

COUNTY OF SACRAMENTO
CALIFORNIA

APPROVED
BOARD OF SUPERVISORS

For the Agenda of:
September 20, 2005
Timed: 2:15 p.m.

To: Board of Supervisors

From: County Executive

Subject: Response To The 2004-2005 Grand Jury Final Report

Contact: Kimberly Dahl 874-1638

SEP 20 2005
Cindy W. Turner
By _____
Clerk of the Board

Overview

The 2004-2005 Grand Jury Final Report identified several issues involving several County departments as well as several of the other cities within the Sacramento region. This report responds only to those issues involving departments within Sacramento County. The attached reports respond to the findings and recommendations of the Grand Jury.

Recommendations

1. Adopt this report as Sacramento County's response to recommendations contained in the 2004-2005 Grand Jury Final Report.
2. Instruct the Clerk of the Board to forward a copy of this report, Response to the 2004-2005 Grand Jury Final Report, to the Presiding Judge of the Superior Court.
3. Instruct the Clerk of the Board to forward copies of this report, Response to the 2004-2005 Grand Jury Final Report, to the Grand Jury Foreman, to the Administrator of the Countywide Services Agency, to the Sheriff's Department, and to the Administrator of the Internal Services Agency.

Measures/Evaluation

Not applicable.

Fiscal Impact

The costs of responding to this report are approximately \$11,771. Staff from the Civil Service Commission, the County Executive's Office, the Office of Communication and Information Technology, The Department of Human Assistance, the Department of Health and Human Services, the Sheriff's Department, the County Health Office, the Sacramento Regional Office or Homeland Security, and the Countywide Services Agency contributed to this effort. These costs were absorbed by each entity.

BACKGROUND:

Each year the Sacramento County Grand Jury concludes its work and releases its Final Report, typically the last week in June. The report, which can address a variety of activities, functions, and responsibilities of government, typically contains findings and recommendations. State law requires the affected governing bodies to respond to each of these findings and recommendations with a response specifically directed to the Presiding Judge of the Superior Court. This response is required by September 30, 2005.

The form of the County's responses as required by law is as follows:

As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons.

As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury Report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

The responses contain all the applicable components as defined above.

DISCUSSION:

The Grand Jury Final Report for the fiscal year 2004-2005 required several responses from Sacramento County on the following topics:

1. Findings 1 – 6 related to the adequacy and appropriateness of the processes and procedures of the County Civil Service Commission in considering appeals by County employees for disciplinary actions taken against them.

This response was prepared by the Sacramento County Civil Service Commission.

2. Findings 1 – 4 related to the determination of whether the Sacramento Independent Taxi Owners Association (SITOA) uses fair, equal and non-discriminatory practices when hiring new drivers.
This response was prepared by the Sacramento County Director of Airports.
3. Findings 1 – 3 related to the adequacy and appropriateness of oversight of the Galt Concilio contract and other contracts for social, mental health, and alcohol and drug treatment services. Accountability of the Galt Concilio contract was also questioned.
This response was prepared by the Department of Human Assistance and Health and Human Services for the Agency Administrator of the Countywide Services Agency and the Sacramento County Board of Supervisors.
4. Findings 1 – 3 regarding security of inmate correspondence in accordance with established policies of the Sacramento County Main Jail.
This response was prepared by the Sheriff of Sacramento County.
5. Findings 1 – 3 related to supplementary programs to assist foster children.
This response was prepared by the Department of Health and Human Services for the Agency Administrator of the Countywide Services Agency.
6. Findings 1 – 11 regarding the extent of the coordination and preparation of Sacramento County and its political subdivisions to respond to an incident in which a weapon of mass destruction is involved.
This response was prepared by The Sacramento County Sheriff's Department, The Public Health Officer, and the Sacramento County Office of Communication and Information Technology. The County Executive's Office prepared the response on behalf of the Sacramento County board of Supervisors. These responses were developed through a collaboration with the Sheriff's Department as a member of the Sacramento Regional Office of Homeland Security.

RESULTS/MEASURES:

Not applicable.

FINANCIAL IMPACT:

The estimated costs of responding to this report are \$11,771. Staff from the Civil Service Commission, the County Executive's Office, the Office of Communication and Information Technology, The Department of Human Assistance, the Department of Health and Human Services, the Sheriff's Department, the County Health Office, the Sacramento Regional Office of Homeland Security, and the Countywide Services Agency contributed to this effort. These costs were absorbed by each entity.


Respectfully submitted,

TERRY SCHUTTEN
County Executive

Attachments

Cc: Sheriff Lou Blanas, Sheriff's Department
Penelope Clarke, Agency Administrator, Countywide Services Agency
G. Hardy Acree, Director of Airports
Jim Hunt, Director, Health and Human Services
Bruce Wagstaff, Director, Human Assistance
Pat Groff, Chief information Officer
Dr. Glennah Trochet, County Health Officer
Leslie Leahy, Executive Officer, Civil Service Commission
Lieutenant, Sacramento Regional Office of Homeland Security

*CRC Trans. Ltr resp. to
G.J. pdf*

<p>Civil Service Commission</p> <p>700 H Street, Room 2640 Sacramento, CA 95814 phone (916) 874-5586 fax (916) 444-1109 leahyl@saccounty.net</p>	 <p>COUNTY OF SACRAMENTO</p>	<p>Commissioners</p> <p>Michael Johnson W. Robert Keen Mike Nakagawa Raymond Nelson Scott C. Syphax</p>
---	--	--

August 29, 2005

Honorable Michael Virga, Presiding Judge
Sacramento County Superior Court
County of Sacramento
720 9th Street
Sacramento, CA 95814

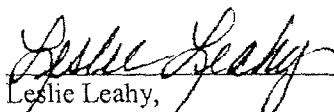
Re: Sacramento County Grand Jury 2004 – 2005 Final Report: Sacramento County Civil Service Commission

Dear Judge Virga:

Pursuant to Penal Code sections 933 and 933.05, the following specific responses to the Grand Jury 2004 - 2005 Final Report concerning the Sacramento County Civil Service Commission, Findings 1 - 6 and Recommendations 1- 6 are very respectfully submitted to the Presiding Judge of the Sacramento County Superior Court. As required by Statute, a copy of these responses has been provided to the Sacramento County Board of Supervisors.

The Commission appreciates the time and effort taken by the grand jury in its review, findings and recommendations to the Civil Service Commission.

Very truly yours,


Leslie Leahy,
Executive Officer
Civil Service Commission

COUNTY OF SACRAMENTO
CALIFORNIA

RESPONSE TO 2004-2005 GRAND JURY REPORT

SACRAMENTO COUNTY CIVIL SERVICE COMMISSION (pp.1-5)

Finding 1. The votes of three of the five commissioners are required to decide an appeal from disciplinary action. Therefore, where only three hear an appeal, all three must vote unanimously to reach a decision. In such a case, there is a significant incentive for each of the three commissioners to reach the same decision. Such an incentive is inconsistent with the duty of each commissioner to exercise his or her individual judgment and consideration.

Response: The Commission disagrees partially with Finding 1. It is true that when there is a quorum of three commissioners, a unanimous vote is required for any Commission action, including on appeals from discipline. While the Commission agrees that attendance by its full membership is not only preferable, but clearly enhances the decision making process, the Commission disagrees that proceeding with a minimum quorum creates a "significant incentive" for concurrence to the degree that it is inconsistent with or impedes the exercise of independent judgment.

Recommendation 1. A minimum of four commissioners should hear appeals from disciplinary action except in the event of compelling circumstances. In no case should a vote be changed for the sole purpose of reaching a decision.

Response: The recommendation will not be implemented by any formal rule or policy change. The Commission agrees in principle that it is preferable in all actions, not just disciplinary matters, to have more than three commissioners present. However, requiring by formal enactment a super quorum of four commissioners is not warranted nor would it be reasonable. The benefit to the decision making process would be outweighed by undue delays and inefficiencies in handling Commission business. The Commission is philosophically in accord that a commissioner should not make a decision on the sole basis of reaching an accord, but should always exercise his or her independent judgment. In any case in which the quorum present believes that the matter should be heard by a greater number of members, the Commission can, and does, continue the matter for such further hearing. The Commission does not believe that the single incident cited is suggestive of a need for a structural change by redefining "quorum" as it is used by this and virtually all like bodies.

