommendations, in detail.

DISTRICT ATTORNEY

PUBLIC INTEGRITY UNIT

BACKGROUND

The San Bernardino County District Attorney campaigned on the issue of restoring public integrity to San Bernardino County. Within the first four months after being elected, the District Attorney created the Public Integrity Unit (PIU). He researched the surrounding counties to help him set up the guidelines for this unit and found Los Angeles to be the best to model his unit after. The Los Angeles District Attorney was very approachable and their program was aggressive. Since their program was running smoothly, the San Bernardino County District Attorney decided to adopt most of their policies.

FINDINGS

The Public Integrity Unit (PIU) is comprised of two attorneys, three investigators, and a secretary. The unit handles complaints involving those holding public offices. Some issues might involve the illegal use of campaign funds, residency violations, and open meeting/Brown Act violations. The unit is responsible for monitoring city councils and elected boards and commissions. The District Attorney's office is looking for violations of the Brown Act, Election Code, or any criminal violations.

All actions by the PIU are initiated only upon the receipt of a written complaint by a citizen, or by an investigation submitted by a law enforcement agency. They are willing to accept and return telephone calls, but no investigation is initiated until a written complaint is received. They are careful to protect the office from becoming involved in political issues. Members of the Public Integrity Unit must not endorse any political candidates or contribute to any campaigns.

Unlike the Grand Jury, the PIU will accept anonymous complaints. Many of the complaints it receives are not criminal in nature. Although many of the complaints may be unethical or morally wrong, it cannot proceed in the complaint without it being Brown Act, Election Code, or criminal in nature. After it finds nothing that falls into its purview, the PIU contacts the complainant to let them know of its findings. The Grand Jury suggested

the persons filing the complaint not fitting into the category of criminal, be advised of the option of filling out a complaint form to the Grand Jury. This would give individuals another avenue to pursue.

RECOMMENDATION

06-37 THE PUBLIC INTEGRITY UNIT OF THE DISTRICT ATTORNEY'S OFFICE INFORM COMPLAINANTS OF THE OPTION OF FILING THEIR NON-CRIMINAL COMPLAINT WITH THE COUNTY GRAND JURY.

PUBLIC DEFENDER

BACKGROUND

The Constitution provides that all persons accused of a crime be defended; those that do not have the financial means to hire an attorney will be assigned one by the Court. The County Public Defender's office has the responsibility of representing indigent clients. The office of the Public Defender provides defense services to both adults and juveniles accused of felonies, misdemeanors, and violations of probation.

FINDINGS

The Public Defender's office has 103 Deputy Public Defender positions. There are currently two (2) vacancies; however, candidates have been interviewed for the positions; one has accepted and the other was rejected.

The Department of Justice's National Advisory Commission adopted a caseload standard of *"no more than 150 assigned felonies per attorney per year, or no more than 400 assigned misdemeanors per attorney, or no more than 242 assigned juvenile cases per attorney per year."* Currently, San Bernardino County Deputy Public Defenders have caseloads averaging 694 combined felonies and misdemeanors, with an additional 116 probation violation cases. Those working the Juvenile Division have average caseloads of 448. The Public Defender's office is handling 69 percent of the District Attorney's cases with 47 percent comparative staffing.

Several neighboring counties (Los Angeles, Orange, Ventura, etc.) have programs in place to determine the ability of an accused to pay legal fees prior to being assigned to a public defender. San Bernardino County had such a program; however, it was discontinued several years ago. At the present time, San Bernardino County does not collect or review financial information from prospective Public Defender clients to determine their ability to pay fees.

In May 2004 a meeting was held with the County Administrative Officer, Treasurer-Tax Collector, Public Defender and then Presiding Judge of the Superior Court to discuss the possibility of collecting indigent defense fees. It was decided that a program to do so was feasible.

The Public Defender's office conducted a cost of service analysis and determined the average cost for a misdemeanor case was \$236, a felony case was \$784, and a juvenile case was \$487. Research done by the Treasurer-Tax Collector suggests that with accurate Social Security information, a 42 percent collection rate could be attained.

With the approval of the Courts, the Treasurer-Tax Collector developed a program to determine the ability to pay, using the defendant's credit scores. At arraignment, a short questionnaire providing name, Social Security number, address, and place of employment would be filled out. The defendant's credit score and property ownership would be checked, and depending on this information, a recommendation would be made for the amount to be paid/collected.

The 2004-2005 Presiding Judge of the Superior Court instructed all judges of the new procedures in Court-appointed counsel fees and the importance of making the program work. This occurred in September of 2004. Thirty (30) days later the Presiding Judge withdrew his support of the program, which caused the program to be unsuccessful. The action of that Presiding Judge cost the County millions in lost revenue.

The Grand Jury's quest to find the cost of services provided undocumented immigrants has determined that during the past year approximately \$9,120,000 of the Public Defender's budget has been used for this purpose. The Grand Jury does not advocate withholding services.

RECOMMENDATIONS

- 06-38 INCREASE THE PUBLIC DEFENDER'S STAFFING TO MEET THE GUIDELINES OF THE DEPARTMENT OF JUSTICE'S NATIONAL ADVISORY COMMISSION CASELOAD STANDARD.
- 06-39 INSURE FINANCIAL STATEMENTS BE COMPLETED AND DEFENDANTS' ABILITY TO PAY BE DETERMINED PRIOR TO BEING ASSIGNED A PUBLIC DEFENDER.
- 06-40 THE PUBLIC DEFENDER'S OFFICE NOT ACCEPT CLIENTS THAT ARE KNOWN TO HAVE THE FINANCIAL RESOURCES TO HIRE AN ATTORNEY.
- 06-41 DIRECT THE TREASURER-TAX COLLECTOR TO PROCEED WITH THE INDIGENT DEFENSE FEES COLLECTION PROGRAM.

