

ADMINISTRATION & AUDIT COMMITTEE

MISSION STATEMENT

The Mission of the Administration and Audit Committee, pursuant to Penal Code §925 is to oversee and review, in an unbiased manner, the management, performance and fiscal responsibilities of Governmental Agencies and Departments within the County of Kern. The Committee suggests improvements and operations to maximize efficiency, to eliminate waste or inappropriate use of taxpayer funds.

The Administration and Audit Committee is also assigned the task of investigating complaints filed by the taxpayers of the County.

ADMINISTRATION AND AUDIT COMMITTEE MEMBERS:



Fred Evenson, Chair
Dennis “Mike” Elliott
Judith House

ADMINISTRATION & AUDIT COMMITTEE

SUMMARY OF ACTIVITIES

The Administration and Audit Committee has written and published the following reports:

- County of Kern Clerk of the Board of Supervisors
- Kern County Auditor-Controller-County Clerk
- Kern County Board of Supervisors
- Kern County District Attorney
- Office of the County Counsel County of Kern

Investigations/Visitations in progress are:

- Kern County General Services – Facilities/Fleet Services

The Administration and Audit Committee received and responded to seven complaints.

Additionally, members of the Administration and Audit Committee toured and/or researched the following: Kern County Elections, Kern County Victim Services, Kern County Regional Crime Lab, Kern Medical Center, North Kern State Prison, Wasco State Prison, Lerdo Jail, Kern County Animal Services, Shafter Research Center, Kern County District Attorney's Investigation Office, completed a two week Criminal Indictment and attended numerous Board of Supervisors Meetings.

Total number of official visits to County Offices: 36

COUNTY OF KERN

CLERK OF THE BOARD OF SUPERVISORS

PREFACE:

The Administrative and Audit Committee (Committee) of the 2013-2014 Kern County Grand Jury (Grand Jury) visited the office of the Kern County Clerk of the Board of Supervisors (Clerk) on August 26, 2013.

PURPOSE:

California Penal Code §925 authorizes the Grand Jury to investigate and report on various departments throughout Kern County.

PROCESS:

The Committee met with the Clerk to review the Mandated and Discretionary Services provided by the Department.

BACKGROUND:

The stated mission of the Department is *“To provide exceptional customer service to the county and its citizens while preserving the past, recording the present, and providing accessibility to official County records and information.”*

FACTS:

The level of mandated services provided by the Clerk is determined either by California Statute, County Ordinance, Board of Supervisors’ policy or the Revenue and Taxation code.

- A. The official title is Clerk of the Board of Supervisors.
- B. The annual salary for the Clerk is \$101,670.27 including all benefits.
- C. The annual budget for the Department is \$745,279.

- D. The Department currently has seven employees.
- E. *“The Clerk is responsible for efficient and effective management of this administrative division of the County Administrative Office, and plans, organizes, directs and coordinates the work of the staff assigned to preparing the Kern County Board of Supervisors Agendas and Summaries of Proceedings.”*
- F. The Clerk is the official repository of County records by receiving, certifying and preserving all historical documents of the Board and the County dating back to 1866.
- G. The Clerk provides office and administrative support to the Board of Supervisors (Board) and Assessment Appeals Board.
1. Attends all Board, Assessment Appeals Board and Local Campaign Finance Hearing Panel meetings.
 2. Acts as Secretary and Recording Officer of the City Selection Committee.
 3. Receives and processes claims and complaints against the County.
 4. Serves as Filing Officer for the County which includes:
 - Conflict of Interest Codes, Statements of Economic Interest and Form 700 for 190 agencies and approximately 1,500 code filers.
 - Official Administrator for Assessments applications related to property tax appeals.
 - All Ethics Training Certification pursuant to AB 1234.

Mandated Services:

- H. Prepares, compiles, distributes and posts weekly and monthly agendas with enhanced technology.
- I. Maintains Summary of Proceedings (Minutes), ordinances, resolutions and agreements.
1. Schedules and publishes hearings in accordance with legal requirements.

2. Recording Officer for City Selection Committee, comprised of all Mayors of incorporated cities in the County.
3. Administers “Oath of Office” for various elected and appointed officials.

Discretionary Services:

- J. Promote communication with the Board, County Administrative Officer, County Counsel, all County Departments, local, State and federal agencies, along with the media and the public.
- K. Maintains an Indexing System and Optical Disk Imaging System for research and retrieval of public records.
- L. Prepares and processes Certificates of Recognition, Proclamations and Resolutions.
- M. Maintains Board’s meeting calendars.
- N. Receives and processes all Tract and Parcel Maps.
- O. Maintains a log of Board referrals to County Departments.
- P. Administers video web streaming for public meetings of the Board.
www.co.kern.ca.us

FINDINGS:

- F1. The Clerk is the Administrative Assistant to the Board.
 - First point of contact for the Board.
- F2. Maintains a system for managing appointments to over 70 Commissions/Committees comprised of over 550 Appointees under the authority of the Board.
- F3. The Clerk works in excess of 60 hours per week.
- F4. Salaries and benefits account for 97% of the Budget.

- F5. Video Tape Program of the Board meetings is a \$32,000 yearly expenditure.
- F6. All e-mails received for the Board are reviewed and forwarded to the Board and/or appropriate Departments.
- F7. The Office is in the process of going paperless for Board Agendas and minutes with planned completion by the end of 2013.
- F8. Due to County budget constraints one position has been eliminated over the past five years.
- F9. All claims against the County are received and forwarded to County Counsel.
- F10. Seven year old computers were replaced in 2012.
- F11. KERN COUNTY ADMINSTRATIVE PROCEDURE MANUAL, states in Chapter 7, Information Technology Services Procedure, KERN COUNTY TECHNOLOGY STANDARDS, Section I. HARDWARE, C. Desktop Computers, §5. Replacement Period: Desktop computers must be replaced after no more than five years of service.

COMMENTS:

The Grand Jury wishes to thank the Clerk of the Board and staff for an informative visit, follow up and full cooperation.

RECOMMENDATIONS:

- R1. The Board needs to provide funding for one temporary position until the paperless system is in place.
- If the paperless system does not alleviate the workload, as anticipated by the Department, make the temporary position permanent. (Finding 7, Finding 8)
- R2. Adhere to existing County Policy on mandated replacement of desktop computers. (Finding 11)

- R3. Develop software to track the Board's Committee/Commission appointments. (Finding 7)

NOTES:

The Kern County Clerk of the Board of Supervisors should post a copy of this report where it will be available for public review.

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RESPONSE REQUIRED WITHIN 60 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, 2ND FLOOR
BAKERSFIELD, CA 93301**

**cc: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

KERN COUNTY CLERK OF THE BOARD OF SUPERVISORS

Response to Facts:

The Board of Supervisors notes that the Grand Jury's facts are substantially correct. However, it would like to clarify Fact B, which states that the annual salary for the Clerk is \$101,670.27, including all benefits.

The Clerk of the Board receives a base salary of \$85,958.13 annually plus Kern FLEX (10% Premium Pay) and auto allowance of \$7,188 for a total annual salary of \$101,670.27. The costs of benefits (retirement and health) are not included in the annual salary figure referenced in the Grand Jury report.

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendations:

R1. The Board needs to provide funding for one temporary position until the paperless system is in place.

- *If the paperless system does not alleviate the workload, as anticipated by the Department, make the temporary position permanent.*

The Clerk of the Board of Supervisors has operated with reduced staffing for the last three years. The Clerk plans to continue working with the County Administrative Office in addressing staffing needs within budgetary constraints.

R2. Adhere to existing County Policy on mandated replacement of desktop computers.

Budget reductions in recent years have resulted in the department's decision to maintain current staffing levels and forego equipment replacement. The department will work with the County Administrative Office to address timely replacement of computers in its budget development and in consideration of budget constraints.

R3. Develop software to track the Board's Committee/Commission appointments.

The Clerk of the Board of Supervisors is currently working with the Information Technology Services Division to develop an in-house automated program, at no additional cost to the County, for tracking the Board's appointments to boards, commissions and committees.

KERN COUNTY

AUDITOR-CONTROLLER-COUNTY CLERK

PREFACE:

The Administration and Audit Committee of the 2013-2014 Kern County Grand Jury (Grand Jury) met with the Auditor-Controller-County Clerk (Auditor) to investigate a complaint about voter registration and generate a report on the Auditor's office.

SUMMARY:

The office of the Auditor is composed of the Auditor-Controller and County Clerk-Registrar of Voters. The Auditor is responsible for performing all general accounting functions for the County of Kern (County) and special districts governed by the Kern County Board of Supervisors as well as other general and specific functions required by statutes, regulations and ordinances.

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes the Grand Jury to investigate and report on the various departments throughout the County.

PROCESS:

The Auditor was asked a set of questions and salary verification was provided through the Administrative Analyst of the County Administrative Office. The Auditor provided documents pertaining to previous Kern Medical Center (KMC) audits and a breakdown of the Division Chief and Assistant Auditors responsibilities.

BACKGROUND/FACTS:

- A. The Auditor is an elected position.
 - The elected Auditor resigned leaving a vacancy
 - The current Auditor was appointed January 7, 2013, to fill the vacated position

- B. On January 1, 1995, the County Clerk-Registrar of Voters was combined with the Auditor-Controller's office.

Auditor-Controller:

- Pays and pre-audits all County claims
- Computes tax rates, tax bills and tax allocation factors

- Maintains financial controls over collections, distribution of property taxes and treasury balances
- Accounts for and reports financial transactions of the County, schools and special districts
- Develops and implements accounting systems
- Conducts financial and compliance audits of County departments
- Controls and maintains payroll of County and special district personnel
- Investigates allegations of fraud, waste and abuse

County Clerk:

- Issues marriage licenses
- Issues fictitious business name and statements
- Registers notary publics
- Posts California Environmental Quality Act documents
- Maintains loyalty oaths and official appointments
- Registers and licenses certain specialized legal occupations

Registrar of Voters (Elections):

- Conducts elections county-wide, federal, State, city, school and special districts
- Maintains master voter list, precinct records and maps
- Maintains candidate/committee campaign contribution/expenditure statements and election documents

C. The staffing for each division:

- Auditor's office – 54 full time employees and two seasonal
- Elections – 14 full time employees
- County Clerk – four full time employees and one seasonal

D. The 2013-2014 budget for the Auditor's Office (by division):

- Auditor-Controller \$ 6,442,642
- Elections \$ 3,740,281
- County Clerk \$ 557,922

E. Annual salary for the Auditor's department:

- Auditor/Registrar of Voters/County Clerk:
 - Base \$ 144,557.84
 - Kern Flex (10% premium pay) \$ 14,455.78
 - Auto Allowance \$ 7,188.00
- Assistant Auditor/County Clerk \$ 119,076.00
- Division Chief Auditor-Controller \$ 89,124.00

F. The Auditor's Office is budgeted for 10 auditors:

- Currently has eight auditors
- Division Chief

- G. The Auditor does risk assessments and Performance Audits of County departments using sampling techniques as part of the audit.
- In 2011 an in-house audit was performed at Kern Medical Center with findings:
 - lack of records
 - problems with account receivables - patients
 - adverse spending
- H. Forensic Audits are performed using forensic audit procedures when the situation appears to warrant it. This is an audit in order to obtain evidence as part of an investigation of potentially criminal acts such as embezzlement or fraud.
- I. Property Tax distribution to counties, special districts, cities and school districts is determined per State Proposition 13.
- The State enacted legislation in 1992, Educational Revenue Augmentation Fund (ERAF), shifting partial financial responsibility for funding education to local government (cities, counties and special districts); to meet its obligation to fund education at specific levels under Proposition 98.
 - In 1995, a 1% formula was set by the State to determine the amount of funds to be sent to the ERAF.
- J. In 1995, the County and the incorporated cities of Kern County signed a Memorandum of Understanding (MOU) to determine the amount of property taxes to be distributed to each entity. In 2005, the following MOUs were updated: Bakersfield, Ridgecrest, Shafter, Tehachapi and Wasco.
- K. Attachment #1 of the MOU lists the percentages of County Property Tax Transferred to Cities that are annexing property.
- Tier I
 - Arvin 25%
 - Ridgecrest 25%
 - Tier II
 - McFarland 35%
 - Shafter 35%
 - Wasco 35%
 - Tier III
 - Bakersfield 37.5%
 - Maricopa 37.5%
 - Taft 37.5%
 - Tier IV
 - California City 40%
 - Delano 40%
 - Tehachapi 40%

FINDINGS:

- F1. The Auditor-Controller-County Clerk in 2012 determined the Auditor-Controller had over allocated to the cities for annexations per the MOU's.
- F2. From 1995-2012 the Auditor's office transferred the relevant percentage to all the Cities *prior* to the ERAF deduction being made to the State, contradicting the MOU's. The amount overpaid between 2005-2011 to the City of Bakersfield was \$1,257,373.60.
- F3. The Auditor-Controller determined the amount of tax money transferred to the City of Bakersfield will be reduced over the next three years to cover the amount owed to ERAF and the County.
- F4. In April 2013 the total amount owed to the ERAF fund was transferred.
- F5. An outside agency audits KMC financial statements each year. This is not an internal audit, although it does comply with the requirement that each County department be audited bi-annually.