Finding 2. The Commission affords too much consideration in its determination of proper discipline to historical consistency. This policy is at odds with its duty to determine in each case the discipline which is "appropriate in light of all relevant facts and circumstances" of that case.

Response: The Commission disagrees wholly with Finding 2. The Commission believes that it gives appropriate weight to its consideration of historical consistency, which is merely one element among many relevant facts and circumstances considered in a given case. The Commission has no policy regarding consideration of historical consistency, both in the context of prior Commission action and as it relates to an issue of disparate treatment. Rather, when appropriately relevant to the deliberative process and helpful in the normal exercise of its discretion, the Commission will entertain

such considerations. Prior Commission action, if sound, informs but does not dictate the outcome of a current matter, and suitable regard for consistency and perspective does not command that prior errors be repeated.

Recommendation 2. The Commission should determine whether the discipline imposed is appropriate in light of all relevant facts and circumstances of the case under review, and should afford less weight to consistency of the proposed disciplinary action with disciplines imposed in previous cases. The exceptions are cases involving substantial claims of discrimination based on race, sex, religion or national origin.

Response: The recommendation will not be implemented by any formal rule or policy change. The Commission agrees that whether a discipline imposed is appropriate is to be decided in light of all relevant facts and circumstances in accordance with Rule 11.12(a). However, predetermining by formal enactment the weight to be given consideration of discipline imposed in like cases is not warranted, nor would it be reasonable to attempt to prescribe two tiers of deliberation, depending on the allegations made and whether the appellant is in a protected class. The appropriate weight, like that of all relevant factors, is determined by the particulars of the subject case. Consideration of disparate treatment is entirely appropriate in deciding whether discipline is excessive under the circumstances, and therefore an abuse of discretion. (*Pegues v. Civil Service Commission* (1998) 67 Cal.App.4th 95.) Attempting to eliminate or restrain the exercise of discretion by the hearing officer and the Commission in this regard would be improper and may likely constitute a violation of conventional standards for fair hearings. Unlike discipline matters, in which disparate treatment relates to the issue of the excessiveness of punishment, are cases of alleged discrimination in employment. In discrimination cases, "disparate treatment" means the intentional discrimination against one or more persons on prohibited grounds and is, in and of itself, the proscribed conduct. (*Teamsters v. United States* (1977) 431 U.S. 324, 335-336, fn. 15, 97 S.Ct. 1843, 52 L.Ed.2d 396; *Northrop Grumman Corp. v. Workers' Comp. Appeals Bd.* (2002) 103 Cal.App.4th 1021, 1035-1037.)

Finding 3. The Commission's Rules do not define a formal recusal policy to be followed in the event of an actual, potential, or appearance of, bias in a particular case.

Response: The Commission disagrees wholly with Finding 3. Civil Service Commission Rule 14.11 provides for and governs conflicts of interest: "If a member of the Commission determines that he or she should not participate in deliberations or vote in relation to a pending matter because of a conflict of interest, as soon as practical after the matter is called the member shall advise the chairperson of the member's inability to participate and the reasons therefore. The member shall thereupon leave the rostrum and refrain from any participation or discussion with any Commission member until the Commission has completed its consideration of, and action on, the matter."

Recommendation 3. The Commission should adopt and enforce a recusal policy to be followed in the event of actual, potential, or the appearance of bias. Each commissioner should be independently responsible under the policy for the decision to recuse or not to recuse himself or herself from each particular case.

Response: The recommendation is currently implemented by Rule 14.11.

Finding 4. The Commission, by its own Rules, does not allow itself the ability to consider information contained in the full transcript of a disciplinary appeal hearing before a hearing officer. The transcript contains "all relevant facts and circumstances" which the Commission should be able to

consider in making a final decision. The hearing officer's proposed decision may contain only those facts and circumstances deemed pertinent to that officer's proposed decision, and rarely contains "all" of the relevant facts and circumstances. By limiting the basis for its review only to the material in the hearing officer's proposed decision, the Commission has limited its ability to make a duly informed final decision.

Response: The Commission agrees partially with Finding 4. The Rules do not provide for a hearing *de novo* by the Commission and limit the proceedings to consideration of the proposed decision and, as relevant, issues of prejudice caused by the unavailability of material evidence and prior discipline of the employee. (Rules 11.12(c),(f).) "All relevant facts and circumstances" relating to a case heard by a hearing officer would be contained in the administrative record, of which the reporter's transcript is only a part. This complete record can and will be considered if a judicial remedy is sought by a party through an administrative writ. (Code Civ. Proc. §1094.5.) However, as is permitted by the Charter and Rules, the Commission provides for the impartial hearing and determination of appeals by use of hearing officers, subject only to its final approval. Nothing in the Charter's provision for delegation of the administrative hearing to a hearing officer suggests the voters intended to provide a party with two evidentiary hearings – the first before a hearing officer and then a rehearing before the Commission. The Rules properly design a system providing for a single evidentiary hearing. The proposed decision of the hearing officer is required by the Rules to be in such form that it may be adopted by the Commission as the decision in the case and its contents are limited to specific factual findings relating to the facts alleged in the order of discipline, facts asserted by the appellant for purposes of defense or mitigation, determinations of any legal issues, whether the facts found constitute good cause for discipline and the appropriate discipline in light of all relevant facts and circumstances, and an order affirming, modifying or setting aside the disciplinary action. (Rule 11.12(a).) The Commission's Rules permit the hearing officer to act as the final arbiter of the factual findings. The Commission's role is to review the hearing officer's proposed decision for final approval, require clarification as desired, and change non-factual determinations and the order of disciplinary action as consistent with the facts of the case. Therefore, the Commission has not limited its ability to make a duly informed final decision, but permits the hearing officer to act as the final arbiter of the factual findings.

Recommendation 4. The Commission should amend its Rules to preserve its option to consider information contained in the full transcript of the case under appeal, and to maintain its option to hear any case with or without a hearing officer, or if previously heard by a hearing officer, to rehear the case with or without a hearing officer.

Response: The recommendation will not be implemented. Such a plan has both budget and personnel implications that are within the province of the Board of Supervisors rather than this Commission. The Commission chooses instead to conduct a more thorough review of Sections 11 and 12 of the Civil Service Rules. The purpose of the review will be to consider how and whether to amend the Rules to preserve or create options in how the Commission might conduct hearings with or without hearing officers. The Commission will complete its review on or before December 31, 2005.

Finding 5. The Commission, by its own Rules, has precluded any argument on appeal from a disciplinary action relating to evidentiary, procedural, or legal issues which were raised or could have been raised before the hearing officer, or to the weight of the evidence, or the credibility of a witness. Thus, the hearing officer's determinations as to all issues of evidence, procedure, or law, including the weight of the evidence, or the credibility of witnesses, are not subject to review by the Commission. By refusing to consider any such argument, the Commission has ceded too much of its authority and

responsibility to exercise its own judgment in making a final decision, to the discretion of the hearing officer.

Response: The Commission agrees partially with Finding 5. The proceeding before the hearing officer is the evidentiary hearing on the appeal. At the hearing before the Commission, oral argument is limited as stated in Finding 5. However, it is an overstatement to say that the hearing officer's determinations as to all issues of evidence, procedure, or law are not subject to review by the Commission. Rather, the Commission's review is limited by the contents of the proposed decision and the factual findings made therein. Within that context, and so long as consistent with the factual findings, the Commission may change non-factual determinations. The intent of Rule 11.12(c) is to bar attempts to relitigate the case before the Commission. The Commission has authority to accept or reject, in whole or in part, the proposed decision, and can refer the matter back to the hearing officer for clarification or, as appropriate, order a new hearing. Therefore, the Commission disagrees that too much authority has been ceded to the hearing officer.