SHERIFF-CORONER

CORONER DIVISION

BACKGROUND

It is the responsibility of the Coroner to determine the cause and manner of death of San Bernardino County residents. The Coroner's office is also tasked with identifying the deceased and notifying their families. The central Coroner's facility is located in San Bernardino and was built in 1987.

FINDINGS

The Coroner's Division conducted 9,552 investigations in 2005. It receives notification of about 26 deaths per day; of these, about five are actually transported to the Coroner facility.

The Grand Jury applauds the Board of Supervisors for recently allocating \$2.6 million for much needed improvements and 15 new positions. This includes seven investigators, five autopsy assistants, two Sheriff's service specialists, and one additional part-time medical examiner. These authorizations were focused on improvements for the central facility.

The Coroner's central facility is now going through an overhaul. The Public Administrator and Public Guardian offices have moved out of the south wing. The Coroner's administrative personnel will move into that area. The north wing will be remodeled and expanded, enlarging the refrigeration area and adding a much-needed freezer.

Although funds have been allocated for improvements at the central facility, the High Desert facility remains a problem. This small, antiquated office serves 18,000 square miles of San Bernardino County desert. The office is staffed with three investigators, one clerical position, and one supervisor. The supervisor serves as an investigator 30 of 40 hours per week. The High Desert facility is under-staffed. There are currently no autopsy or assessment areas in the High Desert facility. Having these services available would eliminate the necessity of moving the deceased to the central facility and would reduce transportation costs.

The Victorville facility is located in a tri-plex strip mall. The neighbors on either side are a martial arts studio and offices for a construction company. They are separated by 5/8" thick drywall. The garage door in the rear of the building isn't large enough for a vehicle. While they attempt to be as discreet as possible, body deliveries/releases are made in public view.

The evidence/belongings room appears to have been a closet. There is a refrigeration unit that was acquired in 1998. This unit has the capacity to hold 10 bodies and is for short-term use. Often bodies found in the desert are badly decomposed and odor becomes an issue for the Coroner's office as well as their neighbors. There are no back-up generators, so power loss would be critical. The facility is not open 24 hours a day, and security is minimal.

RECOMMENDATIONS

- 06-42 RELOCATE THE CORONER'S HIGH DESERT FACILITY UNTIL A NEW FACILITY CAN BE BUILT.
- 06-43 BUILD A NEW CORONER'S FACILITY IN THE HIGH DESERT TO INCLUDE AUTOPSY AND ASSESSMENT AREAS.
- 06-44 INCREASE CORONER STAFFING IN THE HIGH DESERT.

SCIENTIFIC INVESTIGATIONS DIVISION

BACKGROUND

The Sheriff's Scientific Investigations Division provides support in the investigation of crimes committed within the County of San Bernardino. Division personnel use state-of-the-art procedures and equipment to assist in solving crimes. These procedures and equipment include evidence monitoring, crime scene investigation, photos, evidence-gathering, ballistics testing, and the testing and analysis of DNA. The Scientific Investigations Division is currently located in a converted warehouse. Several members of the Grand Jury visited the facility on March 23, 2006.

FINDINGS

The facility does not provide adequate space for staff to fully accomplish their mission. Analysts doing the same type of work are not located in common work areas, but scattered throughout the facility. This requires workers to leave their work areas and travel to another part of the facility to do testing because the sophisticated, one-of-a-kind testing equipment is not located near them. In addition, the actual workspace for criminalists is well below the recommended FBI standards which recommend 1,000 square feet per employee. The current space allows for only 386 square feet per employee (17,000 square feet for 44 employees). There is not adequate indoor space to forensically inspect more than one vehicle at a time. We were shown a car suspected of being used in a robbery and murder several days earlier. The car could not be garaged to protect possible evidence because the one garage stall was being occupied by another vehicle also involved in a murder investigation. The outside evidence retention facility is a small fenced area not protected from weather conditions, degrading possible evidence.

San Bernardino County is critically understaffed. The number of trained criminalists and DNA analysts has not kept up with the growing County population. San Diego County passed an ordinance requiring one DNA analyst for every 100,000 people, which has resulted in their now having 20 DNA analysts. Based upon that formula, with the current San Bernardino County population estimate at 1,990,000, we should also have a staffing of 20 DNA analysts. Currently there are six DNA analysts, with four more in training. There are only nine Crime Scene Investigators on staff. This has forced the Division to respond predominantly to homicides, brutal rapes, and officer-involved shootings.

RECOMMENDATIONS

06-45 PROVIDE ADEQUATE WORKSPACE FOR THE SHERIFF'S SCIENTIFIC INVESTIGATIONS DIVISION, TO INCLUDE PLANS FOR FUTURE GROWTH OF THE COUNTY.

06-46 HIRE ADDITIONAL DNA ANALYSTS AND CRIME SCENE INVESTIGATORS.

INTERIM REPORT

(Released March 2, 2006)

AND YOU THOUGHT "IN-N-OUT" WAS A HAMBURGER!

