



County of Orange
California

Thomas G. Mauk
County Executive Officer

October 6, 2009

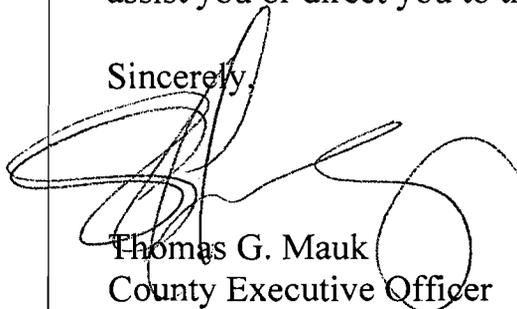
Honorable Kim G. Dunning
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report,
"Supplemental Guardian of Last Resort"

Dear Judge Dunning:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. Respondents are: Board of Supervisors, County Executive Office, and County Executive Office - Information Technology. If you have any questions, please contact Kathleen Long at (714) 834-7410 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Sincerely,



Thomas G. Mauk
County Executive Officer

Enclosure

cc: 2008-09 Orange County Grand Jury

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Orange County Grand Jury Report 2008 – 2009
“Supplemental Guardian of Last Resort”
Board of Supervisors/County Executive Office – Information
Technology Responses to Findings and Recommendations

Responses to Findings: SF.1 through SF.7

SF.1 The annualized hourly wages for individuals classified as managers in the office of the PA/PG amounted to \$529,796 in 2005. As of May 2009, the annualized hourly wages for those in the management category is \$1,156,002, an increase of 118.2% over the last four years. In the past six months, PA/PG management salaries have increased by \$133,174 on an annualized basis.

Response: *Disagrees partially with the finding.*

We agree that the annualized hourly wages for those in the management category as of May 2009 is \$1,156,002. Our analysis indicates that the increase in salaries over the past six months is for the agency as a whole (not management salaries). Of the increased salaries, approximately 29% is attributable to increases in PA/PG management salaries.

SF.2 In the Agenda Staff Report 05-000743 document, the Board of Supervisors separated the PA/PG from the Health Care Agency. In Ordinance No. 07-008, the Board of Supervisors designated the PA ex officio PG.

Response: *Agrees with the finding.*

SF.3 Since the April 9, 2009 interview, the PA/PG has continued to create permanent Administrative Manager III positions over the objections of OCHR, which indicated these positions were not warranted by the small size and the degree of complexity of the department.

Response: *Disagrees wholly with the finding.*

Since the April 9, 2009 interview, the PA/PG has not continued to create permanent Administrative Manager III positions. In May 2009, the PA/PG permanently promoted one Administrative Manager III position from a previously established temporary promotion status. The positions and promotions in question occurred prior to the release of the supplemental Grand Jury report.

- SF.4 Since the April 9, 2009 interview, the PA/PG has continued to limit recruitment for a non-technical permanent management position to only current department employees, who otherwise may not have been selected.

Response: Disagrees partially with the finding.

Since the April 9, 2009 interview, the PA/PG exercised the option of an Agency/Departmental Promotional recruitment per the Orange County Merit System Selection Rules and Appeals Procedure. As per the Procedure, County of Orange recruitments may be any of the following types:

- Open, i.e., competition is open to the public including County of Orange employees
- County-wide Promotional, i.e., competition is limited to County of Orange employees
- Agency/Departmental Promotional, i.e., competition is limited to County of Orange employees who work for the named Agency/Department

Recruitment for the non-technical permanent management position was done from an existing promotional list and in compliance with existing OCHR policy.

- SF.5 Since the April 9, 2009 interview, the PA/PG has continued the pattern of using temporary promotions and rapid advancements to circumvent standard hiring procedures.

Response: Disagrees wholly with the finding.

Since the April 9, 2009 interview, the PA/PG has implemented no temporary promotions. Also since the interview, six temporary promotions, three of which date back to November 2007, were made permanent.

- SF.6 Since the prior Grand Jury report was released, one additional person had been added to the management ranks and one Chief Deputy position has been created.

Response: Disagrees wholly with the finding.

Since the prior release of the Grand Jury report on May 6, 2009, one Administrative Manager II position was permanently promoted after being temporarily promoted in February 2009. Furthermore, no additional employee was added to the management ranks after the May 6, 2009 Grand Jury report release.

- SF.7 In 2005, the County Internal Auditor recommended a new software system for the PA/PG. It missed several self-imposed implementation deadlines including June, 2008, and will miss the deadline of July, 2009. The current management staff has been unable to implement a new computer software system in a timely and reasonable period.

Response: Disagrees partially with the finding.