Recommendation 5. The Commission should amend its Rules to allow for argument before the Commission relating to evidentiary, procedural, and legal issues, raised before the hearing officer, including descriptions of evidence, weight of the evidence, and credibility of witnesses.

Response: Unless there are changes implemented as a result of the review referred to in the Response to Recommendation 4, this recommendation will not be implemented. It would not be reasonable to permit the Commission to entertain argument of matters that are outside the scope of the proposed decision, nor possible to reach a reasoned conclusion based on mere unsubstantiated arguments alone.

Finding 6. Improper interpretations as to the elements of proof were applied in one or more of the cases reviewed related to the following causes for disciplinary action:

- (a) "Failure of good behavior . . . which is of such a nature that it causes discredit to [the employee's] agency or employment", and
- (b) "Conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his position."

Response. The Commission disagrees wholly with Finding 6. While reasonable persons may hold contrary opinions as to the correctness of a given decision by the Commission or its hearing officer, only the courts can authoritatively decide whether there was improper conduct or error in the application of law by a hearing officer or the Commission. None of the reviewed cases were reversed by a court of law. They are final and presumed correct.

Recommendation 6. The Commission:

- (a) should not require proof of actual discredit to the employee's agency, when deciding whether there was a "Failure of good behavior . . . which is of such a nature that it causes discredit to the [employee's] agency or employment", and
- (b) should not require proof of an actual adverse affect upon the employee's ability to perform the duties of his position, when deciding whether there was a "Conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his position."

Response: The recommendations will not be implemented by any formal rule or policy change. Whether or not proof of actual discredit or actual adverse consequence is proper may be entirely dependent on the facts of the particular case. The proof that will or will not be required in a given case is largely determined by the allegations in the order of discipline. The appointing authority has broad discretion to decide on the theory of the case and to plead the matter in any way he or she sees fit. However, if the employer alleges facts, but fails to prove them, then those unproven facts cannot be used to support a finding of good cause or the appropriateness of the discipline. In the case of allegations of failure of good behavior or of a misdemeanor conviction, it is up to the appointing authority to decide how the claims will be pled and proven. There must be some evidence supportive of a reasonable inference. Permitting the hearing officer to relieve a party of his burden of proof is inimical to a fair and impartial hearing process.

A party who believes the hearing officer or the Commission has erred in its findings of facts or law may challenge the decision by seeking an administrative writ pursuant to Code Civ. Proc. §1094.5.

COUNTY OF SACRAMENTO CALIFORNIA

RESPONSE TO 2004-2005 GRAND JURY FINAL REPORT

County Executive

Sacramento County Airport System (pp. 11-15)

Finding 1 of the Findings and Recommendations issued in the Grand Jury's report found no evidence that relatives were hired by SITOA, or of discrimination based on religious, national or racial issues. There are no recommendations related to Finding 1.

Finding 2: There was no evidence that SITOA was initially handling applications inappropriately.

Recommendation 2: Airport staff should ensure that taxi contractors follow the procedures, protocols, and requirements agreed to by it and the Sacramento County Counsel's Office.

Response 2: Concur.

On September 23, 2004, the County Counsel's office issued a letter to SITOA entitled SITOA Clarification of Relationship. This letter details the membership selection protocol to be followed by SITOA when selecting new members. It also identifies the County Airport System representative assigned to oversee and address all taxicab related issues.

Finding 3: The County Airports Office failed to provide oversight of SITOA's hiring procedures prior to the complaints by applicants. However, the County Counsel now has the assignment to ensure compliance of the rules and to research future contracts.

Recommendation 3: County Counsel should continue to oversee the County contract between taxi contractors and the Airport.

Response 3: Do Not Concur

Although it is not County Counsel's responsibility "to oversee the County contract between taxi contractors and the Airport" County Counsel's role, however, shall continue to be that of legal consultant and advisor to the Airport for resolution of any legal and compliance issues that may arise under that contract and to assist legally in the preparation of the new Taxi Cab RFP and Contract.

Finding 4: The Airport had no way of ensuring that the appropriate fees were being paid to the Airport. The Airport indicates that transponders have now been installed in all of the cabs to record each trip. This will provide a way to track the fees due to the Airport by the drivers.

Recommendation 4: The Airport should continue to have an assigned employee oversee all taxicab issues, provide periodic public reports on the taxicab services of the airport, and act on problems in a timely manner.

Response 4: Concur

The Airport's designated representative continues to work with County Counsel on any issues that arise concerning SITO.

RESPONSE TO 2004-2005 GRAND JURY FINAL REPORT

For: Countywide Service Agency/Board of Supervisors

By: Sacramento County Departments of Human Assistance and Health and Human Services

Galt Concilio Contract(pp. 17-29)

Findings:

Finding #1 Neither DHHS nor DHA has an effective system for oversight of their many contracts with the Concilio and did not have a system to determine if the Concilio was properly managed and capable of meeting the requirements of the contracts. The County generally lacks an oversight system for the approximately 400 contracts, which total \$263 million annually, that it has with non-profit providers of social, mental health, and alcohol and drug treatment services. If the financial problems occur at other nonprofit service providers, it is likely that they would not be detected and addressed before services suffered.

Response to Finding #1: Do Not Concur

There is effective oversight of the many contracts that are overseen on behalf of the County by the Departments of Human Assistance and Health and Human Services. There are a multitude of contracts that are entered into every year by these two departments to provide social, mental health and alcohol and drug treatment to this community. This report cites problems encountered with one service provider and generalizes that as indicative of problems with an entire system of contract oversight and monitoring. The following responses are indicative of how serious these two departments have taken the issues that occurred with the Galt Concilio contract and the systems that are in place or will be enacted in order to ensure that this anomaly does not occur again.

Recommendation #1 **A.** The County should establish clearly defined procedures to ensure that the financial operations and program performance obligations are met by all nonprofit and community-based service providers that have substantial service contracts with the County. **B.** As part of this procedure, clear responsibilities need to be established for contract management and coordination of multiple contracts. In the case where a single non-profit service provider is providing multiple services under multiple contracts, a single lead county official should be identified as responsible for overall evaluation of performance and assurance that performance problems are addressed. **C.** Performance goals and objectives should be developed, measured, documented and reported.

Response 1.A.: Concur

The Department of Human Assistance (DHA) has clearly defined procedures, which have now been formalized and documented, for the review of audited financial statements for those non-profits and community-based service providers that are required to submit an audit to DHA. The providers who receive federal funds in excess of \$100,000 are required to submit an annual audit. We have developed a checklist of items to be completed by the DHA staff accountant reviewing the audit that would indicate that an organization is having financial difficulties or is in non-compliance with program and or financial requirements. DHA has developed a contract database that provides a report of all those organizations that are required to submit an audit and is developing a process to ensure that all required audits are received. The Department of Health and Human Services (DHHS) is developing and adopting a similar procedure for the tracking of the receipt and review of financial statements, using the DHA checklist. A database will be utilized so that late or missing reports can be quickly identified. DHHS and DHA contracts require financial statements from contractors receiving any amount of Federal funds. Consistent with OMB Circular A-133, contractors receiving more than \$500,000 from all sources of Federal funds must provide an audited financial statement, while contractors receiving less than \$500,000 from all sources may supply financial statements that have been reviewed by an independent accountant.

In the DHHS Division of Mental Health, Child and Family Services, the majority of mental health services are provided through contracts with community based agencies and organizations. The mental health services and treatment these agencies provide are predominantly funded by a federal Medicaid entitlement called **Early Prevention and, Screening, Diagnostic and Treatment (EPSDT)** which is a fee for service program. The Department of Mental Health, State of California and the Federal Health Care Financing Agency/Consolidated Medicaid Services (CMS) oversee and audit local EPSDT funded mental health programs. The partnership within the Division of Mental Health between the Quality Management Unit, the Child and Family Contract Development and Support Unit and DHHS Office of the Director Contracts and Fiscal Service Units is critical to the overall management of this entitlement and the local contract agencies. Regular meetings between these units are held and daily work interactions are necessary between and among the staff of these Units to ensure that the contracted organizational providers receive a systemic approach to contract development and oversight. The Mental Health Child and Family Contract Unit have five Mental Health Program Coordinators who serve as the primary points of contact for the EPSDT mental health contractors. The role, performance expectations and accountability standards of the Program Coordinator position is currently being reviewed and redefined. This finding calls for a more systemic approach to contract management and that has become an integral part of the Program Coordinator position redefinition process.