BACKGROUND

For over 10 years, the County Board of Supervisors has been well aware of the severe shortage of available jail space to house San Bernardino County criminals. In 1995 the Board of Supervisors authorized a Staffing Analysis Study completed by Liebert & Associates from Boulder, Colorado. At that time it was recommended to not only increase jail staffing, but emphasized that housing was precariously close to maximum capacity and should be increased as well.

FINDINGS

In 2005 there were a total of **110,537** bookings made by law enforcement agencies in San Bernardino County. Of those, **42,240** or nearly **40 percent** of sentenced and pre-sentenced criminals were quickly released back into our communities because our jails were at capacity and their crimes were considered to be non-violent misdemeanors or felonies; crimes such as driving under the influence, burglary, grand theft auto, just to name a few. On average, one criminal was released every **13 minutes** in 2005 due to a lack of jail space. Therefore, in less than the amount of time it takes you to get a hamburger at IN-N-OUT, another criminal who should be in custody has been released from a San Bernardino County jail. **IN-N-OUT!**

Until the recent opening of the Adelanto Detention Center in January 2006, housing capacity had not been increased, and staffing was only added to accommodate the opening of the Adelanto facility itself. Even with this welcomed addition, it took less than 30 days to again reach capacity in San Bernardino County jails. In addition, the governor currently has put forward a proposal that would house parole violators in county jails, which will only exacerbate the problem in this County. During the past ten years, the County population has increased well over 20 percent, and with the current housing development taking place, it is estimated to increase by at least 15 percent in the next ten

years. There is not enough jail space in San Bernardino County and, as a result, the Sheriff is forced to approve early release to many of those who are arrested or currently in jail.

During just a 15 day span in December 2005, one individual was involved in grand theft auto on five separate occasions, booked at the West Valley Detention Center and, in the first four thefts, was released within 12 hours in each case. In the fifth incident there was a high-speed pursuit which resulted in a collision, and the individual was finally held in jail.

On July 24, 2005, another individual, arrested for his fourth DUI in four years, was also booked and released at West Valley, but with very tragic results. Two innocent Moreno Valley teenagers were killed by this individual as he drove on the 215 freeway in the wrong direction, resulting in a head-on collision. This incident occurred less than 30 days after his last "misdemeanor" release.

If you're not yet moved to action, consider the **140,000** current outstanding warrants in the County, over **14,000** of which are felony violations. Before the Sheriff and District Attorney can join forces to get these bad guys off the street, they must have a place to incarcerate them. Until then, these bad guys are **OUT-N-NEVER IN!**

An agreement with the United States Federal Marshal's Service, approved by the County Board of Supervisors in 1999, requires that the County house **320** Federal prisoners. Presently, there are over **500** Federal prisoners in San Bernardino County jails. In addition, on any given day, there are approximately **700** illegal aliens occupying space in our County jails. In late 2005, nine (9) new positions were authorized by the Board of Supervisors for the Sheriff to identify illegal aliens who are in custody. However, a delay by Immigration & Customs Enforcement (ICE) in providing the necessary computer networking to interface with the Sheriff's computer system has placed this project on hold.

Before you condemn the Sheriff for letting these criminals out, consider the obstacles he faces daily. The four functioning jails in San Bernardino County (West Valley Detention Center, Glen Helen Rehabilitation Center, Central Detention Center and Adelanto Detention Center) are capable of housing 5,840 inmates. These jail facilities are full! Temporary housing (72 hours or less), utilized for booking and court appearances ONLY, are available at the Victor Valley Sheriff's Station (90), Barstow Sheriff's Station (48), Morongo Valley Station (42), Colorado River Station (36) and the Big Bear Sheriff's Station (22).

Compounding the Sheriff's problem is a 1998 Federal court ruling, referred to as the "Haas Decision", which mandated that when the West Valley or Glen Helen facilities reach 90 percent capacity, a release "process" must begin to avoid overcrowding. The

current "process" allows the early release of any arrestees not involved in a weapons charge and some felony or violent crimes, and any who have a bail schedule of less than \$150,000. Thus, burglars, car thieves, DUI's and many arrested for drugs are selectively released to make room for felony and violent offenders. IN-N-OUT!

In 2001, the County purchased land in Apple Valley for the construction of a juvenile detention facility and a 3,072 bed adult jail facility, similar to the West Valley Detention Facility. As of today, no adult facility has been constructed!

RECOMMENDATIONS

- 06-47 EXPAND THE GLEN HELEN REHABILITATION CENTER TO ADD 500 BEDS.
- 06-48 EXPAND THE ADELANTO DETENTION CENTER TO ADD 700 BEDS.
- 06-49 REDUCE THE NUMBER OF FEDERAL PRISONERS IN COUNTY FACILITIES TO 320 TO CONFORM TO THE AGREEMENT WITH THE UNITED STATES FEDERAL MARSHAL'S SERVICE.
- 06-50 DO NOT RENEW THE AGREEMENT WITH THE UNITED STATES FEDERAL MARSHAL'S SERVICE WHEN IT EXPIRES IN 2009.
- 06-51 RETURN ALL ILLEGAL ALIEN INMATES HELD IN COUNTY FACILITIES TO THE IMMIGRATION & CUSTOMS ENFORCEMENT.
- 06-52 IMMEDIATELY CONSTRUCT A NEW ADULT JAIL FACILITY ON THE LAND PURCHASED IN APPLE VALLEY.

