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September 21, 2010

VENTURA COUNTY
GRAND JURY

J. Matthew Carroll
Assistant County Executive Officer

Paul Derse
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County of Ventura
Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: Approval of Responses to Seven 2009-2010 Ventura County Grand Jury Reports: "Getting Better of the Way to Excellence", "Illusion of Safety, Control Self-Assessment", "Indigent Representation by the Public Defender", "Utilization of the Ventura County Juvenile Justice Facilities", "Ventura County Library System", "Where Are You Sleeping Tonight?", and "Youth in Shadow".

Recommendation:

That your Board approves the responses to the seven subject Grand Jury reports pertaining to County government under your authority for submittal to the Presiding Judge of the Superior Court in accordance with State statute.

Discussion:

Penal Code §933.05 requires that your Board comment on the findings and recommendations of the Grand Jury pertaining to county government under your authority. The 2009-2010 Ventura County Grand Jury issued 10 individual reports, seven of which pertain to County government.

Responses from the Board of Supervisors were required to all seven reports and were prepared on your behalf by the County Executive Office. Responses from appointed officials were required for three of the seven reports and one report required a response from a commission. County government reports are addressed in this letter. These responses have been coordinated through the County Executive Office and are submitted for your approval.

For your reference, the report titles and respondents listed in the Grand Jury Report are summarized in the table below.

Getting Better on the Way to Excellence	Board of Supervisors County Executive Officer (requested, not required)
Illusion of Safety: Control Self-Assessment Auditor-Controller's response is for information only, approval not required.	Auditor-Controller (Copy of response included for information) Board of Supervisors County Executive Office
Indigent Representation by the Public Defender	Board of Supervisors Public Defender (Response from PD would be accepted but is not required. Response provided)
Utilization of the Ventura County Juvenile Justice Facilities Sheriff's response is for information only, approval not required.	Board of Supervisors Sheriff's Department (Copy of response included for information)
Ventura County Library System The VCLC is an independent entity, response is for information only, approval is not required.	Board of Supervisors Ventura County Library Commission (Copy of response included for information)
Where Are You Sleeping Tonight?	Board of Supervisors
Youth in Shadow	Board of Supervisors

The responses that pertain to County government under your control will serve as your Board's response to the subject 2009-2010 Grand Jury Reports to be filed as indicated in the above recommended action along with any additional comments your Board may wish to make.

If your Board does elect to amend responses submitted from agencies headed by appointed officials or if your Board elects to change a responses prepared on your behalf by the County Executive's office, then CEO staff, at your direction, will make such changes or additions prior to submitting the responses to the Presiding Judge.

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As you are aware, elected officials submit their Grand Jury responses directly to the Presiding Judge. Although your approval is not required for responses from elected officials, a copy of the Sheriff's response to the report "Utilization of the Ventura County Juvenile Justice Facilities" and from the Auditor-Controller to the report "Illusion of Safety: Control Self-Assessment" are included here for your information.

Should you have any questions or require additional information, please contact J. Matthew Carroll at 654-2864 or Kathleen Van Norman at 654-2566.



MARTY ROBINSON
County Executive Officer

Attachments:

- Exhibit 1 – Response to "Getting Better on the Way to Excellence"
- Exhibit 2 – Response to "Illusion of Safety: Control Self-Assessment"
- Exhibit 3 – Response to "Indigent Representation by the Public Defender"
- Exhibit 4 – Response to "Utilization of the Ventura County Juvenile Justice Facilities"
- Exhibit 5 – Response to "Ventura County Library System"
- Exhibit 6 - Response to "Where Are You Sleeping Tonight?"
- Exhibit 7 - Response to "Youth in Shadow"

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VENTURA COUNTY
GRAND JURY

EXHIBIT 1

FY 2009-2010 GRAND JURY FINAL REPORT

RESPONSES TO RECOMMENDATIONS

Report Number

Report Title

Respondents

REPORT NO. 01.

Title: Getting Better on the Way to Excellence

Required

Respondents: Board of Supervisors (R-01 thru R-06)

Requested

Respondents: County Executive Office (R-01 thru R-06)



Response to Ventura County 2009-2010 Grand Jury Report "Getting Better on the Way to Excellence"

from the County Executive Office and on behalf of the Board of Supervisors

REPORT FINDINGS:

Response: Concur with findings with exceptions addressed below.

F-08. The Management Oversight Committee is not meeting on a regular basis.

Response: Do not concur.

The Management Oversight Committee (MOC) continues to meet regularly on a monthly basis. Since its inaugural meeting 25 months ago in June 2008, the MOC has met 23 times, with the most recent meeting occurring on August 30, 2010. The MOC plans to continue meeting monthly into the future, combining their monthly meetings with that of the Accela Automation Project Steering Committee, whose membership with a few exceptions mirrors that of the MOC.

F-11. The single most important driver of time and cost to process a discretionary land-use permit application is the decision whether, under the provisions of the California Environmental Quality Act, the applicant's project may be subject to an Environmental Impact Report (EIR).

Response: Concur, with comment.

Although, given the small number of County projects for which an EIR is prepared, this is more a general statement than a description of the County's permitting process.

F-13. The County's current ISAG is outdated and inconsistent. Update of the ISAG by all departments and agencies is currently the most difficult step in the GTE plan. It requires participation by a multitude of organizations with widely varying laws, rules, objectives, and standards to apply to potential land-use permits.

Response: Concur with Clarification.

Since the publication of the Grand Jury's report, the County's Initial Study Assessment Guidelines (ISAG), with the exception of the guidelines covering agriculture and biological resources, have been updated and approved by the Board. At the direction of the Board the guidelines covering biological resources are undergoing further public review.