COMMENTS:

Under the current Auditor's leadership the County has been able to correct problems in the distribution of the property tax annexation funds.

RECOMMENDATIONS:

- R1. A full in-depth external Forensic Audit should be performed on KMC with an unbiased outside auditing firm under the direction of the Auditor. (Finding 5)

NOTES:

The Kern County Auditor-Controller-County Clerk should post a copy of this report where it will be available for public review.

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RESPONSE REQUIRED WITHIN 60 DAYS TO:

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BAKERSFIELD, CA 93301**

**cc: FOREPERSON
KERN COUNTY GRAND JURY
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BAKERSFIELD, CA 93301**



Mary B. Bedard, CPA
Auditor-Controller-County Clerk

KERN COUNTY AUDITOR-CONTROLLER-COUNTY CLERK

1115 Truxtun Avenue, 1st and 2nd Floor • Bakersfield, CA 93301-4639

January 7, 2014

The Honorable Collette Humphrey, Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue
Bakersfield, CA 93301

On September 16, 2013 members of the 2013-14 Kern County Grand Jury's Administration and Audit Committee met with the Kern County Auditor-Controller-County Clerk to discuss the operations of the Auditor-Controller-County Clerk's office. The Grand Jury published a report of their findings and recommendation that was made public on November 21, 2013. Below is my response to the 2013-14 Grand Jury Final Report concerning the County of Kern Auditor-Controller-County Clerk.

GRAND JURY RECOMMENDATION:

R1 A full in-depth Forensic Audit should be performed on KMC with an unbiased outside auditing firm under the direction of the Auditor.

KERN COUNTY AUDITOR-CONTROLLER-COUNTY CLERK'S RESPONSE:

A forensic audit is one relating to the collection of evidence, usually for the investigation and prosecution of criminal acts such as embezzlement or fraud. To date the findings of the external auditor auditing Kern Medical Center's financial statements and the consultant reviewing their accounts receivable do not indicate that a forensic audit is warranted. However, once the new management team at KMC has instituted any operational changes they deem necessary, I intend to have auditors from my staff conduct internal control audits on various areas of KMC operations. Should these audits indicate that a forensic audit is warranted, my office would either conduct a forensic audit or recommend to the Board of Supervisors that an outside auditing firm be engaged to conduct the forensic audit.

The Kern County Auditor-Controller-County Clerk's office appreciates the efforts of the Grand Jury's Administration and Audit Committee, and their findings, comments, and recommendation relating to our operations.

Sincerely,

A handwritten signature in cursive script that reads "Mary B. Bedard".

Mary B. Bedard, CPA
Auditor-Controller-County Clerk

MBB

cc: Kern County Grand Jury Foreman
County Administrative Officer
Clerk of the Board

Kern County Board of Supervisors
Response to Grand Jury Final Report

KERN COUNTY AUDITOR-CONTROLLER-COUNTY CLERK

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendation:

R1: *A full in-depth external Forensic Audit should be performed on KMC with an unbiased outside auditing firm under direction of the Auditor.*

The Board of Supervisors concurs with the Auditor's response that at this time a forensic audit does not appear to be warranted.

KERN COUNTY BOARD OF SUPERVISORS

PREFACE:

The Administration and Audit Committee (Committee) of the 2013-2014 Kern County Grand Jury (Grand Jury) contacted each Supervisor on the Kern County Board of Supervisors (Board) and met with them in their respective offices.

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes the Grand Jury to investigate and report on the various departments throughout Kern County (County). The Committee reviewed past Grand Jury reports and determined that the Board was due for a review.

PROCESS:

A set of standardized questions were used for each Supervisor. Budget information was received from the County Administrative Office, Administrative Analyst. The Clerk of the Board of Supervisors provided information on starting dates for each Supervisor and other requested information.

BACKGROUND/FACTS:

- A. Kern County is divided into five Supervisorial Districts (approximately 170,000 residents per District as recorded in the 2012 United States Census):
 1. District One is located in North-Eastern Kern County and includes the cities/communities of Delano, McFarland, Shafter, North Bakersfield, Lake Isabella, Kernville, Inyokern, Ridgecrest and Randsburg.
 2. District Two is located in South-Eastern Kern County and includes the cities/communities of Mettler, Techachapi, Mojave, Rosamond, California City, Boron and some parts of Southwest Bakersfield.
 3. District Three is located in the Middle of Kern County and includes the city/community of Bakersfield and Oildale.
 4. District Four is located in Western Kern County and includes the cities/communities of Lost Hills, Wasco, Buttonwillow, McKittrick, Taft, Maricopa, Grapevine, Lebec, Frazier Park, Pine Mountain Club, Lake of the Woods, Piñon Pines and Western areas of Bakersfield.
 5. District Five is located in South-Central Kern County and includes the cities/communities of Southern areas of Bakersfield, Lamont and Arvin.
- B. The Board meets each Tuesday taking action on public and departmental requests and other matters presented on the agenda. The Board meets one Monday a month at Kern Medical Center to specifically address issues impacting the County Hospital.

C. The Board also sits as the Board of Directors of the County sanitation districts on the first Tuesday of each month. Other Board activities include committee/commission meetings and participation in organizations at the local, regional, State and Federal levels.

D. Length of service to the County as a Supervisor varies from eight months to seven years. The following Supervisors took office on the following dates:

- Mick Gleason January 7, 2013
- Zack Scrivner January 3, 2011
- Mike Maggard January 8, 2007
- David Couch January 7, 2013
- Leticia Perez January 7, 2013

E. Four Supervisors are given a Base Salary of \$105,467.13 annually plus Kern FLEX (10% Premium Pay), Auto Allowance of \$7,188.00 and a Premium Pay for Tier II retirement (6%). Gross pay for these Supervisors is \$129,529.87 each. One Supervisor is in the Tier I retirement program and does not receive the 6% premium therefore receives \$123,201.84.

F. Each Supervisor was given an adopted budget for District expenses the 2012-2013 fiscal year is as follows:

- District One \$584,428
- District Two \$571,558
- District Three \$560,188
- District Four \$604,669
- District Five \$554,961

G. Each Supervisor has additional staff to run offices. The 2012-2013 fiscal budget allotted for three to five positions per Supervisor.

H. Currently the additional staff used in Supervisor's offices are as follows:

- District One Two fulltime, two part-time,
one seasonal intern
- District Two Three fulltime, one part-time
- District Three Two full-time, one part-time
- District Four Three full-time, two part-time
- District Five Three full-time

I. Carry-over balances in the Discretionary Fund Accounts for the 2012-2013 fiscal year is as follows:

- District One \$32,650
- District Two \$94,164
- District Three \$501,242
- District Four \$25,000
- District Five \$26,177

- J. The County maintains a website that is available to the public to express concerns to each District and/or Supervisor: www.co.kern.ca.us

FINDINGS:

- F1. Field Offices are used by some Supervisors at the following locations:
- Norris Road Sheriff Office, Tehachapi Veterans Building – sharing with Public Health Nurse, Lamont - Health Department Office, Delano, Lake Isabella, Shafter and Ridgecrest.
 - Offices in Taft, Wasco, Buttonwillow and Frazier Park are not currently being used.
- F2. The field offices in Lake Isabella and Ridgecrest each have a part-time employee.
- F3. Hours worked per week by the Supervisors vary from 50 to 70 hours.
- F4. Miles traveled by Supervisors varies from 600 to 2,000 miles per month for County business.
- F5. Meetings outside of Kern County were limited to:
- Air Quality District - Fresno and Bass Lake
 - AB 109 – Sacramento
 - Southern California Water meetings bi-monthly
 - Community Recycling Company- mediation – Los Angeles
 - Training CSAC – Long Beach
 - High Speed Rail – Fresno
 - Southwest Alliance – San Antonio, Texas
- F6. According to the Supervisors, responsibilities are:
- Approval of County Budget
 - Setting policy for the County
 - Managing 32 County Department Heads including five elected officials and 9,000 employees
 - Representing Public Interest in County Government
 - Governmental oversight for the County
- F7. According to the Supervisors, problems for the County are:
- Kern Medical Center (KMC) finances
 - Increase in crime with concerns of AB 109 and lack of funding
 - Jobs “Wanting to work but can’t find any”
 - Animal Control
 - Code Compliance – lack of enforcement
 - Rural (Ag/Oil) Crime
 - Public Safety

- Education and training for jobs
- Water Issues: solutions for problems, lack of water and financing

F8. Complaints from the public to the Supervisors are:

- Crime and AB 109
- Increase in Fire and Sheriff Departmental Budgets
- Code Compliance
- Roads
- Homeless
- Homeless camps along the River
- Cuts in basic services and jobs
- Human Services

F9. Each Supervisor is allotted a Discretionary Fund (\$50,000 annually) to be used with Board approval. Funds have been used for the following activities in the 2012-2013 fiscal year:

- Spay and neutering clinics and Critters Without Litters
- North of the River Town Square
- Frazier Park Family Resource Center
- Memberships in Chambers of Commerce within District One

COMMENTS:

The Grand Jury commends the Board for their many hours and dedication to the County of Kern. Thanks to each Supervisor and staff for the courtesy in scheduling and the hospitality during our visits.

The Grand Jury would like to thank the Administrative Analyst for the County Administrative Office for a quick response to budgetary questions and the Clerk of the Board and staff for their assistance in research.

RECOMMENDATIONS:

R1. The Board should establish lines of communication with the City of Bakersfield and other cities within the County in working together to solve similar problems such as (Finding 7):

- Animal Control
- Crime
- Jobs and Job Training
- Code Compliance

R2. The Board needs to work on developing County policies concerning the carryover of Discretionary Funds. (Finding 9)

- R3. Supervisors need to collaborate on the use of unencumbered Discretionary Funds to assist in alleviating common concerns throughout the County: Animal Control and Human Services. (Finding 9)
- R4. The Board should make an attempt to allow public access by opening field offices and/or video conferencing in the outlying areas of the County: Taft, Frazier Park, Buttonwillow and Wasco. (Finding 5)

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KERN COUNTY BOARD OF SUPERVISORS

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendations:

The Grand Jury report contains four recommendations on 1) working with cities to solve similar problems, 2) discretionary fund/carryover, 3) use of discretionary fund/carryover, and 4) increasing public access to the Board.

The first recommendation is to establish lines of communication with the City of Bakersfield and the other cities within the County to work together to solve similar problems such as animal control, crime, jobs and job training, and code compliance. The Board of Supervisors encourages all County departments to collaborate with incorporated cities in order to maximize efficiencies in the provision of public services especially in the areas of animal control, crime, jobs and job training, and code compliance.

Provision of animal services continues to be a priority for the Board of Supervisors. Although the City of Bakersfield recently opted to provide animal control services for its residents, the County has continued to coordinate with the City on the provision of animal care services. The County will continue collaborating with the City to improve animal care services, including joint spay and neuter clinics and to work toward consistent intake procedures.

The County and the City of Bakersfield work together on a number of joint initiatives to address crime within the greater metropolitan Bakersfield area. These collaborative efforts include the Community Corrections Partnership (AB 109) committee, the Anti-Gang Taskforce, and a Joint City-County Vice Unit. In addition, the County participates in some countywide, statewide and regional efforts including the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET), Kern Narcotic Enforcement Team (KNET) and the High Intensity Drug Trafficking Area (HIDTA). The County will continue to seek additional opportunities to collaborate with the incorporated cities to address crime.

All of the Supervisors are committed to economic development and job creation. As a result, the County has a number of economic development initiatives to assist in the creation and retention of jobs. Among these is the countywide Comprehensive Economic Development Strategy (CEDs) document that creates eligibility for Economic Development Agency (EDA) grant funding. This year the City of Delano applied for and was granted an EDA grant in the amount of \$1.8 million under the County's eligibility. The implementation of this grant project will result in the addition of jobs in Delano. The County also supports Kern Economic Development Corporation (KEDC) and CSUB's Small Business Development Center (SBDC) to recruit and retain jobs throughout the County. In addition, Employers' Training Resource (ETR) is a county agency devoted to providing job training and placement for citizens throughout the County. The County has also put together a Workforce Taskforce to address the skills gap in Kern County. The County will continue to work with the incorporated cities to encourage economic growth and job creation throughout the County.

The Board of Supervisors has also increased funding for County Code Compliance in FY 2013-14, including the addition of funding for a countywide blight remediation program.

The second recommendation was to develop policies concerning the carryover of discretionary funds. Discretionary funds that are not used in any given year roll over in the General Fund carryover balance and still require Board approval during the budget process to appropriate for the next fiscal year.

The use of discretionary funds by Board members already comply with all County policies and procedures, many of the expenditures from the discretionary funds are presented to the Board for approval, either by way of a request for contribution, budget transfer, or project approval with notification of the funding source. The remaining expenditures are accomplished through established and audited interdepartmental charging procedures. The Supervisors' allocations and potential projects are reviewed frequently as priorities change and allocations are redirected.