Response 1. B.: Concur in principle

DHA and DHHS believe there is value to centralizing the fiscal monitoring to insure that individual county departments are charged appropriately and there is no duplicative charging of expenditures. The Departments however believe that this could be accomplished by establishing a standard set of procedures to be followed by each department rather than by centralizing the financial review function. Programmatically DHA and DHHS do not believe that a centralized approach would be effective. Each Department within the Agency operates under different vision, mission and values and has different service outcomes sometimes dictated by the funding source. Even though each Agency Department is different in purpose, they each work with community service providers to develop services that meet the needs of County residents. The individual Departments are responsible for their own budgets and the service performance standards they have established to meet their identified service outcomes. Each Department has at least one and sometimes multiple "contract monitors" to work with the contractor to meet contractual performance standards. Centralizing programmatic monitoring would decrease the oversight and dilute the County's ability to monitor contracted services to identify one contract monitor for multi-Department contracts with the same service provider. The current redefinition of the Mental Health Children's and Families Program Coordinator position and responsibilities will take into account their cross-systems relationships on both an intra and inter-organizational level. Monitoring practice standards and operating procedures will be created to define specific programmatic and fiscal duties already being conducted. In addition, management will identify other needed intra and inter-departmental duties and responsibilities to verify the financial and fiscal capability and program viability of potential mental health contractors and develop a management and program self-assessment tool to be completed by new and continuing providers. Site visits, conducted by a team, shall be reinstated as staff resources permit.

Response I.C.: Concur

The County has established both procedures for financial operation and standards for program performance in each executed contract. Each contract is reviewed to ensure that it is in compliance with these standards. The County provides both oversight and support by working with contractors during the negotiation stage to provide the requirements and expectations of the County contract process. DHA contract monitors currently require an outcome report with each claim for payment. DHHS Division of Mental Health, Child and Family Contract Unit Program Coordinators review the monthly productivity and reimbursement rates reported and claimed by each contract provider and then meet with them to review their contract compliance. Contract providers are required to submit quarterly program reports. The content and format of these reports is currently being reviewed and will be revised to better reflect compliance with contract scope language and ascertain an agency's overall ability to fulfill the terms of its contract. The Child and Family Mental Health Contract Unit Program Coordinators also require providers to submit a mid-year cost report. Program staff uses this information to make financial and program productivity projections for the second half of the fiscal year. The mid-year cost report also serves as a valuable tool in contract development for the following fiscal year. In addition, the State of California, Department of Mental Health, requires all mental health services to report on client related outcomes including client satisfaction with the

services provided. This data is collected and reported twice in any given fiscal year. Contract analysts or program contract monitors in both DHA & DHHS review both fiscal and program backup data for conformity with contract performance measures.

Finding #2 When DHHS became aware that the Concilio was not providing the level of services called for in the contracts, it was slow to remedy the situation. When it became clear that the Concilio was in a financially untenable situation and could not provide the services called for in its contracts, DHHS proposed, and the County Board of Supervisors approved, a questionable bailout. The County modified the method of payment and essentially forgave the Concilio of the obligation to provide the services called for in the DHHS contracts. This allowed the Concilio to receive a \$246,000 payment for expenses it incurred in its unsuccessful attempt to provide services called for in its contract.

Recommendation #2 The County should assure that contract provisions, such as audit requirements, that are essential to ensuring legal and proper use of contract monies are implemented and enforced. In addition, the County should implement requirements for the County's grant/contract monitors to ensure the grantee/contractor has engaged an auditor at least 30 days prior to the end of the fiscal year.

Response 2: Concur.

The County should assure that contract provisions are enforced. County contract staff should initiate a process whereby contractors, who are required to submit an audit, report their auditor's name and engagement date by April 30 of each fiscal year. DHA has developed a database that provides a report of each contract that requires an annual audit. DHA is currently developing a process that will ensure compliance with the audit requirement. DHHS contracts do not require contractors to report concerning the engagement of an auditor. DHHS will implement a procedure to send auditor engagement "reminder letters" in April of each year to all contractors who are required to provide audited or reviewed financial statements. The contract language requiring the independent accountant's review or audit will be referenced, including the due date of the financial statements.

Finding #3 DHA and DHHS did not ensure annual audits were completed in a timely manner. These agencies did not inquire about the status of the FY 2001-2002 audit until February 2003, seven months after the end of the fiscal year. The FY 2001-2002 audit (along with the FY 2002-2003 audit) was not completed until March 2004. The delay further compromised the ability of these departments to detect the severe financial problems at the Concilio.

Recommendation #3 Once, criteria for payment under a contract is established (such as a fee for documented service to individual clients), DHA will not modify its approach and utilize a different method of payment (such as reimbursement for expenses incurred) for any payments made for past performance.

Response 3: Concur

Once a contract is established, the County should only amend the fiscal provisions for payments for future performance of community-based organizations.



LOU BLANAS
Sheriff

July 27, 2005

Honorable Michael Virga, Presiding Judge
Sacramento Superior Court
County of Sacramento
720 9th Street
Sacramento, CA 95814

Re: Sacramento County Grand Jury Report: The Handling and Security of Inmate Correspondence at the Sacramento County Main Jail

Dear Judge Virga:

Pursuant to Penal Code sections 933 and 933.05, the following specific responses are respectfully submitted to you regarding the 2004-2005 Grand Jury's Findings and Recommendations on The Handling and Security of Inmate Correspondence at the Sacramento County Main Jail

Finding 1. The staff of the Main Jail was negligent in allowing inmate mail drops to remain unsecured and at risk of being accessed by other inmates. The Grand Jury was advised that a total of 16 mail drops needed to be made secure.

Regarding Finding 1: The Sheriff's Department agrees with this finding.

Recommendation 1. Unsecured mail drops should be repaired promptly as promised by Main Jail authorities. *The 16 mail drops were fixed immediately in September of 2004 when the Main Jail was notified by the Grand Jury of the unsecured mail drops. During subsequent visits by the Grand Jury in late 2004 and in early 2005, the mail boxes were checked by the Grand Jury and found to be in good working order.*

Finding 2. Jail floor officers did not notify maintenance personnel of defective slots so repairs could be made in a timely manner.

Regarding Finding 2. The Sheriff's Department does not agree with this finding as the cause of the problem, but has identified and resolved the problem as addressed in Recommendation 2.

Recommendation 2. Main Jail staff should develop a procedure to ensure that mail related deficiencies as noted in this report are promptly reported and repaired. *When the Grand Jury inspected the mail drops in September of 2004, a maintenance system existed to repair the mail drops, but it was not being consistently followed. A review of the entire Main Jail maintenance system was conducted to ensure maintenance requests were completed in a timely manner. As a result of the review, deficiencies were noted and immediately corrected. During the year, additional maintenance requests for the mail drop boxes were completed and the broken boxes were repaired immediately.*

Finding 3. Jail staff, in responding to inmate complaints of mail not received or delayed mail delivery, instructed inmates to review the rules regarding correspondence in the Inmate Handbook.

Regarding Finding 3. The Sheriff's Department agrees with this finding and has taken additional steps as outlined below in addressing Recommendation 3.

Recommendation 3. Main Jail staff should post next to the mailbox in each pod a sample envelope addressed per the rules in the Inmate Handbook. *An example of inmate correspondence, prepared as directed in the Inmate Handbook, has been posted above all of the inmate mail drop boxes in each of the pods. Additionally, the website at www.sacsheriff.com has been updated with directions for the public to send correspondence to inmates housed at the Main Jail. Main Jail mail officers have also been supplying correspondence directions to inmates in response to grievances dealing with inmate mail issues. These directions list "how to" examples on the grievance reply to assist inmates with mail and correspondence problems.*

As always, please feel free to contact me for further information on this or any other issue. My direct telephone number is (916) 874-5712.