PUBLIC & SUPPORT SERVICES COMMITTEE

Mel Abeyta, Chairman

Gordon Bjorklund

Frank Browning

Ken Dean

Arden Fritz

Tom Hale

Betty Hornbrook

Elaine Marable

Catherine Meister

Melinda O'Connor

Jenny Overton

Mark Taylor



PUBLIC & SUPPORT SERVICES COMMITTEE

The Public and Support Services Group (PSSG) was formed during a reorganization of the County approved by the Board of Supervisors in April, 2005. The Public and Support Services Committee was assigned the responsibility of investigating the 10 departments that provide services to the general public or internal support to other County departments.

Subcommittees were formed and the following departments were investigated for operational and functional efficiency:

- Architecture and Engineering
- County Fire
 - Office of Emergency Services
- Facilities Management
- Fleet Management
- Real Estate Services
 - Redevelopment & Real Estate Ad Hoc Committee
- Registrar of Voters
- Special Districts

Findings and recommendations resulting from the investigations by the various subcommittees are detailed in this final report for the following departments:

- Architecture and Engineering
- Fleet Management
- Office of Emergency Services
- Real Estate Services
- Registrar of Voters

ARCHITECTURE & ENGINEERING DEPARTMENT

BACKGROUND

Architecture and Engineering (A&E) is responsible for planning and implementing the quality design and construction of projects included in the County Capital Improvement Program (CIP), as well as other Regional Parks, Airports, and Community Development and Housing Department projects. The department collaborates with other County agencies, the County Administrative Office and the Board of Supervisors to determine project scope, schedule and budget. A&E administers projects from conceptual design through construction to completion. Staff issues Requests for Proposals to secure consultant services, prepares bid packages, solicits competitive construction bids, obtains the appropriate jurisdictional approvals, and provides inspection and construction management services.

FINDINGS

Architecture and Engineering is currently undergoing a reorganization structure change in order to streamline the current work process and to reduce the number of capital project backlogs. Job titles have been changed to better reflect assigned duties and responsibilities. Additional project managers have been added to more efficiently handle the increasing workload. The project managers do not perform engineering on any of the projects, even though some do have an engineering background. All engineering and design projects are performed by outside engineering consultants on a contract basis. The project managers handle projects from start to completion. Evaluation of their performance is based on their ability to interface with clients, do the necessary paperwork, and complete projects in a timely, cost-effective manner. Monthly meetings are held with the project managers to review the status of ongoing projects under their responsibility.

This department does not presently have a Policy and Procedures manual. Prior Grand Jury recommendations in 2003-2004 and 2004-2005 recommended that a manual be developed and put into practice to protect the best interests of the County. This task was never accomplished. A manual would help to protect the department and the County against questionable policies and procedures in the awarding of construction contracts.

An administrative staff person was hired in fiscal year 2004-2005 to specifically develop this manual. However, that person was reassigned to the Accounting section due to some major problems the department was experiencing in keeping track of the funding and expenditures on projects. This person is now being transferred to another department and a new person has been recruited to fill this position. The principal duty of this new position is to develop the manual and to have it completed within three months.

A&E does not maintain any computerized bidders' database to use when soliciting bids for their construction projects. They advertise the bid notice in the local newspaper and various construction trade papers, and post the bid notice on the County's webpage. In addition, the project manager who is in charge of the project will telephone contractors that they know to inform them of the project that is going out to bid.

The department does not have any formal bid protest procedures in place. They are guided by the State's Public Contract Code when a contractor files a formal bid protest. The director stated he does not maintain any suspension or debarment list of contractors who were awarded construction contracts but did not perform according to bid requirements.

The director stated the department does not utilize any of the standard industry computerized software programs for keeping track of their construction projects. When asked about computerizing their bidding process through the Internet, the director stated, "I don't have any plans to do this; however, I will look into it".

RECOMMENDATIONS

- 06-53 DEVELOP A POLICY AND PROCEDURES MANUAL TO INCLUDE A SUSPENSION AND DEBARMENT POLICY.

- 06-54 PUT POLICIES AND PROCEDURES INTO PRACTICE WITHIN THREE MONTHS OF THIS RECOMMENDATION.

- 06-55 IMPLEMENT A COMPUTERIZED BIDDERS' DATABASE TO INCREASE THE OUTREACH EFFORTS TO OBTAIN ADDITIONAL COMPETITIVE BIDS ON COUNTY PROJECTS.

COUNTY FIRE DEPARTMENT

OFFICE OF EMERGENCY SERVICES

BACKGROUND

The Office of Emergency Services (OES) operates under the auspices of the San Bernardino County Fire Department. Its mission is to coordinate information, both internal and external, during an emergency. The OES operates with a County budget of approximately \$1.1 million, plus Federal and State grants of \$29 million.

Internally the office operates the Emergency Operations Center (EOC), coordinates with County departments, provides training, oversees the County Emergency Operations Plan, and coordinates with the Disaster Council and key emergency personnel transportation.

Externally the office operates the Inland Business Council for Emergency Preparedness, Emergency Alert System, emergency communications service, and assists in coordinating the Telephone Emergency Notification System (TENS).