We agree that the former management staff was unable to implement a new computer software system according to the initial project scope and timeline. In March 2009, County Executive Office-Information Technology (CEO-IT) replaced the agency-assigned Project Manager and added additional analyst staff to the project to facilitate the system design process between the agency and the vendor. As a result of these changes, PA/PG was able to focus on the project in terms of managing project scope, providing detailed information and requirements to the vendor, and keeping the vendor focused on completing the deliverables. At the same time, the current CEO-IT project manager clarified the level of effort required to complete the project resulting in a schedule that calls for the project to be completed in February 2010. In late June 2009, the PA/PG Manager of Administrative Services assumed responsibility for Project Management. A Steering Committee for this project has also been established and includes the Public Administrator/Public Guardian (PA/PG), the PA/PG Manager of Administrative Services, the PA/PG Chief of Finance, the Deputy CEO and the Assistant Chief Information Officer.

Responses to Recommendations: SR.1, SR.1(a), SR.2, SR.3, SR.4, SR.5, SR.6, and SR.7

- SR.1 The Board of Supervisors should report on the feasibility and legality of rescinding Ordinance No. 07-008, adopted on 5-22-07, whereby the Board of Supervisors designated the PA as ex officio PG, in order that the PA would no longer operate as ex officio PG. (F.2)

Response: The recommendation requires further analysis.

The CEO supports the implementation of this recommendation, and should the Board so direct, an item will be placed on the Board Agenda within 45 days for consideration of a first reading of an ordinance to rescind Ordinance No. 07-008. The item would include a recommended action to place the ordinance on the agenda of a regularly scheduled Board meeting for adoption.

The following government code section establishes the legality of rescinding Ordinance No. 07-008, adopted on May 22, 2007:

Per Government Code 27432(c): "If the public administrator has been designated *ex officio* public guardian, the board of supervisors may by ordinance terminate the designation and appoint another public guardian and all authority vests in the successor."

SR.1(a) The Board of Supervisors should report on the feasibility and legality of converting the Public Administrator to an appointed rather than elected office. The PA salary should be adjusted to that which existed prior to the approval of Ordinance No. 07-008 combining the PA and PG. (F.2)

Response: *The recommendation requires further analysis.*

The CEO supports the implementation of this recommendation, and at Board direction, a proposition to convert the Public Administrator from elective to appointive could be placed on the June 2010 ballot. The last Board date to consider directing the Registrar of Voters to conduct an election on Board proposed measures for consolidation with the June Statewide Primary Election is March 2, 2010. All documents must be submitted to the Registrar of Voters by March 12, 2010 in order to be placed on the June 2010 ballot. An adjustment to the PA salary can be made once the current term of office is completed.

The following government code section establishes the legality of converting the Public Administrator to an appointed rather than elected office:

Per Government Code 24009: “(a) Except as provided in subdivision (b), the county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner. (b) Except for those officers named in subdivision (b) of Section 1 of Article XI of the California Constitution, any county office that is required to be elective may become an appointive office pursuant to this subdivision. In order to change an office from elective to appointive, a proposal shall be presented to the voters of the county and approved by a majority of the votes cast on the proposition. A proposal shall be submitted to the voters by the county board of supervisors or it may be submitted to the voters pursuant to the qualification of an initiative petition as provided in Chapter 2 (commencing with Section 9100) of Division 9 of the Elections Code. Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner.”

SR.2 Subsequent to SR.1(a), the P/A and the P/G should be combined and placed under the jurisdiction of the County Executive office as opposed to having each operate as a stand-alone department. (F.2)

Response: *The recommendation requires further analysis.*

The recommendation requires further analysis pending the outcome of the report and any policy direction connected with SR.1(a).

SR.3 The Board of Supervisors should determine whether two permanent Administrative Management III positions are warranted and, if not, eliminate the positions. (F.3)

Response: The recommendation requires further analysis.

The County Executive Office will provide further analysis to the Board of Supervisors in the FY 2009-10 First Quarter Budget Report to be heard by the Board of Supervisors in November 2009.

SR.4 OCHR should be given approval authority in instances wherein County departments deviate from standard personnel practices. (F.3, F.4, F.5, F.6)

Response: The recommendation will not be implemented because it is not warranted or not reasonable.

OCHR currently reviews and audits for compliance a sampling of all personnel system transactions processed in the County. When a department deviates from a standard policy or procedure, OCHR contacts the department to provide guidance and recommendations to remedy the issue. However, OCHR will examine ways to strengthen the compliance processes and procedures.

SR.5 OCHR should be given oversight authority regarding management hiring and promotions in the PA/PG. (F.6)

Response: The recommendation will not be implemented because it is not warranted or not reasonable.