Very truly yours,

SHERIFF LOU BLANAS

A handwritten signature in black ink, appearing to read "Capt. M. Iwasa #24". The signature is written in a cursive, flowing style.

Captain Mark M. Iwasa
Commander, Main Jail Division



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

STAFF REPORT
August 16, 2005

Honorable Mayor and
Members of the City Council

Subject: Inderkum High School Sidewalks Improvements (Natomas Boulevard Widening Project – PN: TR96)

Location/Council District: Natomas Boulevard between North Bend Drive and New Market Drive; Location map - Exhibit A of Resolution. (District 1)

Recommendation:

Adopt a Resolution 1) appropriating \$200,000 (780-710-7012) from the North Natomas Community Improvement Fund to the Natomas Boulevard Widening Project (PN: TR96) for the construction of sidewalks on Natomas Boulevard between North Bend and New Market Drive, and 2) directing Staff to respond to the Sacramento Grand Jury Findings and Recommendations.

Contact: Saed Hasan, Senior Engineer, 808-7923
Hector Barron, Supervising Engineer, 808-2669
Carol Shearly, Manager, New Growth Division, 808-5893

Presenters: Saed Hasan, Senior Engineer
Hector Barron, Supervising Engineer

Department: Department of Transportation

Division: Engineering Services

Organization No: 3435

Summary:

Staff requests that the City Council approve the appropriation of \$200,000 from the North Natomas Community Improvement Fund (Fund 780) to the Natomas Boulevard Widening Project (PN: TR96). In response to the County of Sacramento Grand Jury Findings and Recommendations to provide sidewalks on Natomas Boulevard between North Bend Drive and New Market Drive, staff is proposing to construct these sidewalks as Phase 1 of the Natomas Boulevard Widening Project (PN: TR96) by September 30, 2005. Staff is also proposing to respond, by way of letter, to the Sacramento Grand Jury.

Committee/Commission Action:

None.

Background Information:

On June 30, 2005 a Sacramento County Grand Jury found that student safety, is in jeopardy because of the lack of a completed pedestrian pathway along Natomas Boulevard from North Bend to New Market Drive on the west side. The Grand Jury recommended that the City provide the missing walkway by August 22, 2005 and to provide a response back to them by September 30, 2005. A copy of the Grand Jury's Findings is shown in Attachment A.

In response to the Grand Jury recommendations, staff is proposing to respond to the Grand Jury Findings and Recommendations as shown in Exhibit B and to phase the Natomas Boulevard Widening Project (PN: TR96) into two phases. Phase 1 of the project will construct the planned sidewalk by September 30, 2005 on the west side of Natomas Boulevard from New Market Drive to North Bend Drive. The rest of the planned improvements, which are not part of the Grand Jury recommendations, will be completed in the Summer/Fall of 2006. The proposed sidewalk will be a multi use path on the eastern edge of the North Natomas Regional Park similar to the existing path north of North Bend Drive.

On June 28, 2005, the City Council authorized the establishment of the Natomas Boulevard Widening Project (PN: TR96) and appropriated funds to begin environmental review and project design. Constructing Phase 1 of the project will satisfy the Grand Jury recommendations. However, due to the extensive work that is needed to provide accessible sidewalks and the short notice given to the City, the sidewalks cannot be completed prior to September 30, 2005.

Financial Considerations:

This project is funded by North Natomas development fees as provided for in the North Natomas Financing Plan. The current project budget is \$200,000 which covers project design. The estimated cost to complete the sidewalk improvements is \$200,000. The current request will provide \$200,000 from the North Natomas Community Improvement Fund balance to the Natomas Boulevard Widening Project (PN: TR96) which will bring the total project budget to \$400,000.

Environmental Considerations:

The requested action for funding is not subject to the provision of the California Environmental Quality Act (CEQA) under the general rule (15061(b)(3)) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This proposed improvements are consistent with the North Natomas Community Plan, adopted by City Council on May 3, 1994. Environmental review to

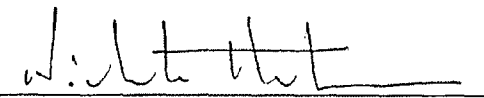
comply with CEQA requirements will be completed prior to award of contract for this project.

Policy Considerations:

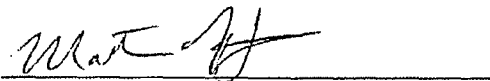
This project is consistent with the City's Strategic Plan goals of improving the transportation system and enhancing and preserving neighborhoods.

Emerging Small Business Development (ESBD):

None, since no goods or services are being procured with this action.

Respectfully Submitted by: 

Nicholas Theocharides
Engineering Services Manager

Approved by: 

Marty Hanneman
Director, Department of Transportation

Recommendation Approved:



ROBERT P. THOMAS
City Manager

Table of Contents:

Pg 1	Report
Pg 4	Attachment A
Pg 8	Resolution
Pg 9	Resolution Exhibit A – Location Map
Pg 10	Resolution Exhibit B

Student Safety Walking To Inderkum High School

Issue

Is there a safe path of travel along Natomas Boulevard for students walking to Inderkum High School?

Reason for the Investigation

It was brought to the attention of the Sacramento County Grand Jury that there was not a completed pedestrian pathway to Inderkum High School from North Park Drive to New Market Drive on the west side of Natomas Boulevard. Students must cross Natomas Boulevard at several points along their route to the high school in order to stay on a sidewalk. However, it was noticed that some students take the shorter way and walk along Natomas Boulevard next to automobile traffic. The Grand Jury believed it was important to investigate when a complete walkway would be constructed providing sidewalks for the high school students.

Method of Investigation

The following individuals were interviewed:

- Principal of Inderkum High School
- Vice Principal of Inderkum High School
- Manager of New Growth Division – Sacramento Development Services Department
- Assistant City Manager and Director for Development Services

The following documents were reviewed:

- North Natomas Financing Plan
- Natomas Boulevard Improvement table

In addition, several members of the Grand Jury walked the route. (See map on page 38).

Background and Facts

The Grand Jury opened an investigation to determine what the future plan was for students to be able to walk to Inderkum High School in a safe and logical manner. At various places along Natomas Boulevard between North Park Drive and New Market Drive, sidewalks end in an abrupt manner, not connecting to either a crosswalk or pavement. On the west and east side between Del Paso Road and New Market Drive walkways are complete. From New Market to Inderkum High School on the south side there is also a completed sidewalk. There is no sidewalk from New Market to Inderkum High School on the north side and from New Market to North Bend on the west side. From North Bend to a walkway along the collection pond there is an area of about 35 feet where there is no walkway. At that point students must go to the crosswalk at North Bend, cross Natomas, continue on the east side to New Market, cross again and continue to Inderkum High School. From North Bend to North Park on the east side, there is a sidewalk.

Inderkum High School opened in September 2004 with approximately 700 students. When the school adds another grade for the 2005-2006 school year, the projected enrollment is 1100 students, more than a 50 percent increase. The posted speed limit along Natomas Boulevard is 45 miles per hour but it has been observed that traffic frequently exceeds 45 miles per hour. Students do not always cross at the marked crosswalks, but tend to walk on the non-paved areas which are unsafe and become muddy and very slippery in inclement weather. With the increased student population there is a greatly expanded risk of a student being injured.

Findings and Recommendations

Finding 1. Student safety is in jeopardy because there is not a completed pedestrian pathway along Natomas Boulevard from North Bend to New Market on the west side.

Recommendation 1. In the interest of student safety, paved access in these areas needs to be completed.

Finding 2. The City has plans and the appropriate finances in the 2005-2006 budget to complete the pedestrian pathways sometime during the 2005-2006 fiscal year, but that may not occur until June 2006.