The office offers the following technology:

- Internet Response Information Management System
- Tri-net paging and network, along with CalTech United States Geological Survey (USGS) broadcasts of earthquakes
- Emergency electronics and specialized vehicle
- Telephone Emergency Notification System (TENS)
- Daily conference calls with the National Weather Service

FINDINGS

The OES building is located across the street from the Sheriff's Aviation Division in Rialto. It is fenced and entrance is obtained only by the use of an electronic device. The inside of the building is neatly arranged according to tasks, but it is crowded.

The Emergency Operations Center has over 200 EOC responders available to respond 24 hours a day, seven days a week. The EOC does not directly manage field operations but, rather, insures coordination of an event, such as the Old Fire and the more recent Plunge Wildfire. When the EOC is activated, it provides situation summaries with twice daily reports to a wide range of distribution. It provides coordination with the State OES, the Red Cross, utility companies and others.

The present OES facility was adapted from a warehouse built by Special Districts in 1985 to serve as a food bank distribution center. For that use the building was earthquake compliant. In 1991 the building was remodeled to serve as a temporary facility for the Office of Emergency Services. The change of use resulted in a change in the seismic requirements, as the building became an "essential facility", according to the County's Architecture and Engineering Department (A&E). A&E reported that although the remodel contained some structural elements, the building, in all likelihood, does not meet current seismic requirements for an "essential facility". To make the building earthquake compliant, an engineering study would need to be performed to determine the modifications necessary to meet the current seismic requirements. According to Architecture & Engineering, a pre-fabricated metal building reacts favorably in a seismic event, but the foundation and structural members would require modification to meet current codes.

The scope of the necessary modifications to this facility has not been determined; there has not been an engineering study to develop a cost estimate for the upgrade.

In an emergency, the County will be relying on this center; therefore structural integrity is essential.

RECOMMENDATION

06-56 MOVE THE OFFICE OF EMERGENCY SERVICES AND EMERGENCY OPERATIONS CENTER TO AN EARTHQUAKE COMPLIANT FACILITY WITH SUFFICIENT SPACE NEEDED FOR PERSONNEL TO FUNCTION EFFICIENTLY.

FLEET MANAGEMENT DEPARTMENT

BACKGROUND

The Fleet Management Department provides vehicles, equipment, and services to officials and employees in order to provide County services to its citizens. They operate six repair/maintenance facilities and 22 fuel sites throughout the County.

The County has three other fleets which are not controlled by the Fleet Management Department: the Sheriff's Department, County Fire Department, and Special Districts. Each of these departments currently manages their own fleet of vehicles and equipment.

FINDINGS

Alternative fuel vehicles within the Fleet Management Department's inventory are currently being phased out and only a few of them are in use. This is primarily due to lack of interest, which diminishes the availability of fueling locations. The department currently has 20 Toyota hybrid vehicles in their inventory. They feel these vehicles are the design of the future.

While visiting the department on September 22, 2005, participating Grand Jurors were each given safety goggles to wear during a walk-through of the Shop area. We were told upon entering the building that it is a requirement that everyone must wear eye protection. Once inside the Shop area one of the first observations we made was that none of the employees we saw were wearing any eye protection. The only people with proper eye protection were the visiting Grand Jurors and the Fleet Management Department managers. It is clearly posted at the entrances/exits of the Shop area that protective eyewear is required.

At that same visitation we were initially informed of a consolidation study being done by an outside consultant. The Board of Supervisors had ordered a study to consider the issue of consolidating the four County fleets into one fleet. We were told that the study began about two years ago and was 90-95 percent complete. We were advised that we could see the report when it was completed, sometime in December 2005.

On November 23, 2005 the Grand Jury contacted the Director of Fleet Management. He advised us that that Fleet Management had been relieved of responsibility associated with the study. A request was then sent to the Associate Administrative Officer (AAO) in the CAO's office inquiring into the status of the consolidation. We requested information be provided by December 15, 2005. On December 15 we received a response from the AAO stating that he would be happy to provide us with copies of all documents, but could not do so by the requested date. He further asked our indulgence until the middle of January 2006, when he expected the work to be completed.

On January 15, 2006, having received no further response from the AAO, the Grand Jury submitted another written request for the information and was again told they are still working on the report and it should be ready by the middle of February 2006. In mid-February the Grand Jury again requested the information from the AAO. When he requested an additional 30 day extension, he was asked to appear before the Grand Jury to explain the delay. This meeting was held on March 2, 2006.

The AAO explained that the Supervisor for the Second District ordered the study over two years ago. The study cost \$63,000 and was completed in July or August of 2005 by Fleet Counselor Services of Mesa, Arizona. This is contrary to what we were told by the Fleet Management Director on September 22, 2005.

The Associate Administrative Officer confirmed the study recommended consolidation of the County fleets, and the Director of Fleet Management concurred. However, the AAO and others did not agree with the report and prepared a cover letter for presentation to the Supervisor of the Second District. The original report would remain as written by the consultant, with the AAO's cover letter attached.

Nine months have now elapsed, and the Grand Jury has yet to be provided with the requested consolidation study.

RECOMMENDATIONS

- 06-57 INCREASE ALTERNATIVE FUEL AND HYBRID VEHICLE INVENTORY AND USAGE WHEREVER PRACTICAL.
- 06-58 STRICTLY ENFORCE SAFETY RULES AND REGULATIONS AND IMPOSE DISCIPLINARY ACTION FOR ALL VIOLATORS.
- 06-59 MAKE PUBLIC THE COMMISSIONED CONSOLIDATION REPORT CONDUCTED BY FLEET COUNSELOR SERVICES OF MESA, ARIZONA.