F-17. Six of the nine active GTE projects reported no activity since December of 2009, including three of the ISAG projects. (Att-01)

Response: Do not concur.

The Grand Jury utilized a GTEP status dated March 4, 2010 to arrive at this finding. It appears that the Grand Jury interpreted a December date in the "Date Edited" column of six of the Plan items to mean that no activity had occurred within the previous sixty days on these six items. This was not the case. At the time of the Grand Jury's review of the GTEP, seven of nine remaining items were being actively worked. The remaining two items were in fact on hold pending completion of GTEP items on which they were dependent.

REPORT CONCLUSIONS:

Although responding to Conclusions was not requested by the Grand Jury, we believe it is important to address Conclusion-08 as follows.

C-08. Implementation of the GTE Plan is losing momentum while the ISAG project is being resolved.

Response: Do not concur.

We believe that this conclusion was arrived at based on incorrect findings on the frequency of the MOC meetings and ongoing activity for the remaining GTEP items, both of which were addressed in our response to Finding 7 and 17.

The Grand Jury accurately noted that several of the remaining items at the time were complex inter-agency efforts and taking longer to complete than originally planned. These remaining items included the update to the Initial Study Assessment Guidelines (ISAG), update of the Administrative Supplement to CEQA, development of Standard Mitigation Measures and acquisition of a new automated permit processing and tracking system.

It is correct that the overall effort required to simultaneously work on the projects described in the previous paragraph was greater than originally estimated. However, as opposed to losing momentum, these remaining items (among the most significant and challenging of the GTEP) were being *actively* worked by all involved agencies and departments, County Counsel and the County Executive Office and the Board of Supervisors. As stated in the response to Finding number 17, seven of the nine GTEP

items remaining at the time of the Grand Jury's report were being actively worked at the time the Grand Jury reviewed the status of the GTEP.

REPORT RECOMMENDATIONS:

R-01. Both the BOS and the CEO should conduct regular, in-depth reviews of the Land-Use Permitting GTE Plan progress, and should strongly support the Plan to its completion.

Response: Already implemented.

The Board of Supervisors and the CEO will continue to actively monitor the progress of the GTEP and the resulting impact on the County's discretionary permitting process. The CEO will accomplish this through a combination of participation on the MOC and monitoring of ongoing discretionary process metric measurements. The Board will continue to receive periodic reports on the progress of the GTEP and the resulting impact the GTEP has on the metrics used to monitor the County's discretionary permitting process. Additionally, as part of the Accela automation project, the CEO and Board of Supervisors will be provided electronic dashboards which will detail the health and status of the County's discretionary permitting process in near real-time, (current backlog, average processing time, average cost, etc.).

R-02. The CEO should continue to hold Stakeholder meetings until all parties agree that they are no longer needed.

Response: Already implemented.

The County will continue to hold stakeholder meetings related to the dictionary planning process. Typically these stakeholder meetings will be scheduled to coincide with the design, review or implementation of material changes to the discretionary planning process, both those related to the GTEP and any other material changes to the process.

R-03. The CEO should re-organize the internal Management Oversight Committee to include at least one County employee from a department external to the permitting process. The CEO should insist on regular meetings, as often as semi-monthly, until the ISAG is updated and approved.

Response: Will not be implemented at this time.

We believe the intent of this recommendation has already been achieved and therefore no additional changes to the MOC are planned at this time. The CEO has two

representatives on the MOC (Assistant CEO and Program Management Analyst). The CEO is external and not directly involved in the permitting process. Additionally, the Agricultural Commissioner and Fire Chief, both of whose agencies are involved in only a small percentage of the total number of discretionary permits, are also members of the Committee. Adding additional County participation from agencies and departments unfamiliar with the process would add little value.

R-04. As the agency collecting and reporting GTE Plan progress statistics, the RMA should also collect and report aged backlog metrics at the level of the responsible agency, or lower.

Response: Will be implemented.

The RMA is currently collecting and reporting County-wide discretionary permit process metrics for the purpose of comparison to the baseline metrics captured and reported to the Board of Supervisors in 2008. Given the limitations of the current automation system, tracking additional "backlog metrics" would be primarily a manual process and expanding these metrics to the agency or lower level is not currently practical. With the introduction of the new Accela automation project, it may be possible to more easily track "backlog" cases.

R-05. The BOS and the CEO should ensure that a suitable automated permits data and status system is approved for acquisition and implementation in the County's 2010-2011 budget.

Response: Already implemented.

This recommendation was approved by the Board of Supervisors in June of this year. Project kick-off occurred earlier this month and full implementation of the upgraded system is currently scheduled for March of 2012.

R-06. The CEO should perform an in-depth review of the methods for charging planning and permitting fees to users, with the objective of achieving a system which supports defined estimates of cost to applicants.

Response: Currently implemented for the majority of County permits. Will be further implemented in the future, to the greatest extent possible for selected discretionary permits.

The Board of Supervisors has previously directed the RMA to examine its permitting process and, when appropriate, additional permits are designated as fixed cost permits as part of the annual Fee Schedule adoption. Currently, the majority of the County's permits are fixed costs permits, including those for building permits and many non-discretionary land-use permits. The ability to accurately predefine costs for more

complex discretionary permits, however, is difficult given the nature and scope of such projects and the fact that they frequently change during the course of processing the application. With this difficulty in mind, the CEO has directed the RMA to begin examining which additional discretionary permits, based on metrics currently being accumulated, can be considered for predefined costs estimates in the future. Such predefined costs estimates will likely be accompanied with assumptions that if changed during the course of permit processing, will require modification of the predefined estimate issued. However, it should be pointed out that a recent survey of California counties found that most counties are moving away from fixed fees and toward deposit and time and material charges to ensure full cost recovery.