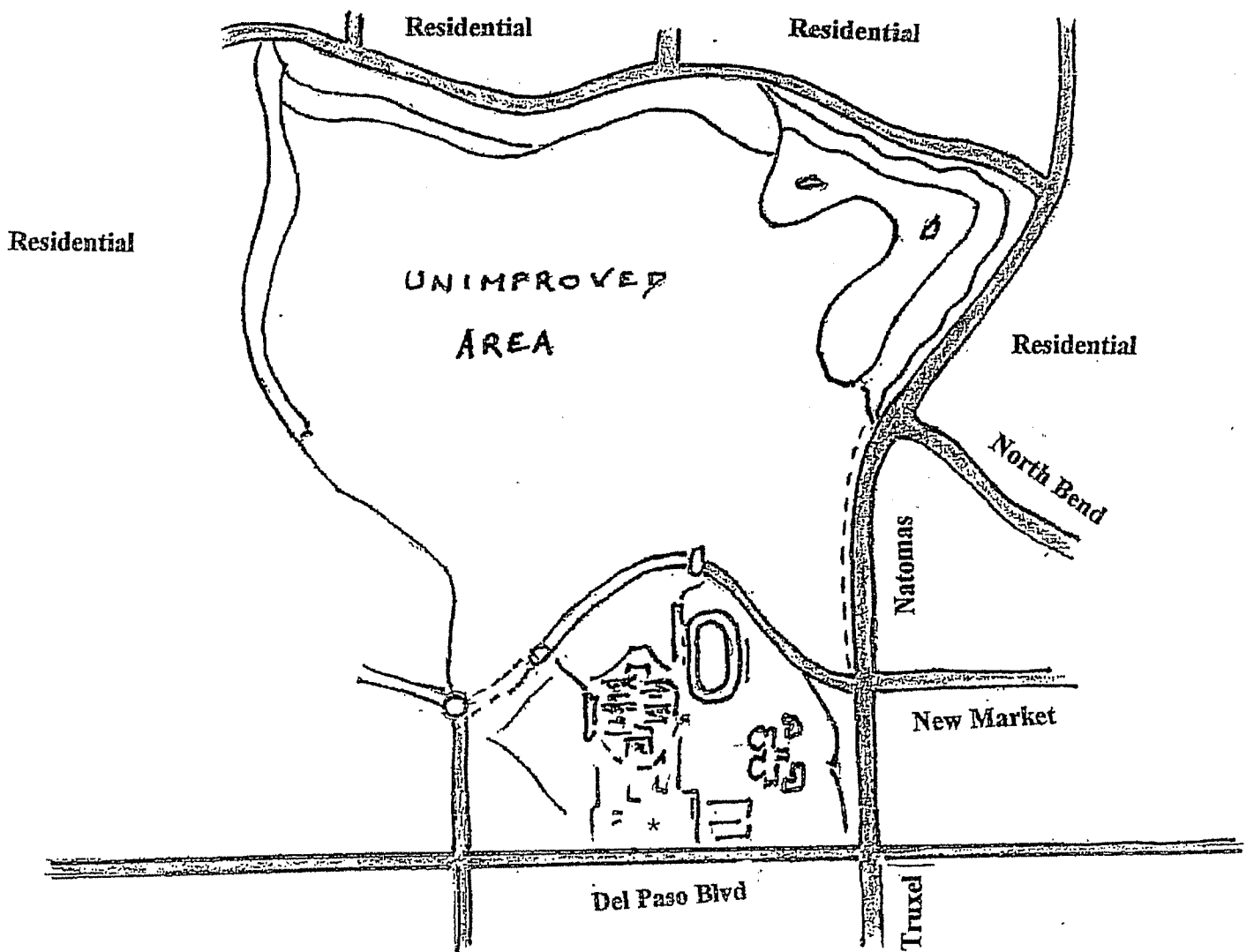
Recommendation 2. The City needs to ensure the completion of these areas to be used by students is done by the start of the school year, August 22, 2005.

Response Requirements

Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2005, from:

- Sacramento City Council, Findings 1, 2 and Recommendations 1, 2.

INDERKUM HIGH SCHOOL AND VICINITY



*Inderkum High School complex
Legend ----- no sidewalk

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVING THE APPROPRIATION OF \$200,000 FROM THE NORTH NATOMAS COMMUNITY IMPROVEMENT FUND (780-710-7012) TO THE NATOMAS BOULEVARD WIDENING PROJECT (PN: TR96) FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ON THE WEST SIDE OF NATOMAS BOULEVARD BETWEEN NORTH BEND AND NEW MARKET DRIVE

BACKGROUND

- A. On June 30, 2005 a Sacramento County Grand Jury found that student safety is in jeopardy because of the lack of a completed pedestrian pathway along the west side of Natomas Boulevard between North Bend and New Market Drive.
- B. The Grand Jury recommended that the City provide the sidewalk improvements by August 22, 2005, and a response back to the Grand Jury by September 30, 2005.
- C. Staff is proposing to phase the Natomas Boulevard Widening Project (PN: TR96) into two phases. Phase 1 of the project will construct the sidewalk improvements on the west side of Natomas Boulevard from New Market Drive to North Bend Drive (location shown on Exhibit A – Map) by September 30, 2005, and Phase 2 will provide the remaining improvements in the Summer of 2006.
- D. The total cost for Phase 1 is approximately \$200,000.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The FY 05/06 Capital Improvement Program budget is amended by appropriating \$200,000 (780-710-7012) from the North Natomas Community Improvement Fund to the Natomas Boulevard Widening Project (PN: TR96).
- Section 2. Staff is directed to respond to the Sacramento Grand Jury Findings and Recommendations (Exhibit B).

Table of Contents:

- Exhibit A: Map of Natomas Boulevard Improvements Ph. 1 (PN: TR96) – 1 page
- Exhibit B: Response to Grand Jury letter – 2 pages

CITY OF FOLSOM
50 Natoma Street
Folsom, CA 95630



Steve Miklos
Mayor

September 14, 2005

Hon. Michael G. Virga, Presiding Judge
Sacramento Superior Court
720 Ninth Street, Department 47
Sacramento, CA 95814

Subject: Grand Jury Report Concerning City of Folsom Landscaping and Lighting District

Dear Judge Virga:

The Grand Jury Report (June 28, 2005) requires a response for both the findings and the recommendations. The subject of the Grand Jury Report concludes with one finding and one recommendation. The response options for the finding are to either be in agreement or to partial agreement. The response options for the recommendation are either concurrence or non-concurrence.

Finding 1

In reviewing finding 1 - "The City of Folsom is in compliance with existing laws when the L & L District uses its assessment authority. When a surplus occurs, credits are applied to the tax rolls generated from the County Auditor. The credit is not specifically noted on the tax bill, and as such, is not necessarily clear to property owners."

The City agrees with Finding 1.

Recommendation 1

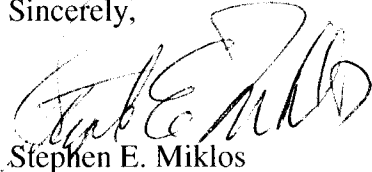
In reviewing recommendation No. 1 - "The City of Folsom should explain to property owners how assessments are made and why credits are given rather than lowering assessments. The L & L District and the City Council should continue their efforts to keep property owners informed about the assessment and billing process."

Hon. Michael G. Virga, Presiding Judge
September 14, 2005
Page Two

The City concurs with Recommendation 1 and agrees to inform property owners as to why a credit is given instead of lowering the assessment.

Thank you for the opportunity to comment on this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen E. Miklos". The signature is fluid and cursive, with a large loop at the end.

Stephen E. Miklos
Mayor

c: Mark Norris, Director of Finance, County of Sacramento
Sacramento County Grand Jury
Martha Clark Lofgren, City Manager
Bruce Cline, Interim City Attorney
Christa Schmidt, City Clerk



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

STAFF
September 20, 2005

Honorable Mayor and
Members of the City Council

Subject: Responses to the Presiding Judge of the Sacramento Superior Court

Location/Council District: Sacramento Region

Recommendation:

Approve specific responses to findings and recommendations contained in the 2005 Grand Jury Report on Homeland Security.