REAL ESTATE SERVICES DEPARTMENT

BACKGROUND

The responsibility of the Real Estate Services Department (RES D) is to develop policies and procedures to provide and administer real estate services to all County departments, special districts, and other public agencies. This includes providing real estate purchases for general County use and disposal of surplus property no longer needed by the County. The Real Estate Services Department is required to maintain a complete inventory of all County-owned land and facilities, as well as all leased facilities.

FINDINGS

The Board of Supervisors declares when real property becomes surplus to the needs of the County, upon recommendations from various departments and the Real Estate Services Department. Once property is declared surplus, the disposal of the property is handled by Real Estate Services through a bid process and/or public auction. The public auction is advertised in various newspapers, and real estate brokers are also notified. According to the RES D policy and procedures manual, sealed bids are received and oral bids are also accepted. Oral bids are accepted after the written bids have been opened, examined and publicly declared by the auctioneer, per California Government Code 25531. To be a valid oral bid, the bid must be submitted on the basis of the terms and conditions specified in the Board of Supervisors' resolution and must be at least five percent (5%) higher than the highest conforming sealed bid. The property is then sold to the highest bidder(s) which, in all cases, is no lower than the appraised value. Funds received from the sale are deposited into the County General Fund, with the exception of Flood Control Districts.

Our investigation found that State Government Code Section 50569, which requires County property and surplus land be updated on a yearly basis, was not in compliance. The 2003-2004 Grand Jury had requested a Master Inventory Listing of County-owned property, including surplus land, as the current listing was over eight years old. This listing was never provided. Three additional requests were made for this listing by the 2005-2006 Grand Jury. In January 2006 an incomplete listing was provided, lacking current appraised values, physical locations, and recommendations for disposal of surplus properties.

Last year's Grand Jury recommended that a policy and procedures manual be established. This Grand Jury followed up on this and was told that the department was working on the manual. The Grand Jury was promised a copy of the manual when it was completed. After several requests, we were provided with what RESD referred to as their updated manual in January 2006. The copy that we received was difficult to use, did not have an index and it did not contain page numbers.

RECOMMENDATIONS

- 06-60 DELETE THE USE OF ORAL BIDS; ACCEPT ONLY SEALED BIDS ON SURPLUS PROPERTIES.

- 06-61 FINALIZE AND MAINTAIN THE MASTER INVENTORY DATABASE OF COUNTY-OWNED PROPERTY ON A QUARTERLY BASIS, INCLUDING APPRAISED VALUES AND PHYSICAL LOCATIONS.

- 06-62 COMPLETE THE REAL ESTATE SERVICES POLICIES AND PROCEDURES MANUAL TO INCLUDE AN INDEX AND PAGE NUMBERING.

REGISTRAR OF VOTERS

BACKGROUND

The County Registrar of Voters (ROV) is responsible for conducting voter registration and voter processes with the highest level of professional election standards, accountability, security and integrity.

Grand Jurors attended Logic and Accuracy Test on October 6, 2005 and observed the process of ballots being brought into the ROV office and tabulated on November 8, 2005.

FINDINGS

The Registrar of Voters uses student volunteers and considers the student workers very beneficial. The ROV has speakers available to go to the schools to recruit volunteers. The ROV stated that the student poll workers program needed to be pursued more vigorously. Prior to the November 2005 election, it was pointed out by the Grand Jury that a teacher at one local high school, who teaches two advanced placement government classes, had not been contacted, due to the previous teacher's retirement. The ROV then contacted the present teacher, which resulted in the training and assignment of 32 student volunteers for the election. Future plans of the ROV are to increase the number of students who participate, including having the manager of the Poll Workers Section contact schools. The manager will meet with government teachers to encourage them to participate in the program. The manager will also review the material that is sent to schools, revising it if necessary. The ROV sends a thank you card to all poll workers. The Grand Jury believes it would be beneficial to include with the card a survey of the poll worker's experience.

An estimated 1,965 poll workers are needed for a minor election, and 2,500 for a major election. These numbers are down significantly from the 4,000 poll workers required for a major election prior to the implementation of touch screen voting. The number of poll workers assigned to a polling place is a formula based on the number of registered voters per polling precinct. Some polling places were overstaffed, which discourages poll workers from volunteering again.

One of the problems observed on Election Day November 2005 was difficulty by poll workers in reaching ROV personnel when problems arose, even though the office had 24 phone lines dedicated to incoming Election Day inquiries. The ROV did have ten dedicated lines for Rovers (trouble shooters). The poll inspectors were not provided with the Rovers cell phone numbers.

Prior to the Primary Election this June, the ROV used County employees who had to take a vacation day to work the polls. A new County ordinance was recently adopted that allows County employees to serve as poll workers without using a vacation day and receive their regular pay, in addition to the stipend for poll workers. It is intended to provide a stable pool of poll workers.

All of the members of the Board of Supervisors believe there is justification for using County employees as poll workers. They would prefer volunteers rather than County employees, but expressed a need for a stable pool of poll workers. The Grand Jury has not seen a demonstrated need for this program. The Registrar said they had not considered an outreach program to recruit major employers of San Bernardino County for poll workers from their businesses.