OCHR already reviews and audits for compliance a sampling of all personnel system transactions processed in the County, including PA/PG. When a violation of policy or procedure is identified, OCHR contacts the department to remedy the violation.

SR.6 The County Executive Office should determine whether two Chief Deputy positions are warranted and, if not, eliminate one Chief Deputy position. (F.6)

Response: The recommendation has been implemented.

The County Executive Office reviewed the two positions and determined that the elimination of either position is not warranted at this time. Although the working title as shown on a PA/PG organization chart dated June 3, 2009 is Chief Deputy, the budgeted title for the positions is Administrative Manager II. In addition, based upon the reporting structure as shown on the organization chart, the positions and the budgeted title appear to be appropriate.

SR.7 The County Executive Office – Information Technology should assume responsibility for implementation and oversight of the new software system and report to the County Administrator on a regular basis. (F.7)

Response: The recommendation will not be implemented because it is not warranted or not reasonable.

The PA/PG, in conjunction with County Executive Office – Information Technology (CEO-IT), developed an enhanced project team and identified the roles and responsibilities of the current ePages project team. While the CIO is on the project Steering Committee and provides business analysis and technical project management for CEO-IT support, the department maintains specific responsibilities for project management and communicating and coordinating implementation activities with the vendor, providing subject matter expertise, system testing, and signing off on deliverables. This has been mutually agreed to based on the need to effectively work with the vendor to ensure clear communications between the departmental subject matter experts and the vendor. A Steering Committee for this project has also been established and includes the Public Administrator/Public Guardian (PA/PG), the PA/PG Manager of Administrative Services, the PA/PG Chief of Finance, the Deputy CEO and the Assistant Chief Information Officer.

A responsibility matrix for this project has been developed and shared with the project principals and is shown below.

The delineation of responsibilities has produced positive results and in recent weeks there has been a greater degree of engagement on the part of the department and the vendor. This, in turn, has resulted in a clearer understanding of the system on the part of the end-users and well-defined requirements for the vendor to complete system design and implementation. CEO-IT does remain concerned about overall delivery capability of the vendor and is closely monitoring the project against upcoming key milestones.

ROLE	RESPONSIBILITIES	GROUP
PROJECT SPONSOR	Provide overall sponsorship to the project.	PAPG
AGENCY PROJECT MANAGER	<ul style="list-style-type: none"> ▶ Overall Management of the project for PAPG. ▶ Ensure availability of appropriate subject matter expert on a timely manner. ▶ Communicate and Coordinate all activities with the software vendor and IT project manager. ▶ Manage project team in completion of deliverables. 	PAPG
AGENCY TECHNICAL LEAD	<ul style="list-style-type: none"> ▶ Liaison (technical) between PAPG and COMPUTRUST. ▶ Single point of contact between PAPG and COMPUTRUST. 	PAPG

ROLE	RESPONSIBILITIES	GROUP
Subject Matter Expert	Provides input as subject matter expert on Accounting modules.	PAPG
Subject Matter Expert	Provides input as subject matter expert on Asset and Property Management module.	PAPG
Subject Matter Expert	Provides input as subject matter expert on Case Management module.	PAPG
Subject Matter Expert	Provides input as subject matter expert on LPS Probate and Admin module.	PAPG
Subject Matter Expert	Provides input as subject matter expert on operation related items on Asset Management module.	PAPG
Subject Matter Expert	Provides input as subject matter expert on LPS Probate module.	PAPG
Subject Matter Expert	Provides input as subject matter expert on Admin module.	PAPG
PRODUCT DEVELOPMENT	<ul style="list-style-type: none"> ▶ Responsible for developing and delivering the application. ▶ Will work closely with the project team to implement all the PAPG business functions and requirements. ▶ Produce and deliver documentations necessary for the application. ▶ Provides weekly status update of deliverables to the project team. 	COMPUTRUST
IT PROJECT MANAGER	<ul style="list-style-type: none"> ▶ Coordinating work with the CEO-IT resources and establishing infrastructure for PACS application. ▶ Report to senior management on project status. ▶ Provide guidance to Agency Project Manager as it relates to technical aspects of delivery. ▶ Provide project management related guidance to Agency Project Manager ▶ Work with Agency Project Manager to develop and track project schedule ▶ Monitor Change Log 	CEO-IT/ASG
BUSINESS ANALYST / QA	▶ Business Analysis and Quality Assurance related work.	CEO-IT/ASG
DBA	▶ Manage all database related work.	CEO-IT/NPS
Security	▶ IT Back end technical work	NPS-Sec
Virtual Server	▶ IT Back end technical work	NPS-VM
Server Storage	▶ IT Back end technical work	NPS-SAN