Contact: Dave Johnson, Lieutenant, 264-5480

Presenters: Rick Braziel, Deputy Chief, 433-0800

Department: Police

Division: Office of Emergency Services and Homeland Security

Organization No: 2177

Summary:

On June 30, 2005, the Sacramento County Grand Jury issued the 2004-2005 Grand Jury Final Report relating to Homeland Security. As a result of this investigation the Grand Jury issued 11 findings and recommendations, 6 of which are specific to the City of Sacramento. The California Penal Code requires specific responses to these findings and recommendations be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2005. The Police Department is requesting City Council approval of the written responses to the Grand Jury findings and recommendations.

Committee/Commission Action: N/A

Background Information:

On June 30, 2005 the Sacramento County Grand Jury issued the 2004-2005 Grand Jury Final Report. One of the duties of the Grand Jury is to inquire into, and investigate if necessary, the operations of local government agencies and officials to ensure that activities are valid and services are efficiently and legally provided. The 2004-2005 Final Report documents 8 investigations conducted by the Grand Jury on a variety of issues. In the section of this report entitled "*Homeland Security: Ready or Not*" (pages 53-86), the Grand Jury conducted an investigation to "determine the extent to which the County of Sacramento and its political subdivisions are coordinated and prepared to respond to an incident in which a weapon of mass destruction is used." As a result of this

investigation the Grand Jury issued 11 findings and recommendations related to Homeland Security.


California Penal Code Sections 933 and 933.05 require that specific responses to these findings and recommendations be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2005. Each of the 11 findings and recommendations will require a response from the County of Sacramento. 5 of the 11 findings and recommendations (numbers 2,3,4,9, and 11) are specific to the City of Sacramento and require a response by the City Council or Mayor. One finding and recommendation (number 6) requires a response by the Sacramento Police Department. The Police Department's Office of Emergency Services and Homeland Security has prepared written responses to each finding and recommendation and is requesting City Council approval of the written responses.

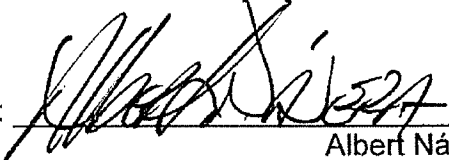
Financial Considerations: N/A

Environmental Considerations: N/A

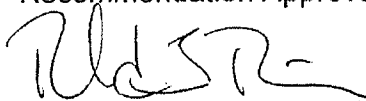
Policy Considerations: N/A

Emerging Small Business Development (ESBD): N/A

Respectfully Submitted by: 
Rick Braziel
Deputy Chief of Police

Approved by: 
Albert Nájera
Chief of Police

Recommendation Approved:


ROBERT P. THOMAS
City Manager

Ref: COP 9-2

Table of Contents:

Pg	1-2	Report
Pg	3	Resolution
Pg	4-13	Exhibit

RESOLUTION NO. 2005-682

Adopted by the Sacramento City Council

September 20, 2005

Responses to the Presiding Judge of the Sacramento Superior Court

BACKGROUND

- A. The 2004-2005 Sacramento County Grand Jury Final Report contains the results of an investigation into the readiness of the Sacramento Region to respond to a terrorist event.
- B. The Grand Jury Final Report lists 11 Homeland Security findings and recommendations, of which 6 apply directly to the City of Sacramento. California Penal Code Sections 933 and 933.05 require specific responses to each of these findings and recommendations be submitted to the Presiding Judge of the Superior Court by the City of Sacramento.
- C. The Sacramento Police Department Office of Emergency Services and Homeland Security has prepared specific written responses to each of the findings and recommendations that require a response by the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to submit responses on behalf of the City of Sacramento to the findings and recommendations contained in the Sacramento County 2004-2005 Grand Jury Final Report on Homeland Security.

Table of Contents:

Exhibit A: Responses to Grand Jury Findings and Recommendations-10 Pages

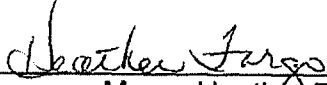
Adopted by the City of Sacramento City Council on September 20, 2005 by the following vote:

Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None

Abstain: None

Absent: Fong



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

CITY OF SACRAMENTO CALIFORNIA

RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO SUPERIOR COURT

Homeland Security (pp.53 – 85)

Finding 2: The County's role as the lead authority for planning and response to a multi-jurisdictional terrorist event has been obscured by the dual planning and operational systems of the county operational area and the city's regional or "urban area" which includes most of the County

Recommendation 2: The County's role as the lead authority for planning and response to a multi-jurisdictional terrorist event should be expressly defined and reclaimed, or expressly delegated to the City of Sacramento.

Response 2: Do not concur

The County and the City of Sacramento have an agreement that provides for the County and the City of Sacramento to jointly act as co-lead agencies for the Sacramento Operational Area. California Code of Regulations Title 19, Division 2 Office of Emergency Services, § 2409 provides for the Operation Area Level for emergency services in California. § 2409 (d) states "the county government shall serve as the lead agency of the operational area unless another member agency of the operational area assumes that responsibility by written agreement." Under the authority of that section, on November 28, 1995, the City of Sacramento passed Resolution No. 95-224, which states in part "... The City and County will function as the Operational Area. The City Emergency Services Officer and the County Emergency Operations Coordinator (or their designee) will act as the Operational Area Coordinators." Sacramento is the only Operational Area in the state that has such a progressive, written agreement proving for this co-lead relationship. County Resolution 95-1390, also signed on November 28, 1995, mirrors the City's resolution. The City and County also jointly operate an Emergency Operations Center that serves the Operational Area. On a day-to-day basis, the City and County emergency services managers coordinate on all facets of emergency management activities that affect the Operational Area. Because of this, while in most counties in California, emergency planning grant funding through the federal Emergency Management Grant Program is used exclusively by the County, in Sacramento County both the City and the County share that funding.

What is being done: These resolutions provide framework so that the City and the County jointly provide planning and response to all multi-jurisdictional incidents or event. The City has recently filled its vacant emergency manager position and that person has

worked with the County emergency manager on the coordination of goals and objectives to assist the Urban Area Security Initiative working group. The City and County jointly continue to plan emergency training and exercises and during an emergency or disaster, activate the already mentioned jointly operated emergency operations center. The City and County jointly completed basic emergency operations training in June. Additional training is scheduled for October and an area-wide exercise is scheduled for November. For the exercise, the City and the County will jointly activate and staff the emergency operations center. The Urban Area Security Initiative working group is comprised of a team of representatives of multiple jurisdictions that include City and County staff. These representatives are also engaged in the aforementioned trainings and exercises.

**CITY OF SACRAMENTO
CALIFORNIA**

**RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO
SUPERIOR COURT**

Homeland Security (pp.53 – 85)

Finding 3: The homeland security and UASI approval authorities lack a broad base of representation of critical services other than law enforcement and fire services. This results in the lack of integrated planning and response, and of a more balanced distribution of homeland security funds across the 10 disciplines as envisioned by the Homeland Security grant program.

Recommendation 3: Approval authorities for homeland security and UASI grant applications and fund distributions should now be expanded to include representatives from other critical disciplines in order to assure integrated planning and response as well as more appropriate allocation of state homeland security program funds during the ensuing phases of the homeland security program.

Response 3: Do not concur

The finding is correct in that the approval authorities consist of primarily law enforcement and fire service representatives. However, the finding fails to recognize that eight of the ten emergency response disciplines are represented by law enforcement, the fire service, and public health.

In the Sacramento region the fire service represents:

Fire service
EMS
Hazmat
Emergency Management
Public Safety Communications

In the Sacramento region law enforcement represents.

Law Enforcement
Emergency Management
Public Safety Communications

In the Sacramento region Public Health represents:

Public Health
Health Care

Of the 10 emergency response disciplines, only public works and governmental administration do not have direct representation. Governmental administration is represented during the approval process through elected boards and councils that ultimately approve the acceptance and dispersal of grant funds.

Integrated planning and response is not dependent on membership of the approval authorities, and all 10 disciplines are included in regional response planning, training, and exercises.

CITY OF SACRAMENTO CALIFORNIA

RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO SUPERIOR COURT

Homeland Security (pp.53 – 85)

Finding 4: Neither the County nor the City has effectively integrated the participation of private industry in homeland security.