RECOMMENDATIONS

- 06-63 UPDATE THE DATABASE OF HIGH SCHOOL GOVERNMENT TEACHERS TWICE YEARLY; ONCE IN LATE AUGUST AND ONCE IN LATE JANUARY, TO ACCOUNT FOR CHANGES IN TEACHER ASSIGNMENTS.
- 06-64 SEND A PREPAID SURVEY CARD TO POLL WORKERS WHEN THE THANK YOU CARD IS SENT, SEEKING TO DETERMINE THE EXPERIENCE OF THE POLL WORKER AND SUGGESTIONS FOR IMPROVEMENT.
- 06-65 PROVIDE TELEPHONE NUMBERS OF THE ASSIGNED ROVERS TO EACH POLL INSPECTOR.
- 06-66 USE COUNTY EMPLOYEES ONLY AS SUBSTITUTE POLL WORKERS.

AD HOC COMMITTEES



AD HOC COMMITTEE ON DEVELOPMENT IMPACT FEES

Tom Hale, Chairman

Betty Hornbrook

Elaine Marable

Catherine Meister

Mark Taylor



AD HOC COMMITTEE ON DEVELOPMENT IMPACT FEES

INTERIM REPORT (Released May 18, 2006)

DOES SAN BERNARDINO COUNTY HAVE UNTAPPED RESOURCES?

BACKGROUND

There is tremendous growth currently in San Bernardino County. This growth is taking place in new construction of single family dwellings, commercial, and industrial development in both incorporated and unincorporated areas in the County. As a result, the demand for County infrastructure and services continues to grow at a high rate.

The County Board of Supervisors has addressed the issue through mitigation fees to take care of the increased need for negotiating with developers, on a case-by-case basis. However, this focuses only on immediate needs. This system falls short of addressing the subsequent impact of surrounding cities and towns within the sphere of influence. Mitigation fees, for example, might require a housing developer to supply traffic control at the intersections of their development that feed into a major thoroughfare, but do not address the issue of other burdens to the surrounding communities that come from such growth. The mitigation fee system is designed to address only the present infrastructure needs, not the impact that the developments have on the County as a whole, especially in the area of expanding services required by new development.

Many incorporated areas within the County and adjacent counties have switched to a focus on the future. These governmental entities have started implementing Development Impact Fees (DIF). Development Impact Fees are one time charges applied to new developments. Their goal is to raise revenue for the construction or expansion of capital facilities located outside the boundaries of the new development that also benefit the contributing development. Impact fees are assessed and dedicated principally for the

provision of additional water and sewer systems, roads, schools, libraries and parks and recreation facilities made necessary by the presence of new residents in the area. The funds collected cannot be used for operation, maintenance, repair, alteration or replacement of capital facilities. This system of funding could provide San Bernardino County with a new revenue source. In order to develop an equitable DIF schedule, a detailed nexus study is required which would provide a link between new development and the actual impact of providing infrastructure services.

FINDINGS

The population within the County increased during the past year by 2.1 percent. This is equivalent to approximately half of the current population of Redlands or Apple Valley. The past and projected County population growth is provided below:

1990	2000	CHANGE	2005	CHANGE	2010	CHANGE	2020	CHANGE
1,418,380	1,709,434	+20.50%	1,946,202	+13.90%	2,059,420	+5.80%	2,397,709	+16.40%

With the increased population growth comes the increased demand on the infrastructure and the need for additional services. The County of San Bernardino is constantly attempting to secure additional facility space, either by leasing or constructing facilities to provide services to residents. As an example, this Grand Jury has already released an Interim Report on the critical need for additional jail space, and DIF could be a partial funding source. The current process of addressing the problem through the use of mitigation fees, done on a case-by-case basis, does not address the long-term needs of the County and is not designed to provide for the future needs.

Cities and towns throughout the County have been adjusting their development fees to include DIF. These fees are designed to provide for the future needs of the cities residents. Redlands charges a park assessment as a part of their permit fees. The City of Victorville is going to be using DIF to fund future library construction for their residents. Grand Terrace is considering increasing their developer fees from \$2,844 to \$13,930. The City of San Bernardino recently increased their developer fees from \$12,000 per unit to more than \$21,000. According to the County's Land Use Services Department, the average permit fee for a 1,800 square foot single-family dwelling is only \$1,600. Cities, by significantly increasing their developer fees, have realized that new development needs to pay the cost for the additional services that the development creates.

Riverside County passed Ordinance No. 659.6 by a 5-0 vote of their Board of Supervisors in September 2001 after a nexus study was completed. Their ordinance contains comprehensive DIF structures for 20 different development areas within their

county. As a result of these efforts, \$11 to \$15 million in additional revenue was generated the first six months that DIF was in effect. Currently, Riverside County is generating approximately \$30 million a year from DIF. Through their comprehensive Development Impact Fees they are funding the construction of public facilities, fire facilities, roads, bridges, traffic signals, conservation/land banks, regional parks, regional multi-purpose trails, flood control, and library books. A portion of their DIF income will be used to construct additional jail space.

If San Bernardino County would have had a DIF structure in place over the past year, similar to the system in effect in Riverside County, San Bernardino County would have generated over \$13 million in DIF revenue. With the current development in the County in the High Desert and along Interstates 15, 210, 215 and Highway 30, additional revenue would be generated.