The third recommendation was to use discretionary funds to alleviate common concerns throughout the County. The allocation of discretionary funds allows each Supervisor to respond to specific needs identified within their district that may not be addressed through other funding sources. However, there are times when discretionary funds are used for countywide concerns. A prime example of this is the use of discretionary funds to support spay and neuter clinics within each district. The ability to carryover discretionary funding and accumulate those funds provides Supervisors with the flexibility to develop and implement projects that address individual district needs.

The final recommendation was to increase public access by opening field offices and/or teleconferencing. Field offices are fairly expensive to maintain and to staff, and they are rarely used by constituents. Teleconferencing is a more cost effective way of responding to and reaching constituents, including those in small communities where field offices are not feasible. The Board has actively pursued grant funding to provide teleconferencing equipment in outlying communities in order to provide better access for the public to the Board. Examples of this include the installation of teleconferencing equipment in Mojave, the Kern River Valley, and Ridgecrest. The Board will continue to seek additional grant funding to install teleconferencing equipment in other communities to provide improved access for the public to the Board of Supervisors.

ADM_GJ_BOS_B

KERN COUNTY DISTRICT ATTORNEY

PREFACE:

Pursuant to Section 11 of Article XI of the California Constitution and Section 26500 of the California Government Code, the District Attorney (DA) is responsible for the prosecution of all criminal acts occurring in Kern County in violation of State Laws and County Ordinances.

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes the Grand Jury to investigate and report on the various departments throughout Kern County.

PROCESS:

The Administration and Audit Committee met with the District Attorney November 25, 2013, in the Office of the District Attorney, 1115 Truxtun Avenue, 4th Floor, Bakersfield, CA 93301, January 6, 2014, Director of Forensic Science, Chief Deputy District Attorney of the Criminal Division on February 10, 2014, and Chief Investigator of the DA's Office on February 24, 2014.

MISSION STATEMENT:

"The mission of the Kern County District Attorney's Office is to fairly and vigorously represent the People of the State of California in the administration of justice in Kern County.

In furtherance of this mission, this Office is committed to investigate and prosecute criminal cases with professionalism, skill and courage, and to administer the laws of California and the United States equally and impartially as to all persons."

FACTS:

The DA's Office is made up of the Criminal Division, Administrative Services, Bureau of Investigation, Victim Services and Forensic Science. The Management Team consists of:

- Assistant District Attorney (ADA)
- Chief Deputy District Attorney (CDDA)– Criminal Division
- Administrative Services – Administrative Services Officer
- Bureau of Investigation – Chief Investigator
- Forensic Science – Laboratory Director (Crime Lab)
- Executive Assistant
- Program Coordinator – Victim Services

- A. The Annual Budget for the District Attorney's Office is \$34.2 million for the Criminal Division:
- There are 95 Attorneys including Management
 - Budgeted for 21 Investigators
 - Seven vacancies
 - Five Paralegals

- B. The Salary Budget for the DA's Office is \$ 31,176,606.
1. The following represents 64% of the salary:
 - One District Attorney
 - One Assistant District Attorney
 - One Chief Deputy District Attorney
 - One Chief District Attorney Investigator
 - Two District Attorney's Lieutenants
 - 87 Deputy District Attorney I-V
 2. The balance of the Staff in the DA's Office is approximately 36% of the budget
 3. Approximately 8.5% of the total budget is for services and supplies and the balance for Capital Assets and other financial uses.
 4. Revenues are approximately \$16.1 million dollars:

• Fines and Forfeitures	6%
• Intergovernmental	11%
• Realignment (2011 figures)	7%
• DNA Identifications	10%
• Local Public Safety	10%
• Criminalistics Laboratories	6%
• Miscellaneous revenue	0.5%

I. District Attorney:

The current DA joined the Office of the District Attorney in 1983, first as a Law Clerk and subsequently passing the Bar Exam the same year and becoming a Deputy DA.

- In 2010 elected as the DA
- Supervises the legal section of the District Attorney's Office
- Is the Chief Deputy District Attorney (CDDA)
- Calendar year 2013 Felony Jury Trial Conviction Rate Verdicts from January through October were:

○ Guilty	84.7%
○ Not Guilty	15.3%

II. Assistant District Attorney:

Under the direction of the DA, the ADA will plan, advise and formulate office policies; reports directly to the DA.

- The ADA functions as the Assistant Department Head in the DA's Office
- Performs difficult legal work in the prosecution of criminal cases in court
- Assumes responsibility for the administration and operation of the Department in the absence of the DA
- Assigns Attorneys to the various units or programs and training of subordinate Attorneys
- Presents cases to and/or advises the Grand Jury on criminal matters
- Manages and directs the development of office policy and procedures
- Provides advice and/or approves disposition in handling of non-routine criminal matters; public interest cases
- Determines whether conflict of interest exists in cases to be prosecuted by the DA and refers cases to the State Attorney General's Office
- Directs and reviews proposed departmental changes with the DA
- Oversees operation of the Crime Lab

Criminal Division:

The Mission Statement for the Criminal Division is “...to fairly and vigorously represent the People of the State of California in the administration of justice in Kern County. In furtherance of this mission, this office is committed to investigate and prosecute criminal cases with professionalism, skill and courage, and to administer the laws of California and the United States equally and impartially as to all persons.”

- A. The current Chief Deputy of the Criminal Division, Supervising Deputy District Attorney (SDDA) joined the DA’s Office in 1998 after two years in civil law practice:
 - Worked in Misdemeanor, Preliminary Hearing, Juvenile, Gang, White Collar and Special Prosecution Units
 - Promoted to Supervisor of the Complaint Desk and General Felony Unit in 2008; 2011 to CDDA of the Criminal Division
 - Prosecuted jury trials with the majority being Gang and Special Prosecutions
 - Works approximately 40-60 hours per week, including evening meetings and/or events
 - On call 24/7 from Attorney’s on personal phone for consultations

- B. The CDDA supervises the SDDA

- C. The Criminal Division is made up of eight Units:
 - Prisons
 - Branch Operations
 - Civil, Truancy, White Collar Crimes
 - General Felony Trials
 - Special Prosecutions
 - Preliminary Hearings, Complaint Desk
 - Gangs
 - Misdemeanors, Office Traffic Safety
 - The County reported 27,816 Misdemeanor Cases filed in fiscal year 2012-2013

Prisons:

1. The Prison Unit Supervising Deputy Attorney (SDA) meets with Wardens, Assistant Wardens and Litigation Coordinators on an as needed basis.
2. Assist the Office of Internal Affairs, the Investigative Services and Prison Gang Units regarding legal questions and warrants.
3. Reviews and writes analysis of Use of Force by the California Department of Correction and Rehabilitation (CDCR) as requested.
4. Provides training for the Investigations Division of the Kern CDCR Institutions.
5. Meets with the Prison Crimes Council in Sacramento approximately three times annually to address statewide policy concerns between Prosecutors and CDCR.
6. A new unit has been added to the Prison Unit; “Lifer Hearing.”
 - Lifer Hearing - inmates sentenced to life in prison and are having a parole hearing
 - In 2013, 33 hearings were held with eight found suitable; 24% grant rate
 - Thus far in 2014, seven hearings have been held with one ten year denial, two seven year denials, one five year denial, two three year denials with only one grant. This equals a 14% grant rate which is far below the State average.

- This office reviews inmates prison records and the case file of the crime
 - Contacts surviving victim and/or families on upcoming parole hearings
 - Submit letter(s) to the Board of Parole Hearings voicing objection(s) to the inmate being paroled
 - Representatives are sent to the hearing to hear and/or voice objection(s)
7. There are six Attorneys and one Investigator handling Prison Cases – CDCR and the Community Correction Facilities (inmate on staff, inmate on inmate and staff on staff cases).
- State reimburses costs to the County
 - County jails are handled by the Sheriff's Office

Branch Operations:

1. The Supervising Deputy District Attorney (SDDA) of Branch Operations oversees ten Attorneys assigned to the Rural Crimes Unit in five Branch Court locations.
2. Travels to all the Branch Courts to speak directly to Attorneys about case loads, observe and evaluate cases in court and discuss day to day operations.
3. Prepares Employee Performance Evaluations.
4. Reviews and approves all time sheets for Branch Court Attorneys and the Rural Crime Attorney, including reviews of overtime/compensatory time, approval of vacations and training requests.
5. Handles case conflicts involving an employee of the Court or local law enforcement.
6. Reviews and signs the Rural Crimes Grant Application and Mid-Year Program Report.

Civil, Truancy, White Collar Crimes:

1. The Supervising Deputy District Attorney (SDDA) is responsible for the direct supervision of the following personnel, including conducting Employee Performance Evaluations:
 - Asset Forfeiture, Child Abduction, Real Estate Fraud
 - One Attorney
 - One Paralegal (Asset Forfeiture)
 - One Investigator Aide (also with Worker's Compensation Fraud)
 - Automobile Insurance Fraud Unit (AIFU)
 - One Attorney
 - One Investigator
 - Civil/Environmental Protection and Major Fraud
 - Two Attorneys
 - One Paralegal
 - Truancy
 - Two Attorneys
 - Welfare Fraud
 - One Attorney
 - Workers' Compensation Insurance Fraud (WCIF)
 - Two Attorneys
 - One Paralegal
 - One Investigator
 - One Investigator Aide (also works with Child Abduction)
2. One Administrative Assistant is assigned for all Attorneys in the White Collar Crime Unit.

3. The AIFU and WCIF Units are financially supported by the State through assessments on insurance policies.
 - 164 Welfare Fraud cases were reviewed in 2013 compared to 166 in 2012
 - 49 new cases of Welfare Fraud were filed in 2013, most as misdemeanors
 - A large amount of suspected fraudulent activity is occurring in this jurisdiction, however investigation resources are limited and investigations are complex and labor intensive
4. Real Estate Fraud Unit derives financial support from the County Real Estate Trust Fund.
 - SDDA sets policies and procedures and decides on the disbursement of funds to local law enforcement agencies for their investigative efforts
5. Child Abduction receives funds from the State.
 - The majority of work in the Child Abduction Unit is being handled by the Investigative Aide, including the audit work
6. The Truancy Unit is funded by two separate agreements for the payment of a full time DDA as approved by the County Counsel and the Board of Supervisors.
 - Truancy remains a major concern throughout the State. Both the Attorney General and the Chief Justice have sponsored seminars to focus on the problem
 - In 2013, there were 443 cases involving Kern High School District's students and parents; in 2012, there were 266 cases filed
7. The Civil Unit generates funds through penalties and collects revenue for the White Collar Crime Unit.
 - Some funds are put in a specialized fund pursuant to Proposition 64, rather than the General Fund
 - Proposition 64 *"...limits the California Law on unfair competition, restricting private lawsuits against a company only to those where an individual is actually injured by and suffers a financial loss due to an unfair, unlawful or fraudulent business practice and providing that otherwise only public prosecutors may file lawsuits charging unfair business practices."*
8. The SDDA reviews cases and directs investigations by the DA's Bureau of Investigation that concern certain County Employees and Public Officials which may be of a sensitive nature.
9. The SDDA is the gatekeeper for all California Public Records Act requests received by the DA's Office.
 - Responses to requests must be approved by the County Counsel, the ADA and the CDDA
10. The SDDA of the White Collar Unit is the liaison between the DA's Office and the Kern County Grand Jury.
 - All requests for indictments are coordinated by the SDDA
 - The DA's designee handles any requests for information or advice from the Grand Jury (Penal Codes §§934 and 935)

Preliminary Hearings, Complaints:

1. The SDDA reports directly to the CDDA.
2. Responsible for incoming complaint requests from Law Enforcement agencies, the Criminal Complaint Calendar (CC) and the Revocation Calendar (RC).
3. The SDDA reviews and files all criminal complaints in Metro Bakersfield not falling within the parameters of a specialized unit, files are divided equally among all Attorneys assigned to the Complaint Unit each day, including the Supervisors.

4. The Complaint Unit had a decrease in DDAs from four and one half to three Attorneys.
 - The SDDA contacts the Word Processing Unit File Control person every afternoon to determine the number of rush complaints coming into the office the following day
 - If more than 20 rush complaints per DDA are received, an additional DDA will be recruited for filing
5. The Complaint Unit covers the CC and RC Calendars in Court. The majority of matters handled in the CC Calendar are arraignments for felony, information and violation of probation.
6. The CC Deputy responds to any motions involving cases that are not active cases with assigned DDAs.
 - Motions to modify probation and 1203.4 Motions (dismissals/expunging record)
 - Practice of the Unit is that a Motion for Return of Property will go back to the DDA who originally handled the case
 - Does not appear on any matter that requires testimony or is heard on the 10:00 A.M. CC Calendar
 - The RC Calendar handles violations of felony probation
 - The RC Deputy works with the Probation Department to negotiate plea deals on a Violation of Probation
 - If a plea deal cannot be reached, the RC Deputy must subpoena witnesses and present the evidence for the violation at a formal hearing

Special Prosecutions:

The Special Prosecution Section is responsible for cases and/or defendants that are particularly violent, or require more time to prepare than typical felony offenses. The crimes include sexual assaults, child abuse and most murder cases. This section handles the filing and prosecution of felony spousal abuse cases in all branches of the Kern County Superior Court.