Recommendation 4: The County or City should take immediate steps to include and coordinate the services of private industry, against which a weapon of mass destruction attack is likely to be directed, in plans for prevention and response to such an event.

Response: Do not concur

The City and County UASI working group has consistently integrated the private stakeholders of the Urban Area into the Law and Fire preparations for a potential attack. A partial listing of the partnerships developed between the UASI working group and private industry in the area includes:

- Sacramento area hospitals:
 - Monthly attendance at their emergency managers' association meetings.
 - Development and instruction of a class presenting a self-assessment tool to assist in their disaster preparation planning. This class was well received and has resulted in a request from the Modesto area hospitals for Sacramento personnel to travel there for the same presentation.
 - Establishment of the medical volunteers under the citizen's core grants.
 - Involvement in training exercises of personnel from hospitals, EMTs and citizens core.
- Sacramento area retail outlets:
 - Conducted threat assessment and security enhancement planning with several area outlets.
 - Provided information on free training from DHS for security personnel
 - Acted as liaison for a DHS led study on retail vulnerabilities
- Sacramento area agriculture:
 - Development and instruction of a class presenting a self-assessment tool to assist in their disaster preparation planning.
 - Provided information on free training from DHS for security personnel
- Sacramento area insurers:
 - Conducted joint mass casualty exercise emphasizing response and recovery. Ambulance and hospital surge capacity and insurer continuity of business were emphasized.

- Quarterly Terrorism Early Warning Group meetings:
 - These meetings are comprised of dozens of governmental agencies (LE, Fire, OES, FEMA, Health) and private industry representatives from health, construction, economic, utilities and transportation sectors. These meetings focus on development of integrated plans for a community response to disaster.
- TALON website:
 - Joint FBI / Sacramento UASI website allowing selected private industry representatives to receive or post updates on Terrorism / Disaster issues.
- Infraguard:
 - Attend Quarterly meetings focusing on Cyber threats to critical infrastructure, governmental and private.

CITY OF SACRAMENTO CALIFORNIA

RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO SUPERIOR COURT

Homeland Security (pp. 53 – 85)

Finding 6: A standard operational plan for law enforcement, fire suppression, and emergency medical services that prescribes the role and responsibilities of responders to a weapon of mass destruction event is still under development.

Recommendation 6. The County Emergency Operations Office and the Sacramento Regional Office of Homeland Security should in collaboration complete the development of a standard operational plan for law enforcement, fire suppression, and emergency medical services that describes the roles and responsibilities of responders to a weapon of mass destruction event

Response 6: Do not concur

The City and County of Sacramento recognize that the need for an integrated operational plan extends beyond the capabilities of any one governmental entity. To that end, the Sacramento Regional Office of Homeland Security and regional emergency planners are in the process of finalizing an integrated plan that proscribes roles and responsibilities for regional first responders.

As noted on page 77 of the Grand Jury Report, Sacramento County has been in the process of updating the Sacramento County Multi-Hazard Disaster Plan along with the addition of a Terrorism Annex to this Plan. The completion of this plan is still scheduled for November 2005.

Emergency Managers from the City of Sacramento and County of Sacramento, as a joint City and County emergency operations center, have met to discuss the City of Sacramento All Hazard Plan and the County Multi-Hazard Plan. Each of these plans will be coordinated with the response to a weapon of mass destruction

The Sacramento Regional Office of Homeland Security has reviewed the terrorism annexes to both the City and County emergency plans, and has made recommendations related to the roles and responsibilities of responders to a weapon of mass destruction event.

Each agency and discipline within the County of Sacramento has an Operational Plan, which will be reviewed by the Sacramento Regional Office of Homeland Security for consistency with the Sacramento County Multi-Hazard Plan and City of Sacramento All

Hazard Plan. In addition, all plans will be reviewed to ensure compliance with the National Response Plan and National Incident Management System (NIMS).

**CITY OF SACRAMENTO
CALIFORNIA**

**RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO
SUPERIOR COURT**

Homeland Security (pp. 53 -- 85)

Finding 9: The City has recently acquired a "reverse 9-1-1" automatic telephone warning system as a means of instant communication with residents of the regional urban area, concerning imminent danger arising from a weapons of mass destruction event, along with appropriate directives and instructions. The county has not yet demonstrated a similar capability for the non urban area of the county.

Recommendation 9: The City must complete the installation of an automatic telephone warning system and extend its capabilities to cell phones and voice-over-Internet-Protocol as the technology becomes available. The County must assure that the system is operable throughout the operational area.

Response: Do not concur

The City of Sacramento, acting as the purchasing agent for the Urban Area Security Initiative, began the process to purchase and install the "Reverse 911" alerting system for the Sacramento Region. All areas of the Sacramento Urban and Operational Areas will have access to the system through their respective public safety dispatch centers. The operational area includes the rural areas in the County such as Galt. Isleton is not included, however, as this jurisdiction has chosen to contract with the City of Rio Vista for its "911" services.

While the technology does not currently exist to extend the alerting system to cell phones and VOIP devices, the vendor that is providing the system is in the research and development process for solutions in these two areas.

CITY OF SACRAMENTO CALIFORNIA

RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO SUPERIOR COURT

Finding 11: No substantial effort has been undertaken to assess the capability of mobilizing the region's public employees as disaster services workers

Recommendation 11. The County's operational plan should identify how public employees could serve as disaster service workers in accordance with the existing legal framework. A process should be established to rapidly mobilize these workers during an emergency.

Response: Concur

The finding is correct that no substantial effort has been undertaken to build a capability of mobilizing the region's public employees as disaster service workers. The City of Sacramento has a process to rapidly mobilize trained responders and resources during an emergency using the California Master Mutual Aid Agreement, a mutual aid system that has proved effective for many jurisdictions in California and serves as a model for the United States. These resources include the personnel and equipment that may be needed to perform any function necessary during an emergency or disaster. The California Master Mutual Aid Agreement provides a better option based on limitations of the Disaster Service Worker Program. The City of Sacramento does use parts of the Disaster Service Worker Program for some of the functions needed during an emergency or disaster.

While the Disaster Service Worker Program is a vehicle for mobilizing public employees, the California Code of Regulations definition of disaster service workers includes "public employees performing disaster work that is outside the course and scope of their regular employment without pay." City employees have special knowledge and training for their specific job functions and the first course of action would be to utilize these employees in their job functions. These employees will be paid for their services. Cross training employees to perform a job for which they would not be paid, and would perform only during a disaster would not be feasible and would not be cost effective. The Disaster Service Worker Program does not account for the large numbers of employees who would not be available to do disaster service work, because their normal job duties would be required for continuity of government (COG) and continuity of operations (COOP). Finally, a majority of the job functions that would be required in a disaster require a specialized or technical background, i.e. police, fire, EMS, water and wastewater personnel, and require state certification. Employees who are regularly trained and certified would best perform these types of job functions.

What is being done: The City of Sacramento does recognize the need to provide additional personnel and other resources during emergencies and disasters. To that end, the City and County have trained over 1,000 Community Emergency Response Team (CERT) volunteers. In a disaster, regional Medical Reserve Corp volunteers will be available as well as members of the Sacramento Fire Department's Fire Reserve program. All of these are volunteers who received specialized training so that they can assist during an emergency or disaster. They do meet the definition of a Disaster Service Worker Volunteer as they will not be doing normal daily work and are not being paid for their work.

The best way the City of Sacramento can mobilize additional trained personnel and equipment is through the cornerstone of Sacramento's emergency management system; the concept of mutual aid. The City is a signatory to California's Master Mutual Aid System. It also participates in the Fire and Rescue, Law Enforcement, Coroner, Public Works and Emergency Manager mutual aid systems. These systems provide the City with the ability to rapidly obtain personnel and equipment assets from neighboring jurisdictions that have not been impacted and/or from the state and federal governments.

The City does recognize the need to expand its emergency training program for City and regional public employees and has scheduled ongoing emergency operations center and emergency planning training. Additionally, a large number of City staff has been trained in the Incident Command System, California's Standardized Emergency Management System and the emerging federal National Incident Management System.