Members of the Grand Jury have met with all of the members of the Board of Supervisors to inquire why San Bernardino County has not pursued the implementation of Development Impact Fees. One Supervisor replied that "it is long overdue". Another indicated that he thought it was "good idea" even though it might not have a great impact on his district. Another indicated that at one time the Board of Supervisors was more forward looking; however, over the past decade long-term planning has not been a "high priority". Another stated that it is being done in the area of transportation (Measure I) and could be done in some other areas, fire facilities, libraries, etc.

With the implementation of Development Impact Fees, the County can focus on future needs. Development Impact Fees are an untapped resource that can help meet those needs.

RECOMMENDATION

06-67 COMMISSION A NEXUS STUDY TO DETERMINE THE FEASIBILITY FOR IMPLEMENTATION OF COMPREHENSIVE DEVELOPMENT IMPACT FEES RELATED TO FUTURE DEVELOPMENT AND THE CONSTRUCTION OF PUBLIC FACILITIES, FIRE FACILITIES, ROADS, BRIDGES, TRAFFIC SIGNALS, CONSERVATION/LAND BANKS, REGIONAL PARKS, REGIONAL MULTI-PURPOSE TRAILS, FLOOD CONTROL, AND LIBRARY BOOKS WITHIN UNINCORPORATED AREAS OF SAN BERNARDINO COUNTY.

AD HOC COMMITTEE ON ILLEGAL IMMIGRANTS

Brad Kuiper, Chairman

Mel Abeyta

Susan Brewster

Arden Fritz

Tom Hale

Catherine Meister

Mark Taylor



AD HOC COMMITTEE ON ILLEGAL IMMIGRANTS

BACKGROUND

Over the past 12 to 18 months, the issue of the millions of illegal immigrants in the United States has become one of great concern. Billions of dollars are being spent annually by Federal, State and local governments. Our hospitals, schools and many other Human Services are being impacted. Our jails are overcrowded, and a large percentage of the space is being occupied by illegal immigrants. The legal citizens of the United States are expressing their concern for illegal immigration in a much stronger fashion than previously.

Last year's Grand Jury Foreman used his statement section of the Final Report to express his concerns for the problems associated with illegal immigrants, and urged the County to investigate and ascertain the cost burden to the County taxpayers of providing services to illegal immigrants.

FINDINGS

At the beginning of the 2005-2006 Grand Jury's term, this year's Foreman requested that subcommittees request information from all County departments about the services, and costs of such services, they provide to illegal immigrants. The following are the results of this effort.

1. There are 58 departments/agencies in the County
2. 17 of these departments/agencies provide services only to other departments
3. 10 departments have definitely stated they provide services to illegal immigrants
4. 10 more departments have stated that they "probably" or "maybe" provide services to illegal immigrants

5. Of these 20 departments who provide services to illegal immigrants, 10 of them stated that some or all of expenses for illegal immigrant services are reimbursed by the State or Federal government (usually at a much later date)
6. 6 departments provided an annual cost estimate to provide services to illegal immigrants:

Arrowhead Regional Medical Center (ARMC)	\$8,950,000	100% County Cost
Children's Services <i>(Child Care, Medical, Foster Care, Preschool Services, Child Welfare, Food Stamps)</i>	\$316,232 <i>(Does not include Social Worker case management services)</i>	55% County Cost (\$173,683.00)
Probation Department	\$773,300	100% County Cost
Public Defender	\$9,000,000	100% County Cost
District Attorney	\$9,000,000	100% County cost
Sheriff/Coroner	\$11,000,000 <i>(Jail Cost only)</i>	100% County cost

Estimated costs for just these six departments for one year amount to \$38,280,236, just for San Bernardino County. The costs for illegal immigrant services provided by the other 14 departments who have no idea of the amount, would add substantially to this cost. There are additional costs for cities to provide services. Obviously, the costs to the Federal and State governments have to be enormous.

Only the Superintendent of Schools stated they have been told they cannot ask about a student's legal status. They cite Proposition 187 and *Plyler vs Doe, Id.* However, these are both applicable only in the case of denial of services.

Within the 33 school districts in San Bernardino County are 14,000 classrooms, each with 20 or more non-English speaking students.

The Grand Jury recognizes that until the Federal and State governments make changes in the laws, the County will have to continue to provide these services, and the taxpayers will have to continue to pay. However, if all states, counties, and local governments start tracking and publicizing the costs to provide these services to illegal immigrants, the Federal and State governments will be confronted with the facts and actual dollar costs, they may finally take action to solve this issue.

RECOMMENDATIONS

- 06-68 THE BOARD OF SUPERVISORS IMMEDIATELY REQUIRE ALL COUNTY DEPARTMENTS/AGENCIES TO START TRACKING THE COSTS OF PROVIDING SERVICES TO ILLEGAL IMMIGRANTS.
- 06-69 COUNTY COUNSEL PROVIDE A LEGAL OPINION TO DETERMINE HOW TO TABULATE THE NUMBER OF ILLEGAL IMMIGRANT CHILDREN IN PUBLIC SCHOOLS WITHIN THE COUNTY, WITHOUT INTENT TO DENY SERVICES.
- 06-70 THE COUNTY COMMENCE PUBLISHING AND FORWARDING THE ANNUAL COSTS OF PROVIDING SERVICES TO ILLEGAL IMMIGRANTS TO THE MEDIA AND ALL LEGISLATORS WHO REPRESENT SAN BERNARDINO COUNTY, AT BOTH THE STATE AND FEDERAL LEVEL, AND TO THE GENERAL PUBLIC.