1. The Special Prosecutions (SP) Supervisor is assigned to employee performance evaluations for:
 - Attorneys in Special Prosecutions
 - Violence Against Women
 - Statutory Rape Vertical Prosecution
 - "Vertical" refers to a process that cases are reviewed, filed and prosecuted by the same DDA from beginning to end
2. The SP Supervisor reviews all in-custody cases coming in during the week.
3. The SP Supervisor reviews all at-large probationers for the unit once a week.
 - Determine if further work is needed
 - Reject out-right
 - Rule of two for all rejections
 - Difficult cases taken to Section Meeting to discuss
4. Section Meetings are held once a week, after the Supervisor's Meeting.
 - Assigns Preliminary Hearings
 - Discuss coverage issues for Attorneys in Trial
 - Discuss plea deals accepted
 - Advise regarding any other issues that have risen
5. The SP Supervisor is the gatekeeper for *Deoxyribonucleic Acid* (DNA), both normal cases and property crimes.
 - Receives requests generally by e-mail

- Makes sure Buccal Swab(s) has been taken from victim(s), suspect(s) and any other pertinent parties
 - Makes sure preliminary examinations have been performed in cases of sexual assault
 - Saves lab time not having to track down Officer/Detective and wait for this information
 - Prints the request and approval then forwards the information to the Attorney or the Officer/Agency
6. The SP Supervisor attends three monthly meetings:
- Child Death Review
 - Sexual Assault Response Team
 - Assessment Team

Gang Unit:

The Gang Unit Supervisor reviews all complaint requests submitted by law enforcement agencies having a gang charge or enhancement, and/or involving a Target Gang Member.

- The Supervisor must have knowledge of the various criminal street gangs in Kern County including:
 - Geographical territories
 - Number of members
 - Customs and habits
 - Trends of the members
 - Types of criminal activity committed
 - Names of gang “shot callers” (an active shooter in the gang)
 - Active participants
- When a case is issued, the Supervisor contacts the agency’s Gang Secretary requesting a Gang Packet which is prepared in order to support the gang charges
- The issuing Attorney subpoenas a gang expert from the requesting agency to examine the defendant’s history and nature of the upcoming case
- The Supervisor will appear at the arraignment of Target Gang Cases and all homicides to insure proper bail is ordered
- The Supervisor is responsible for selecting the most vicious and violent repeat offenders for placement on the Target Gang List

Investigative Division (Bureau of Investigations):

The Mission Statement for the Bureau of Investigations is “...to support the prosecutorial efforts of the District Attorney’s Office and to promote cooperation between the District Attorney’s Office and all local, state and federal law enforcement agencies.”

- A. The DA’s investigative authority is the broadest of all local Law Enforcement agencies. The investigative functions of the DA extend from the traditional support of Prosecuting Attorneys in hearings and trials to complex and specialized investigations not routinely handled by the Detectives in traditional Sheriff and Police agencies. As crimes become more sophisticated and criminals commit multiple crimes across jurisdictional lines, a significant number of investigations are conducted in concert with other law enforcement agencies and/or as participants in Joint Task Forces.
1. The Chief Investigator retired effective January 4, 2014, after 28 years of service in the DA’s Office.
 2. The newly appointed Chief Investigator began on December 31, 2013.

- Retired from the Bakersfield Police Department as a Lieutenant
 - Patrol Officer in rural and metropolitan areas
 - Detective in Narcotics, Sexual Assault and Child Abuse, Computer and Internet Crimes
 - Hazardous Devices (Bomb) Technician over 20 years
 - Works 40 hours per week
3. There is one Assistant Chief Investigator (ACI).
 4. There are a total of 46 line staff.
 - Investigators 22
 - Investigative Aides 18
 - Evidence Technicians 2
 - Office Services Technicians 2
 - Office Services Assistant 1
 - Administrative Assistant 1
 5. There are four Units within the Bureau of Investigation :
 - Special Investigations (Welfare Fraud)
 - Check Busters
 - Criminal Investigations
 - Process Service

Welfare Fraud:

1. Welfare Fraud Investigators are aided by DA Investigators who assist the Department of Human Services and other State and local regulatory agencies in cases where individuals are illegally obtaining benefits or diverting assistance checks.
2. If the public wishes to report suspected fraudulent activity they should call the Department of Human Services Hotline at (661) 663-7283.

Check Busters:

1. This unit tracks down bad check writers, returning the money to the victims and deterring future offenses through a diversion program.
2. If a bad check writer refuses to pay restitution, a criminal arrest warrant is issued in cases where “intent to defraud” can be proven.

Criminal Investigations:

1. Investigative requests received were 4,550 in 2012; 5,065 in 2013.
2. Witness relocations in 2012 and 2013 were 55 cases.
3. Child abduction cases in 2012 were 94 cases; 125 in 2013.

Process Service:

1. Subpoena Service is a function done each day by civilian investigative assistants with special training in locating witnesses needed for the cases being prosecuted in the Bakersfield Metropolitan area Courts each day.
2. Notification to witnesses not having a phone or having moved since the initial case occurred are handled as well as the service of civil paternity related papers for Family Support cases.
3. In 2012, six servers served 65,796 subpoenas; 67,855 in 2013.

Victim Services Unit

1. Advocates are qualified in assisting with the application process for the State of California Victim Compensation Program.

2. Assists victims of violent crimes with certain crime related expenses, excluding property losses.
 - Victims may be eligible to apply to the program for reimbursement of actual costs related to the crime, including but not limited to medical or counseling expenses and lost wages
3. Provides an in-depth orientation of the criminal process.
4. Provides ongoing status of a criminal matter.
5. Provides Court support.
6. Obtains Restraining Orders.
7. Provides Crisis Intervention.
8. Receives Victim Impact Statements.

Forensic Science (Crime Lab):

The Vision of the Kern Regional Crime Laboratory (Crime Lab) is: *“We seek to further justice through science.”*

The Mission of the Crime Lab is: *“...to serve the people of Kern County by providing quality forensic science services to the criminal justice and law enforcement agencies.”*

The Values of the Crime Lab are: *“We are committed to performing forensic examinations and calibrations, and reporting the related results, in a manner that is accurate, clear, unambiguous and objective, and in accordance with all written laboratory policies, protocols, and procedures.”*

- A. The current Director of the Crime Lab began in October 2011 and is a Division Chief for the DA’s Office.
 1. Previous experience includes:
 - Worked for a pharmaceutical firm in the United States, and then went to England to earn a PhD
 - Worked on the genetics of Vikings creating the largest Data Base of Mitochondrial DNA in the world
 - Recruited by the Federal Bureau of Investigation (FBI) and worked there for five years. The work entailed tracing the Mitochondrial DNA analysis and later Counter Terrorism including anthrax threats
 - Moved to the West Coast and free-lanced for Crime Labs all over the United States
 - Became the Professor of the Forensic Department at California State University, Fresno which closed in May of 2011
 2. The Crime Lab is autonomous from the DA’s Office which allows the Lab to be unbiased on all reports.
 - Presumes innocence before the work in the Lab begins
 - Connects the evidence to the criminals

- B. The budget for the Crime Lab is \$7.2 million.

- C. There are 32 employees in the department.
 - One Director
 - One Administrative Coordinator
 - One Fiscal Support Technician
 - Seventeen Criminalists
 - Eight Forensic Technicians

- One Lab Helper
- D. The Crime Lab is mandated by the DA to perform forensic testing and calibration services on behalf of the people of Kern County.
- E. The Lab services offered by the Crime Lab are:
- Biological Science – Biological, Fluid and DNA
 - Chemical Section – Alcohol, Drug and Biological Testing
 - Physical Evidence – Firearms, Crime Scene, Tool Marks
 - Only sends out work when asked by other agencies
- F. To meet ISO/IEC 17025 Accreditation Assessment requirements by 2016, the Crime Lab is actively seeking accreditation for the testing and calibration services the lab provides:
- Biology
 - Crime Scene Response including latent prints
 - Drug Chemistry
 - Firearms and Tool Marks
 - Toxicology
1. Auditors from the American Society of Crime Lab Directors/Laboratory Accreditation Board certify all aspects of the Lab activities.

Biology:

Body Fluid identification, nuclear DNA analysis using Short Tandem Repeats (STR) and Male Short Tandem Repeats (Y-STR) typing technologies.

1. The Crime Lab Database Program is an essential component of the Biology section. Staff maintains several databases that are critical to the interpretation and implementation of the DNA data produced by the Crime Lab.
- Participates in the National DNA database, administered by the FBI
 - Compares DNA profiles generated across participating forensic laboratories to generate investigative leads in criminal and missing persons cases
 - The Combined DNA Index System (CODIS) is used to link serial crimes and unsolved cases with repeat offenders. The CODIS system enables law enforcement and criminal justice agencies from multiple jurisdictions to coordinate investigations and share the criminal case information independently developed
 - The Crime Lab participates in the CODIS Hit Outcome Project (CHOP) which provides a mechanism for law enforcement agencies and District Attorney's Offices throughout California to share information and track changes in cases that contain DNA evidence submitted to local CODIS laboratories for forensic comparison

Crime Scene Response:

Crime Scene Investigation and latent print collection.

1. Crime Lab Crime Scene Response Team is comprised of Criminalists from each analytical section of the Crime Lab.
- On call 24 hours a day, seven days per week
 - Assists law enforcement agencies with the investigation of the scenes of various types of crimes
 - This service is provided automatically to all law enforcement agencies within Kern County

- Outside agency representatives within the County may obtain support by calling the Crime Lab
- Officials from outside Kern County contact the DA or ADA for authorization
- Latent Print processing is administered through the Physical Evidence Section

Drug Chemistry:

1. Drug analysis
2. There are 5,000-6,000 solid dose tests for possession performed each year.

Firearms and Tool Marks:

1. Firearms analysis
2. Tool Marks analysis
3. Impression analysis
4. Individual characteristic data basing

Latent Prints:

1. Latent Print processing is administered through the Physical Evidence Section.

Toxicology:

1. This Unit manages the County's Alcohol and Breath Analysis Program.
2. Forensic Drug Testing of urine and blood.
3. Drug tests performed are down to 5,000 this year from 50,000 in previous years.
 - Burden is now given to other departments
 - Performed in the field with Breath Tests
 - Crime Lab is the depository for all tests and maintains all equipment

Trace Evidence:

1. General physical analysis is administered through the Physical Evidence Section.
2. Hair analysis is administered through the Biological Sciences Section.

FINDINGS:

- F1. According to Dr. Mark Perlin, Chief Scientist at Cybergenetics® on DNA testing and results: *"The Kern Regional Crime Lab and its Forensic Science Laboratory Director are superb. Many Crime Labs are resistant to change. However, the Kern Laboratory Director has a vision to get the most information out of the available evidence, with the goal of connecting crimes to criminals. The Lab is recruiting younger staff with open minds who embrace new technology to aid in this vision. I would rank the Kern Lab in the top 5% nationally."*
- F2. Cybergenetics TrueAllele Program performed one test last year, three are currently being performed.
 - The cost to run a test is \$2,000 per test, plus costs for testifying to the findings
 - The software cost \$120,000 and was paid by a Grant
 - The Crime Lab has been loaned a new computer by Cybergenetics to start the data base
 - Sixteen computer processors are currently running in the Lab

- Kern County was the first Crime Lab in the United States to have a TrueAllele System working for casework
 - The Crime Lab will be publishing reports in scientific journals with the findings
- F3. All used equipment is retained in the Crime Lab until such time as it can be traded in toward additional equipment rather than being sold. If sold, the money received is not returned to the Crime Lab to be put toward new equipment but returned to the Kern County General Fund. The Director is required to make a formal request to the Board of Supervisors to increase the budget for the Crime Lab to purchase new equipment.
- In 2013, the Crime Lab spent approximately \$300,000 on new equipment
- F4. The Crime Lab is largely automated with more computer controlled equipment being added. However there is no electrical back-up for the computers. Without an Uninterrupted Power Supply (UPS) installed in the Lab, when a power failure occurs while tests are being conducted, the tests have to be rerun.
- F5. As the Crime Lab increases automation, an Information Technology (IT) professional is requested from the IT Department to address adjustment issues on a regular basis. Lack of maintenance causes delays in testing.
- F6. Buccal Swabs currently take seven to eight months to analyze. The goal for 2014 is to complete work within 60 days.
- F7. Currently the Crime Lab pays for all Lab services provided, e.g. DUI Check Points, Rape Kits, etc.
- F8. The Crime Lab Director stated, *"The work space for the Crime Lab is sufficient."*
- F9. The Director of the Crime Lab stated, *"...the Crime Lab personnel will co-author a paper with Dr. Perlin (Cybergenetics) for presentation at this year's American Academy of Forensic Sciences meeting, which is scheduled to be held in Seattle, Washington, from February 17-21. The information presented at this meeting will then be drafted into manuscript form and submitted to the Journal of Forensic Sciences for publication. Scientific publications such as this do not generate income. Authors are never paid for their contributions, and the opportunity to contribute to the level of scientific knowledge in a field is considered payment enough. So goes the endless march of science."*
- NOTE:** The process to get an article published takes approximately one and one half years. The first step was a poster presentation at the American Academy of Forensic Sciences Meeting in February. The next steps are to prepare a manuscript for peer review; respond to reviewer comments then move through the publication process if the paper is accepted.
- F10. In October of 2012, the Crime Lab began using the "Justicetrax" Laboratory Information Management System to manage evidence and testing requests.
- Software used to track all evidence processed from the moment it enters the laboratory until it leaves
 - Keeps track of all tests performed, the persons performing the test and all the sub-items that may be generated

- Automatically issues reports to law enforcement and criminal justice personnel in real-time and keeps files of reports on a web-based system for subsequent agency retrieval
 - Enables the Crime Lab to work more efficiently
 - Prior to the new system being installed, the Crime Lab was backlogged one and one half years in getting out reports. It now takes seven to twelve months to complete reports
 - Setting up priorities are difficult; all cases have to be working at the same time
- F11. The SDDA and other qualified Attorneys attend meetings in Sacramento hosted by the Fraud Assessment Commission to aid in procuring grants. Currently each office is required to research and apply for departmental grants.
- F12. Special Investigations/Welfare Fraud identifies fraud in the systems. Investigator Aides investigate new cases. If a problem is found the case is turned over to a Lieutenant Investigator to re-investigate. Visual inspections, financial statements, along with consistency during the inspection either agree/disagree fraud is being perpetrated and might need further investigation.
- F13. According to the Berkeley Patch, Berkeley, California, research shows California's average felony conviction rate is 69.5% (compared to Kern County's to-date rate of 84.7%).
- F14. The Family Court currently is located on the same floor as the Victim Service Unit. It is not uncommon for the plaintiff to pass in the hall at the same time as the defendant is on the way to the Victim Service Unit. A "Family Justice Center," similar to ones run in San Diego and Stanislaus Counties, would centralize services "*...that offers help and hope for victims and survivors of domestic violence, sexual assault, child and elder abuse. This reduces the amount of time and places victims have to go and tell their story and receive the vital services necessary to break this cycle of violence.*" The Center provides advocacy, Crisis/Intervention, Counseling/Support, Shelter Assistance, Criminal Investigation, legal Assistance and Chaplaincy Programs.
- F15. The Check Busters unit is currently under review by the DA's Office.
- F16. Tracking of Welfare cases is difficult due to the way they are processed. For this reason one County can not easily be compared with another County.
- F17. The Investigative Unit receives and handles many requests per year including:
- Investigative requests: 5,065 (handled by five Investigators)
 - Witness Relocation: 55
 - Child Abduction: 125
- F18. Proposition 64 funds are used by the DA's office to enhance and support the Consumer Protection Laws Unit, as prescribed by the Business and Practice Codes.
- Currently the fund balance is \$1,774,079.54 with approximately \$400,000.00 of the amount allocated to be transferred to cover expenses for the fiscal year.
 - Funds used for salaries, benefits, lease payments and equipment for the White Collar Unit that handles Consumer Protection Law violations

- The amount used each year varies based on the needs of the unit and the amount of expected settlements or cases presented each year. The amount can vary significantly from year to year based on these estimations.

COMMENTS:

The 2013-2014 Kern County Grand Jury would like to thank the DA and Staff for their excellent cooperation in the preparation of this report. Kern County is pleased to have such a well run Department as the DA's Office and should be proud to have one of the highest conviction rates in the State, along with having one of the top 5% of the Crime Labs in the Country.

The Grand Jury is aware of current budget constraints throughout the County, however, the following recommendations should be considered for implementation as soon as feasible, which will lead to future budget savings.

RECOMMENDATIONS:

- R1. It is recommended that the County of Kern hire a full time Grant Writer. Grant funds are applied for by almost every office and/or department in the County. Grant requests are now being written either by Department Heads or Office Personnel. It would best serve each Department and alleviate the time spent away from day to day duties writing Grants. (Finding 7)
- R2. Under the Current Director, the Crime Lab has become one of the top Forensic Lab's in the Country for DNA and TrueAllele Analysis. To keep this status, equipment must be replaced and/or upgraded, along with enticing forward thinking scientist's to join in the work being accomplished. This can be done by paying salaries and benefits that are competitive with other laboratories in the State and providing the necessary equipment to perform this endeavor. (Finding 1)
- R3. Outdated equipment should continue to be sold or traded for new equipment needed to keep current in the scientific world. Funds received from selling equipment should be retained in the Crime Lab budget and not transferred to the General Fund as is the current practice. (Finding 4)
- R4. The County should install an Uninterrupted Power Supply (UPS) as soon as possible to ensure continuity of performance in the Crime Lab. (Finding 5)
- R5. The County should assign a full time IT professional to the Crime Lab. (Finding 6)
- R6. A "Fee for Service" system should be set up to charge Law Enforcement agencies for the services offered at the Crime Lab. (Finding 8)

- R7. The County offers services for victims and survivors of domestic violence, abuse and sexual assaults. The services are offered in different locations throughout the County. To have the services provided at one location other than the Civic Center Justice Building at 1215 Truxtun Avenue would provide a safe environment for the victims. Using the blueprint from other counties' Family Justice Centers criteria would be a benefit to the most vulnerable citizens of Kern County. Current personnel could staff a single location. (Finding 14)

NOTES:

The Kern County District Attorney should post a copy of this report where it will be available for public review.

Persons wishing to receive an email notification of newly released reports may sign up at: www.co.kern.ca.us/grandjury, click on: Sign up for early releases.

Present and past Kern County Grand Jury Final Reports and Responses can be accessed through the Kern County Library system and the Kern County Grand Jury website: www.co.kern.ca.us/grandjury.

RESPONSE REQUIRED WITHIN 60 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, 2ND FLOOR
BAKERSFIELD, CA 93301**

**cc: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

KERN COUNTY DISTRICT ATTORNEY

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendation:

R1: It is recommended that the County of Kern hire a full time Grant Writer. Grant funds are applied for by almost every office and/or department in the County. Grant requests are now being written either by Department Heads or Office Personnel. It would best serve each department and alleviate the time spent away from day to day duties writing grants.

The Board of Supervisors concurs with the Grand Jury recommendation. However, due to budget constraints, the recommendation will not be implemented until such time as additional resources become available.

R2: Under the current Director, the Crime Lab has become one of the top Forensic Labs in the country for DNA and TrueAllele Analysis. To keep this status, equipment must be replaced and/or upgraded, along with enticing forward thinking scientists to join in the work being accomplished. This can be done by paying salaries and benefits that are competitive with other laboratories in the State and providing the necessary equipment to perform this endeavor.

The Board of Supervisors concurs with the Grand Jury recommendation. However, due to budget constraints, the recommendation will not be implemented until such time as additional resources become available.

R3: Outdated equipment should continue to be sold or traded for new equipment needed to keep current in the scientific world. Funds received from selling equipment should be retained in the Crime Lab budget and not transferred to the General Fund as is the current practice.

This recommendation will not be implemented. Kern County policy requires that the proceeds acquired from sold equipment, when purchased with General Fund dollars, be returned to the General Fund. If items were acquired through a special purpose or grant fund for which the proceeds *must* be returned to the Crime Lab, then it *will* be credited appropriately.

R4: The County should install an Uninterrupted Power Supply as soon as possible to ensure continuity of performance in the Crime Lab.

The Board of Supervisors concurs with this recommendation. Currently, a diesel generator provides sufficient support for an uninterrupted power supply for the Crime Lab in the event of an outage.

R5: *The County should assign a full time IT professional to the Crime Lab.*

The Board of Supervisors concurs with this recommendation. However, due to budget constraints, the recommendation will not be implemented until such time as additional resources become available.

R6: *A "Fee for Service" system should be set up to charge law enforcement agencies for the services offered at the Crime Lab.*

The Board of Supervisors concurs with the Grand Jury recommendation in concept. The Board recommends the District Attorney's Office complete further analysis regarding the impact on local law enforcement jurisdictions prior to considering implementation.

R7: *The County offers services for victims and survivors of domestic violence, abuse and sexual assaults. The services are offered in different locations throughout the County. To have the services provided at one location other than the Civic Center Justice Building at 1215 Truxtun Ave. would provide a safe environment for the victims. Using the blueprint from other counties Family Justice Center criteria would be a benefit to the most vulnerable citizens of Kern County. Current personnel could staff a single location.*

The Board of Supervisors concurs with the Grand Jury recommendation. However, due to budget constraints, the recommendation will not be implemented until such time as additional resources become available.



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN

CIVIC CENTER JUSTICE BUILDING
1215 TRUXTUN AVENUE
BAKERSFIELD, CALIFORNIA 93301
(661) 868-2340, FAX: (661) 868-2700

LISA S. GREEN
DISTRICT ATTORNEY

SCOTT J. SPIELMAN
ASSISTANT DISTRICT ATTORNEY

May 30, 2014

The Honorable Colette M. Humphrey
Presiding Judge, Kern County Superior Court
1415 Truxtun Avenue
Bakersfield, CA 93301

**Re: Response to Findings and Recommendations for the 2013-2014 Grand Jury
Report Regarding the Office of the District Attorney, County of Kern**

Dear Judge Humphrey:

The Kern County District Attorney's Office was visited by members of 2013-2014 Kern County Grand Jury on November 25, 2013, on January 6, 2014, on February 10, 2014, and on February 24, 2014. The purpose of the visits was to observe the workings of the various divisions with the office, to meet with District Attorney Lisa Green and other members of her management staff, and review their activities pursuant to Penal Code § 925. The results of the visit are contained in their final report. Pursuant to Penal Code § 933, the following are the Findings and Recommendations from that report combined with the District Attorney's Office Responses to the Honorable Colette M. Humphrey, Presiding Judge, Kern County Superior Court:

GRAND JURY FINDINGS:

The District Attorney's Office agrees with the Grand Jury's Findings.

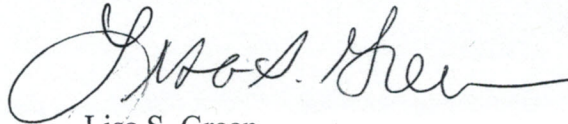
GRAND JURY RECOMMENDATIONS:

The District Attorney's Office agrees with the Grand Jury's Recommendations.

The Honorable Colette M. Humphrey
May 30, 2014
Page 2

We are appreciative of the work of the Grand Jury and their report for their recent visit to the Kern County District Attorney's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa S. Green", written in a cursive style.

Lisa S. Green
District Attorney

LSG:jm

cc: Foreperson, Kern County Grand Jury ✓
Kathleen Krause, Clerk of the Board



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN

CIVIC CENTER JUSTICE BUILDING
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BAKERSFIELD, CALIFORNIA 93301
(661) 868-2340, FAX: (661) 868-2700

MARK E. PAFFORD
CHIEF DEPUTY DISTRICT ATTORNEY

LISA S. GREEN
DISTRICT ATTORNEY

October 9, 2014

SCOTT J. SPIELMAN
ASSISTANT DISTRICT ATTORNEY

The Honorable Colette M. Humphrey
Presiding Judge, Kern County Superior Court
1415 Truxtun Avenue
Bakersfield, CA 93301

**Re: Supplemental Response to Findings and Recommendations for
Grand Jury Report Regarding the Kern County District Attorney's Office**

Dear Judge Humphrey,

The Kern County District Attorney's Office was honored with a visit by members of the 2013-2014 Kern County Grand Jury on November 25, 2013, on January 6, 2014, on February 10, 2014, and on February 24, 2014. The purpose of the visit was to observe the workings of the various divisions within the office, to meet with District Attorney Lisa Green and other members of her management staff, and review their activities pursuant to Penal Code § 925. The results of the visit are contained in the final report for the District Attorney's Office. Pursuant to Penal Code § 933, the following is a supplemental response to the Findings and Recommendations to the Honorable Colette M. Humphrey, Presiding Judge, Kern County Superior Court:

GRAND JURY FINDINGS:

The District Attorney's Office remains in agreement with the Grand Jury's Findings F1-F18.

GRAND JURY RECOMMENDATIONS:

R1. It is recommended that the County of Kern hire a full time Grant Writer. Grant funds are applied for by almost every office and/or department in the County. Grant requests are now being written either by Department Heads or Office Personnel. It would best serve each Department and alleviate the time spent away from day to day duties writing Grants. (Finding 7)

RESPONSE: The Kern County District Attorney's Office agrees with this recommendation but cannot implement the recommendation due to budgetary constraints.

R2. Under the Current Director, the Crime Lab has become one of the top Forensic Labs in the Country for DNA and TrueAllele Analysis. To keep this status, equipment must be replaced and/or upgraded, along with enticing forward thinking scientist's to join in the work being accomplished. This can be done by paying salaries and benefits that are competitive with other laboratories in the State and providing the necessary equipment to perform this endeavor. (Finding 1)

RESPONSE: The Kern County District Attorney's Office agrees with this recommendation but cannot implement the recommendation due to budgetary constraints. The Crime Lab has recently added robotics to automate the processing of evidence and TrueAllele software has now been fully implemented. The Crime Lab also secured a grant for FY 2014/2015 for additional computer processors and training to augment the TrueAllele system.

R3. Outdated equipment should continue to be sold or traded for new equipment needed to keep current in the scientific world. Funds received from selling equipment should be retained in the Crime Lab budget and not transferred to the General Fund as is the current practice. (Finding 4)

RESPONSE: The Kern County District Attorney's Office agrees with this recommendation but cannot implement the recommendation due to county policies prohibiting the transfer of funds as described in the recommendation.

R4. The County should install an Uninterrupted Power Supply (UPS) as soon as possible to ensure continuity of performance in the Crime Lab. (Finding 5)

RESPONSE: This recommendation is not necessary. There is a possibility that some information could be lost if case work is being processed at the time of a power failure, but there is a back-up power system for the building. The cost to rerun the lost testing is minimal when compared to the cost for a more elaborate UPS system for the lab.

R5. The County should assign a full time IT professional to the Crime Lab. (Finding 6)

RESPONSE: The Kern County District Attorney's Office agrees with this recommendation but cannot implement the recommendation due to budgetary constraints. There are a total of 3 authorized IT positions in the Kern County District Attorney's Office and Crime Lab budgets. These 3 IT workers are responsible for providing services and support for over 250 employees in the Department, maintaining networks for the District Attorney's Office and Crime Lab, and for integrating instruments into the Crime Lab information system.

R6. A "Fee for Service" system should be set up to charge Law Enforcement agencies for the services offered at the Crime Lab. (Finding 8)

October 9, 2014

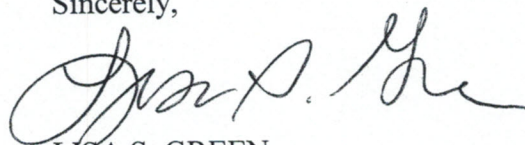
RESPONSE: The Kern County District Attorney's Office will need time to evaluate this recommendation. There needs to be an evaluation of what services can be charged under the law, whether other county departments can be charged, the amount to charge, and the impact on public safety if agencies could not or would not pay for the charged services. The entire evaluation would involve other agencies and departments and it will reasonably take six months to complete.

R7. The County offers services for victims and survivors of domestic violence, abuse and sexual assaults. The services are offered in different locations throughout the County. To have the services provided at one location other than the Civic Center Justice Building at 1215 Truxtun Avenue would provide a safe environment for the victims. Using the blueprint from other counties' Family Justice Center criteria would be a benefit to the most vulnerable citizens of Kern County. Current personnel could staff a single location. (Finding 14)

RESPONSE: The Kern County District Attorney's Office agrees with this recommendation but cannot implement the recommendation due to budgetary constraints. The Department is attempting to partner with other agencies to create a Family Justice Center for Kern County. The process to achieve this worthwhile goal will involve collaborations between private and public entities which will require more than 6 months to achieve.

We are appreciative of the work of the Grand Jury. Their recent visit and positive report regarding our Crime Lab was particularly satisfying. The Crime Lab was also recently accredited until 2016 by the American Society of Crime Laboratory Directors. We are proud of the work done by the employees of the Crime Lab in service to our community.

Sincerely,



LISA S. GREEN
District Attorney

LSG:jm

cc: ✓ Foreman, Kern County Grand Jury
Kathleen Krause, Clerk of the Board
John Nilon, County Administrative Officer

KERN COUNTY GENERAL SERVICES FACILITIES MANAGER

PREFACE:

The Administration and Audit Committee (Committee) of the 2013-2014 Kern County Grand Jury (Grand Jury) visited and interviewed the Facilities Manager (Manager) for the Kern County General Services Department. The Department is responsible for all the County owned and operated buildings.

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes the Grand Jury to investigate and report on various departments throughout Kern County. The Committee has visited several other departments and divisions for the County of Kern and raised concerns about the cleanliness and maintenance of County buildings. The last Kern County Grand Jury Report on General Services was 2009-2010.

PROCESS:

The Committee made contact with the Kern County Assistant County Administrative Officer with questions. The questions and concerns were directed to the newly filled position of Facilities Manager. Information was obtained through a formal interview on April 7, 2014, with follow up e-mails from the Manager.

FACTS:

- A. The Manager was hired approximately seven months ago.
- B. The Manager is in charge of 299 County buildings encompassing over four million square feet which equates to over one million square feet of custodial services.
- C. Most of the services provided are paid through the General Fund; some facilities are charged for these services. Court building services are shared by the State and County. Offices used by the County are maintained by the County.
- D. Maintenance work is performed on everything not structural in nature. Structural concerns are referred to Construction Services or contracted out. Available funds limit the maintenance work performed.
- E. The Division employs approximately 60 employees including two Supervisors, two Senior Building Supervisors and one Warehouse Supervisor.

- F. There has **not** been a direct Manager or Supervisor for the past three years for the facilities division.
- G. The Operating Budgets for Custodial and Maintenance Services for 2012-2013 were:
- Salary and Benefits
 - Custodial \$ 1,698,992.40
 - Maintenance 2,394,030.97
 - Graffiti 111,715.33
 - Supplies and Vendors
 - Custodial \$ 340,470.44
 - Maintenance * 890,499.06
 - Graffiti 24,804.60
- *includes funding of \$250k for two campgrounds
- H. The largest maintenance expense is Air Conditioning (A/C).
- I. A Preventative Maintenance Team is currently going through every County building to inspect the maintenance condition, along with fire and safety prevention concerns.
- J. The Division utilizes Work Release Prisoners and Employment Development Department workers with warehouse experience to help perform custodial and warehouse duties.

FINDINGS:

- F1. The Manager is looking into the idea of utilizing outside contractors to perform some of the duties, especially maintenance. Vehicle cost and travel time to outlying buildings are very expensive.
- F2. Due to not having a direct Manager or Supervisor for the last three years, major problems existed within the Division. There was no accountability of work performed and morale suffered as positions were left unfilled.
- F3. Most of the cleaning is performed on two main shifts: 4:30 am to 1:30 pm and 5:00 am to 2:00 pm.
- F4. The Maintenance Team is reported to have a generational divide and is being addressed.
- F5. Electronic tablets are being purchased to track work orders and job proficiencies for maintenance workers.
- F6. Years of neglect have left many buildings with maintenance needs and concerns.

- F7. The A/C units have a proactive replacement program (\$100,000 annually). Funds are saved by replacing A/C equipment, resulting in less maintenance and reduced energy costs.
- Return ducts are the custodial responsibility, however Risk Management does the Air Tests
- F8. Due to no painters on staff, painting is accomplished by workers on an as needed basis. Contracting out services is a possibility.
- F9. Outsourcing janitorial services in outlying areas is being researched. If it appears to be more efficient it will be pursued.
- F10. On a Monday morning at approximately 9:30 during an inspection of the building at 1215 Truxtun Avenue, the hallways were observed to be dirty, without shine, sticky and covered with black marks.
- F11. The Committee observed the stairwells at 1415 Truxtun Avenue had discarded trash for numerous days in a row on floors 4-7 (floors 1-3 are serviced by the Court's Janitorial Service and appear clean and shiny). The basement (café/snack bar) is not cleaned regularly, has many wires draped across the walls and floor, and is in need of paint. Windows throughout the building are in need of cleaning, inside and out.
- F12. Buildings leased in the Bakersfield area total 667,018 square feet; the outlying area total is 72,249 square feet.
- F13. According to the Manager, carpets are supposed to be cleaned annually or on an as needed basis. Windows are supposed to be cleaned annually after the rainy season.
- F14. Building Services is separated into two cleaning facility areas with a Senior Building Services Worker (BSW) in charge. The Senior BSW is assigned a county vehicle, cell phone and staff. Cleaning frequencies vary: daily, four times a week, three times a week, twice a week, weekly, bi-weekly and periodically.

COMMENTS:

The Committee was impressed with the response to questions and concerns shown by the Facilities Manager for the condition of the buildings. Knowing County funds are very limited, it will take a few years before all of the Manager's ideas can be implemented.

RECOMMENDATIONS:

- R1. The Manager needs to continue to evaluate the cleanliness and conditions of all County buildings to ensure improvements are made. (Findings 6 and 10)
- R2. The idea of outsourcing custodial and maintenance services needs to be pursued if there is a cost savings. (Findings 1 and 9)
- R3. The Manager needs to develop a routine schedule for ongoing painting of all buildings. (Findings 6 and 8)

NOTES:

The Kern County Board of Supervisors should post a copy of this report where it will be available for public review.

Persons wishing to receive an email notification of newly released reports may sign up at: www.co.kern.ca.us/grandjury, click on: Sign up for early releases.

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RESPONSE REQUIRED WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, 2ND FLOOR
BAKERSFIELD, CA 93301**

**cc: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

KERN COUNTY GENERAL SERVICES FACILITIES MANAGER

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendation:

R1: The manager needs to continue to evaluate the cleanliness and conditions of all County buildings to ensure improvements are made.

The Board of Supervisors concurs with this recommendation. The Facilities Manager has developed a performance measure that includes regular facility visits by staff to address cleanliness and the overall condition of County buildings.

R2: The idea of outsourcing custodial and maintenance services needs to be pursued if there is a cost savings.

The Board of Supervisors concurs with this recommendation. The ability for custodial services to be contracted will be pursued in conjunction with County Counsel and the CAO's office. The Division will not need to lay off staff; the Division will attempt to supplement staff with contracted services when there is County staff attrition.

R3: The manager needs to develop a routine schedule for ongoing painting of all buildings.

The Board of Supervisors concurs with this recommendation. The Facilities Manager will develop preventative maintenance schedules to address the painting needs of all County buildings.

KERN COUNTY GENERAL SERVICES

FLEET SERVICES

SUMMARY:

Fleet Services provide a variety of vehicle services in support of most Kern County Departments and Special Districts. The goal is for well-maintained, safe and efficient vehicles for all customers.

The Mission Statement is: *“General Services Division provides responsive, customer-focused support enabling the effected delivery of County services.”*

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes the 2013-2014 Kern County Grand Jury (Grand Jury) to investigate and report on the various departments throughout the County. The Administration and Audit Committee (Committee) noted that Fleet Services Department has not been visited since the 2009-2010 Grand Jury.

PROCESS:

The Committee interviewed the Fleet Services Manager on May 19, 2014, and toured the facility at 1415 Truxtun Avenue.

BACKGROUND:

The Fleet Services shop located on Truxtun Avenue was built in 1954 and was intended to maintain a **400** vehicle fleet. With a few modifications over the years, **2,300** vehicles are currently repaired and/or maintained at this facility.

FACTS:

The Fleet Services Department is an essential component of the Kern County General Services Division. This Department provides vehicle services in support of County Departments and Special Districts maintaining safe and reliable transportation.

- A. The Manager has worked for Fleet Services for 31 years as a Mechanic, a Shift Supervisor and 18 years as Manager.
 - Attended Arizona Automotive Institute in Phoenix
 - Certified Tech with a Commercial B License

- B. Fleet Services' primary responsibilities are:
- Purchasing, maintaining and repairing County vehicles
 - Managing the County's commercial fuel vendors
 - Providing departments with a comprehensive vendor list in order to provide repair services in outlying areas of the County
- C. Fleet Services maintains over 2,300 vehicles; 48% of the vehicles belong to the Sheriff's Office making up 70% of Fleet Services' workload.
- Only work outsourced is wheel alignments, transmission overhauls, body work and bus repairs
 - All warrantee work is outsourced to the dealers
- D. There are 20 authorized positions under the Fleet Manager working two shifts 6:30 A.M. to 3:00 P.M. and 3:00 P.M. to 12:00 A.M.:
- Ten Mechanics
 - Four Auto Service Workers
 - Two Auto Parts Workers
 - Two Garage Supervisors
 - One Auto Service Representative
 - One Light Service Operator
- E. The Budget for Fleet Services in 2013-2014 is:
- \$5.1 million in operating **expenses**
 - \$5.5 million in operating **revenues**
 - 41% of the budget is salaries and benefits
- F. The County owns most vehicles with the exception of some leased Sheriff's Office vehicles.
- G. One half of the County vehicles have Global Positioning Satellite (GPS) systems installed.
- H. Fleet Services located at the Truxtun Avenue location has 5,000 square feet for repairs and 1,000 square feet for lube jobs.
- I. A three acre parking lot to store serviced and non-serviced vehicles is located at 14th and Eye Streets.

FINDINGS:

- F1. There are three plans the Fleet Manager has developed with respect to retiring County owned vehicles:
- **Plan #1 Full Coverage**
 - Sedans seven years or 105,000 miles
 - Light trucks/light vans ten years or 150,000 miles

- Heavy duty vehicles ten to 15 years old, depending on the condition, number of miles and planned use
 - **Plan #2 Maintenance Only** Department owned – service vehicles up to 150,000 miles and at the end of the fiscal year revert to...
 - **Plan #3 Maintenance – Time and Materials:** Department may keep the vehicles but must pay all service expenses

- F2. Current vehicle wrecks are repaired by Fleet Services. The budget is \$125,000 and a 14% service fee. However, beginning July 1, 2014, departments will be responsible for the cost of wreck repairs when it is determined the County driver was at fault.

- F3. The two most expensive costs for maintaining County vehicles are tires and wiper blades.
 - \$250,000 of the Fleet Services budget (excluding employee costs) is for the Sheriff vehicles
 - Tires for the Sheriff's Office vehicles are "speed rated" and cost \$127 per tire. They cannot be repaired, only replaced. To sell or auction the "old" tires would garner approximately 50 cents per tire which makes it time prohibitive and ultimately cost more
 - County vehicles use an average of 375 tires per month
 - The tire trailer holds 750 tires and is filled up every two months

- F4. The Fleet Services Department does not perform body work on County vehicles.
 - For example, if there is a crease on a fender, the entire fender will be replaced by an outside vendor as per State mandate

- F5. Daily work orders can reach 164 but the Manager prefers fewer than 135. On the day the Committee visited, there were 144 open work orders.
 - Normally takes five to seven working days to process a work order
 - Average number of work orders for two shifts in one week is 150
 - Average of 600 work orders per month are processed – 7,200 a year
 - Repairs in outlying areas, such as Ridgecrest, are outsourced due to the distance from the Truxtun Avenue facility

- F6. Heavy equipment and buses are not serviced in the Fleet Services shop at the Truxtun Avenue location.
 - Other than battery changes, buses are outsourced for service and repairs
 - Buses will not fit through the bay doors due to the height
 - The hoists in the shop will not handle the weight of the heavy equipment
 - To modify the current hoist would cost at least \$330,000

- F7. When a Request for Proposal (RFP) is submitted for vehicles to be purchased, the specifications (specs) by the Fleet Manager and staff are compared to the RFP. The make of the vehicle is determined by the comparison between what is offered and the needs of the County, the cost and the availability of tires and parts.
- The Sheriff's Office uses specs that are mandated for emergency response vehicles
 - Currently the Sheriff's Office vehicles are experiencing long back order problems and unavailability of parts
- F8. There are two locations designated to repair and maintain County owned heavy equipment. They are located at "O" Street and Golden State Highway - the Parks Department auto shop, and behind the Kern County Fire Department on Victor Street - the Roads Department auto shop.
- F9. Semi-synthetic fluids are used on all County vehicles per the specific warrantee. General Motors vehicles that are 2011 or newer use Dextron rated semi-synthetic fluid.
- F10. The annual mileage driven on County vehicles, other than the Sheriff's Office vehicles, is 6,500 miles.
- F11. The County owns 32 hybrid vehicles and purchased three 2013 C-Max-Energi (Ford) electric vehicles.
- F12. Teletrak and ZONAR GPS systems are installed on one half of the County vehicles. The Teletrak system was originally installed and enough fuel saved to pay for itself the first year. This particular system is no longer being installed.
- F13. The ZONAR system has been installed on 518 vehicles. All new purchases will have a ZONAR system installed beginning in 2015.
- The system is monitored by Ground Traffic Control which calculates and shows overall fleet fuel consumption patterns, detailing the total fuel shot through engine injectors
 - Tracks all vehicles in the different zones traveled
 - Allows ten miles over the speed limit for one minute and will not be reported as excessive
 - Reports are sent to department heads once a week
 - The system once installed should slow down the wear and tear on vehicles and save money for the County
 - Reduces mileage usage per year
 - The assigned departments will be responsible for the initial cost of adding ZONAR to the vehicle and the monthly monitoring fee for this service
- F14. The Eye Street parking lot is used for storage of serviced and non-serviced vehicles. It takes the Light Service Operator approximately 15 minutes to pick up and deliver vehicles to the Truxtun Avenue facility.

COMMENTS:

The Committee thanks the Fleet Services Manager for the time and tour of the facility. The Committee was impressed with the operations of Fleet Services, i.e., work performed and the number of vehicles serviced in a 60 year old building originally designed for 400 vehicles.

The Manager is commended for the purchasing of ZONAR Fleet Management System for electronic inspection, tracking and operation solutions for the County fleet.

The use of ZONAR GPS and the purchase of hybrid vehicles is a wise investment and will reduce costs to the County.

RECOMMENDATIONS:

- R1. Due to the age of the facility, lack of space and available equipment, the Grand Jury recommends the County relocate the Truxtun Avenue facility to a central location and combine all services (vehicles, heavy equipment and buses) along with sufficient parking, to a minimum of a five acre lot. (Findings 6, 8 and 14)

NOTES:

The County of Kern Administrative Office, General Services Division, and Fleet Services Department should post a copy of this report where it will be available for public review.

Persons wishing to receive an email notification of newly released reports may sign up at: www.co.ca.us/GrandJury , click on: Sign up for early releases.

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RESPONSE REQUIRED WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, 2ND FLOOR
BAKERSFIELD, CA 93301**

**cc: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

KERN COUNTY GENERAL SERVICES FLEET SERVICES

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendation:

R1: Due to the age of the facility, lack of space and available equipment, the Grand Jury recommends the County relocate the Truxtun Avenue facility to a central location and combine all services (vehicles, heavy equipment and buses) along with sufficient parking, to a minimum of a five acre lot.

The Board of Supervisors concurs with the Grand Jury to relocate and centralize Fleet Services. However, due to recent budgetary constraints, the County has been unable relocate Fleet Services, but will continue to evaluate options as funding becomes available.

OFFICE OF THE COUNTY COUNSEL COUNTY OF KERN

PREFACE:

Pursuant to California law, the Office of the County Counsel (Counsel) is responsible for providing legal services to the County of Kern (County), its officers, employees, boards, commissions and other agencies. The Counsel is also responsible for the County's Safety Program, Insurance Coverage, General Liability and Workers' Compensation (Work Comp) claims. The Counsel is under the direction of the Kern County Board of Supervisors.

SUMMARY:

Prior to 1985, two outside law firms contracted with the County for Tax Litigation and General Civil Litigation. On occasion other outside firms were used for specialized matters. Combined billings to the County for outside counsel was reportedly in the millions of dollars.

In 1985, approximately ten Attorneys made up the County Counsel Office. Seven were in Advisory, two in the new Litigation Section and one at Juvenile Court. The newly hired County Counsel determined money would be saved if all litigation was handled in-house. A newly expanded Office of the County Counsel was formed.

Today, the Office of the County Counsel has two Operational Divisions: County Counsel and Risk Management. The County Counsel Division is made up of five teams: Administration, Litigation, Advisory, Health Law and Employment Law. The County Counsel Division defends the County and its employees in Federal and State courts, and administrative proceedings. The County Counsel also provides advice to the Kern County Board of Supervisors, all County Departments, boards, agencies and commissions. The Risk Management Division protects the County's assets and reduces risks and costs through insurance placement, safety programs, contract review and training. The Risk Management Division also operates the Work Comp program and handles General Liability claims made against the County. The County Counsel and Risk Management Division also operate the County's Return to Work Program.

MISSION STATEMENT:

The Office of the County Counsel has the following mission statement: *"To advise, assist and represent our clients as efficiently and economically as possible, in accordance with the highest professional and ethical standards."*

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes the Grand Jury to investigate and report on the various departments throughout Kern County.

PROCESS:

The Administrative and Audit Committee (Committee) visited the Office of the County Counsel, 1115 Truxtun Avenue, 4th Floor, Bakersfield, California 93301 and met with the County Counsel and the four Chief Deputies. The Committee met with the County Counsel on October 10, 2013, and subsequently met with the Chief Deputy County Counsels for Litigation - October 17, 2013; Employment Law - October 21, 2013; Health Law - October 21, 2013; Advisory - November 4, 2013.

The Committee met with the Risk Manager on October 17, 2013.

Financial information and departmental information was provided by the Administrative Analyst from the County Administrative Office and the Kern County Website.

This report will be divided into the six different areas: County Counsel, Litigation, Employment Law, Health Law, Advisory and Risk Management.

BACKGROUND/FACTS:

County Counsel:

- A. The County Counsel was appointed by the Board of Supervisors on April 6, 2009, and is currently serving a second four year term. The County Counsel is the General Counsel and Risk Manager for the County of Kern, having joined the County with 27 years of experience as a Judge and an Attorney.
- B. The County Counsel Division has 48 employees:
 - Two vacant attorney positions:
 - Deputy County Counsel
 - Assistant County Counsel
- C. The monthly salary schedule for the County Counsel Division is:

• County Counsel	\$ 13,924 - \$16,998
• Chief Deputies	\$ 10,910 - \$13,312
• Deputy County Counsel (I – V)	\$ 5,239 - \$12,415
• Senior Information Tech Specialist	\$ 5,265 - \$ 6,427
• Business Manager	\$ 5,318 - \$ 6,492
• Administrative Coordinator	\$ 4,042 - \$ 4,934
• Paralegals	\$ 3,807 - \$ 4,885
• Legal Secretary	\$ 3,072 - \$ 3,751

- D. The County Counsel also supervises the Administration Team which manages fiscal budgets, technology, personnel and purchasing for the Office of the County Counsel.
- E. Administration Team consists of:
- County Counsel
 - Assistant County Counsel
 - Business Manager
 - Administrative Coordinator
 - Senior Information Tech Specialist
- F. Chief Deputies are assigned to supervise four teams within the County Counsel Division:
1. *Litigation*: Defends the County, Officers and Employees on matters related to the operation and management of the County.
 - a. General Litigation and Medical Malpractice: Administers General Liability claims on matters related to the operation and management of the County.
 - 1) Eight Attorneys
 - a) One Attorney is also on the Health Law Team
 - 2) Three Paralegals
 - 3) Three Legal Secretaries
 - b. Juvenile Dependency: Represents the Department of Human Services in Juvenile Dependency cases filed to protect children at immediate risk of injury, harm or neglect.
 - 1) Six Attorneys
 - 2) Two Paralegals
 - 3) Three Legal Secretaries
 2. *Advisory*: Advises the County Department Boards, Officers and Employees on matters related to the operation and management of the County. Also advises certain Agencies, Commissions and Special Districts.
 - a. Seven Attorneys
 - b. Two Paralegals
 - c. One Legal Secretary
 3. *Health Law*: Advises Kern Medical Center (KMC) and all health-related departments or functions in the County including Public Health, Mental Health, Emergency Medical Services, Environmental Health and Health Benefits.
 - Three Attorneys
 - One attorney is also on the General Litigation Team
 - One Paralegal
 - One Office Services Specialist assists the Administration Team.

4. *Employment Law*: Advises the County Departments on matters related to Employees of the County.
 - a. Four Attorneys
 - b. One Paralegal

Litigation Team:

- A. A Chief Deputy for the Counsel oversees the Litigation Team and has been with the County for 28 years.
- B. Case Load Supervisor:
 - Has own case load
 - Travels out of County for depositions
- C. The Litigation Team handles all General Liability cases such as:
 - Civil Rights
 - Accidents
 - Mental Health
 - Disability Retirements
 - Bankruptcy
 - Motions for personnel files
 - Environmental matters
- D. The Team currently has 400 active open cases plus 50 active personal injury cases.
- E. Prevails on the vast majority of cases filed against the County either by trial, through successful motions for summary judgment, motions for dismissal, demurrers, negotiation and dismissals.
 - Appealed cases are rare
 - 2011-2012 there were 28 lawsuits resolved with no payments by the County
 - 2012-2013 there were 34 lawsuits resolved with no payments by the County.
- F. Within the Litigation Team there is a Juvenile Law Team.
 1. The Team consists of:
 - Six Attorneys
 - Two Paralegals
 - Two Support Staff
 2. There are approximately 2,000 open files:
 - Internal petitions - Courts do six month reviews
 - 200-300 dependence cases - Foster Care
 - All billings go to the Department of Human Services (DHS)
 - County success rate on appeals is 97%

3. A State Index - Child Abuse Central Index (CACI) is administered by the Office of the Attorney General.
 - Individual names are placed in CACI for all abuses
 - Those found guilty of the abuse are kept on the CACI list
 - A list is kept on file for later uses, e.g., Foster Parent Applications
 - Names may be removed through the Appeals process

Employment Law Team:

- A. A Chief Deputy County Counsel oversees the Employment Law Team and has been with the County for 26 years.
 - All legal matters of employment with Kern County:
 - a. Employee discipline
 - b. Works with all Unions - Employee rights and Skelly matters
 - c. Disability Act issues
 - d. Personnel issues
 - Oversees Return-to-Work Program
 - Supervises training of sexual harassment
 - Conducts training on Employment Law
 - Chief Deputy has a County phone
 - Attorneys do not receive mileage or car allowance
 - Exempted employees do not receive Compensatory Time
 - Advisor for disciplinary matters at preliminary level
 - Employees file claims through the State Department of Fair Employment and Housing.
 - Advises employees on disciplinary matters at the preliminary level
 - Personnel Department and the Employee Relations Officer in the County Administrative Office coordinates with the Departments
- B. Employment Law Team consists of:
 1. Four Attorneys
 - Two attorneys assigned to Work Comp
 - Two Attorneys provide legal defense for the County
 2. Disability Management Coordinator
 3. One Senior Paralegal
 4. One Support Staff
- C. County has a progressive disciplinary system.
 1. Employment Law Team advises departments on personnel issues from Performance Review to Civil Service Hearings.
- D. Employment Law Team handles claims of violence in the work place.
 1. There are approximately 10 - 12 requests per year for restraining orders
 2. Departments try to resolve and deal with volatile situations.

- E. Two Attorneys are assigned to Work Comp cases. The Attorneys are the legal defense to the County for Work Comp matters and are State Bar of California Certified Specialists.
 - 1. Employee/Claims Adjuster/Employer

- F. A Work Comp Carve-Out Program is planned for 2014 to affect Kern County Deputy Sheriffs and Firefighters.
 - 1. Program has been approved by the Board of Supervisors, Kern Law Enforcement Association and the Kern County Fire Fighters Union.
 - Work Comp benefit cases will be handled by a panel of doctors predetermined for this panel, and approved by the Unions and Board of Supervisors.
 - Program will also include Nurse Case Managers and Mediators.

- G. All County employee files are kept at the Kern County Personnel Office.
 - 1. The County Counsel can access these files if necessary for a claim/discipline or other matters relating to an employee.

Health Law Team:

- A. A Chief Deputy County Counsel oversees the Health Law Team and has been with the County for 12 years coming from private practice specializing in all aspects of Health Care Law.

- B. The Chief Deputy represents KMC. Part of the responsibilities include providing management oversight for Medical Malpractice Litigation.

- C. The Health Law Team advises KMC and all health-related departments and functions:
 - 1. One and one half deputies aid with Public Health, Mental Health and Emergency Medical Services and Environmental Health:
 - One half of the deputy's time is used in the Administrative Division
 - 2. The Chief Deputy also advises the Health Benefits Team with the assistance of an Advisory Team Deputy.

- D. The Health Law Team includes:
 - 1. One and one-half Attorney's, one Senior Paralegal and one Support Staff:
 - One Attorney works half-time on Risk Management and half-time in the County Counsel office
 - 2. The Paralegal is an employee of KMC, and stationed in the County Counsel office.

- E. The Chief Deputy also represents Kern Health Systems (KHS):
- County Counsel contracts with KHS
 - Representation costs are not paid by County; State pays County for services
 - An ethical wall exists in the County Counsel office with regards to KHS. Information is **never** shared between the two Attorneys assigned to KHS and the rest of the County Counsel
 - The State Health Authority creates County Ordinance on operations for KHS
- F. The Health Law Team has input in all County contracts for medical purposes:
- County Health Officers and Physicians
 - Drafts and finalizes all reports
 - Contracts and laws governing physician protocols
 - Fiscal year 2012-2013 reviewed approximately 1,100 contracts

Advisory Team:

- A. A Chief Deputy County Counsel oversees the Advisory Team and has been with the County two and one half years coming from 35 years in private practice specializing in Real Estate and property matters.
- B. Chief Deputy reviews contracts for several County Departments:
- Half the time on Planning, Roads, Engineering, Services
 - Half the time on property management (approximately 300 County buildings)
- C. Chief Deputy represents the Planning Commission:
- Attends afternoon sessions of the Board Meetings for Planning items
 - Attends evening Planning Commission Meetings every other Thursday as primary Attorney along with a back-up Attorney
- D. All Ordinances/Resolutions are drafted by County Counsel and Department Heads and reviewed by the Advisory Team prior to submitting to the Board.
- E. The Advisory Team consists of:
- Seven Attorneys
 - Two Paralegals
 - One Legal Secretary

- F. The Advisory Team reviews all County contracts except contracts reviewed by the Health Law Team:
- Fiscal year 2012–2013 reviewed 1,310 contracts
 - Reviews Contracts and Ordinances for legality and to make reader friendly (“*de-ligalesing*”)
- G. Advisory Team does not handle litigation except in cases having to do with Planning, Engineering or Roads, which results in a cross-over with the Litigation Team.

Risk Management Division:

Manages the County’s risk and provides insurance coverage for buildings and other County interests. Oversees the County’s safety programs and administers the General Liability, Medical Malpractice and Work Comp self-insurance coverage and claims.

- A. The Mission Statement for the Risk Management Division of the Office of County Counsel is: *“To provide quality and innovative services to benefit our client and which will support the public good.”*
- B. Risk Management Division has 29 employees:
- One vacant Safety Specialist
 - Two vacant Supervising Work Comp Claims Adjusters
 - One vacant Risk Manager
- C. Work Comp is a self-administered, self-insured program. It administers the County’s Return-to-Work, Disability Management and the Work Comp Programs.
- D. Risk Manager held the position for five years before retiring October 31, 2013.
- E. Risk Manager is in charge of purchasing insurance for the County of Kern:
- Commercial Insurance
 - Business Insurance
 - In-house Liability Insurance
 - Work Comp
 - Airports
 - Air Pollution District
 - Malpractice Hospital Bond
 - Property Insurance, Vendor contracts
 - Claims and Litigation Unit Law Suits

- F. The most common Work Comp case claims are:
- Back
 - Lifting
 - Slip and Fall
 - Carpal Tunnel
 - Repetitive Motion
- G. The number of Work Comp cases heading to litigation varies from year to year:
- Currently there are 1,800 open Work Comp cases
 - Receive approximately 860 new claims per year
- H. The most costly Work Comp claim is Orthopedic.
- I. The County Departments with the highest percentage of claims are:
- Fire Department
 - Sheriff's Department
 - Human Services
 - Kern Medical Center
- J. Work Comp is audited by the State, Insurance Carrier Companies, Internal Audits and computer FISH (Flexible Information Sharing and Handling) Report each year (audit by insurance carrier).
- K. All Work Comp cases going to the State Work Comp Appeals Board are handled by the General Litigation Team.
- L. The cost for County Liability Insurance is \$1.8 million.
- M. Department of Motor Vehicles (DMV) Pull Notice Program is for employees that operate County vehicles. The County has a contract with a private company to administer the program and provide safety training.

FINDINGS:

- F1. The Office of the County Counsel has only four County cell phones, two Laptops for loan to Attorneys and no Ipads.
- F2. The 2013-2014 Budget Summary of Expenditures and Revenues for the County Counsel Department is as follows:
- County Counsel

Net Expenditures	\$10,509,677
Total Revenues	\$ 5,796,527
General Fund Costs	\$ 3,780,963

- Risk Management

Net Expenditures	\$ 4,576,156
Total Revenues	\$ 4,576,156
General Fund Costs	\$ 0
- General Liability Self-Insurance Program

Total Expenditures	\$13,991,004
Total Revenues	\$18,820,085
Retained Earnings	\$ 4,829,081
- Workers' Compensation Self-Insurance Program

Total Expenditures	\$19,808,289
Total Revenues	\$15,388,720
Retained Earnings	(\$ 4,419,569)

F3. Revenues and Income are generated from other County Departments and other clients. Attorneys and Staff must keep track of their time with each client (Department) to be charged back to that Department:

- If the Department receives outside money from the State or Federal, County Counsel recovers all fees
- If the Planning Department collects fees, County Counsel recovers all fees
- If the Department is an Enterprise Fund (Kern Medical Center, Airports), the Counsel recovers all fees

F4. The biggest expense of the Department is salary and benefits; insurance is the second biggest expense.

F5. Employees (including Attorneys) are not allowed to have outside employment unless approved by the County Counsel. Personal cases outside the County Office may be performed with approval of the County Counsel.

F6. The County's primary General Liability policy for this year has a self-insured retention consisting of a three million dollar base and an additional two million dollar aggregate loss corridor.

F7. Each County Department is charged a premium for General Liability based on loss history, number of employees and a weighted risk factor.

F8. The budget cost for Work Comp claims decreased from \$17 million in fiscal year 2011-2012 to \$13 million for fiscal year 2012-2013.

F9. The area of Risk Management using the most resources is Work Comp.

F10. The decision to place an employee in the Pull Notice Program is up to each department head:

- Cost is \$12 - \$13 per year/employee

- F11. Target Solutions (private vendor) is used for on-line Safety Training and the Pull Notice Program.
- F12. In some cases employees facing disciplinary charges may file for Work Comp to avoid or delay discipline.
- F13. Risk Manager does not adjust Work Comp cases.
- F14. At the beginning level, disciplinary claims are handled by Department Heads then coordinated with the Employment Law Team:
- If a law suit is filed it is assigned to the Litigation Team
 - Very few employment cases go to trial
- F15. The County Counsel and the Chief Deputies all work between 40 and 65 hours per week.
- F16. The Risk Manager retired while this report was being written. This has resulted in a temporary reassignment of two Chief Deputies in the County Counsel Office:
- Employment Law Chief Deputy is temporarily responsible to oversee Work Comp and the Safety Program with assistance from a Deputy County Counsel from the Advisory Team
 - Litigation Chief Deputy is temporarily responsible for General Liability Claims oversight
- F17. There is a lack of support staff to perform copying, filing and other clerical duties in the County Counsel Office. Attorneys are performing many clerical activities in order to complete assignments.
- F18. One purpose of the Advisory Team is to track all Ordinances and Resolutions and ensure they are delivered to the Clerk of the Board.
- F19. Insufficient number of conference/hearing rooms has created delays for Attorneys in conducting their normal business in a timely manner.
- F20. Attorneys on the Advisory Team are given Primary and Back-up assignments to represent every Department, Board, Commission and Committee of the County.
- F21. Of all the contracts reviewed by the Advisory Team 99% are returned to the respective Departments within 10 days.
- F22. Files Restraining Orders on behalf of employees.
- F23. The Employment Law Team processes an average of 20-25 claims which are filed for violence in the work place.

RECOMMENDATIONS:

- R1. All key personnel in the Office of the County Counsel should be assigned an electronic device with which to conduct County business. (Finding 1)
- R2. All County personnel using a County vehicle or personal vehicle for County business should be placed in the Pull Notice Program. (Finding 10)
- R3. Fill all vacant positions within the Office of the County Counsel, including Assistant County Counsel. (Findings 15 and 16)
- R4. Increase the number of conference/hearing rooms in order to better utilize Staff and accomplish mission, e.g., with the use of electronics, the Library is underutilized and could be remodeled to accommodate additional conference/hearing rooms. (Finding 19)
- R5. Additional Support Staff is needed to allow Attorneys to litigate and spend less time on Support Staff duties. (Findings 15 and 17)

COMMENTS:

The Office of the County Counsel is an extremely well organized and efficient Department of the County. The Staff is made up of very dedicated Attorneys, Paralegals and Support Staff. Many Attorneys are earning less than they could earn in private practice. The Department has saved the County huge amounts of money by working on cases in-house rather than using outside Attorneys, except as necessary.

The Jury believes the above recommendations should be acted on in a timely manner in order to benefit the Office of the County Counsel.

NOTES:

The County of Kern, Office of the County Counsel, should post a copy of this report where it will be available for public review.

Persons wishing to receive an email notification of newly released reports may sign up at: www.co.kern.ca.us/grandjury, and click on: Sign up for early releases.

Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.co.kern.ca.us/grandjury.

RESPONSE REQUIRED WITHIN 90 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT**

**1415 TRUXTUN AVENUE, 2ND FLOOR
BAKERSFIELD, CA 93301**

**cc: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

OFFICE OF COUNTY COUNSEL COUNTY OF KERN

Response to Findings:

The Board of Supervisors notes that the Grand Jury's findings are substantially correct.

Response to Recommendations:

R1. All key personnel in the Office of County Counsel should be assigned an electronic device with which to conduct County Business.

The Office of County Counsel recognizes the added benefit of having access to electronic devices for the attorney's performance of duties. At this time the projected FY 2014-2015 budget requires departmental cuts and it is unlikely that funding will allow the addition of electronic devices.

R2. All County personnel using a county vehicle or personal vehicle for County business should be placed in the Pull Notice Program.

The Office of County Counsel agrees with this recommendation and will continue to monitor the Pull Notice Programs to keep it current.

R3. Fill all vacant positions within the Office of County Counsel, including Assistant County Counsel.

The Office of County Counsel agrees with this recommendation and will fill all vacant positions, pending approval of the FY 2014-2015 budget.

R4. Increase the number of conference/hearing rooms in order to better utilize Staff and accomplish mission, e.g., with the use of electronics, the Library is underutilized and could be remodeled to accommodate additional conference/hearing rooms.

The Office of County Counsel has submitted a request to remodel the County Counsel Library. The recommendation will be followed should funds become available through the capital projects list.