

El Dorado County Board of Supervisors

Response to

El Dorado County 2018-2019 Grand Jury Final Reports

#18-02: Mental Health Services Act Fund Spending

#18-03: Jail and Juvenile Detention Centers Inspections

#18-06: A Fair Review

#18-02: Mental Health Services Act Fund Spending

The 2018-2019 Grand Jury conducted a review of the County's Mental Health Services Act (MHSA) Fund, following their review of two reports issued by State agencies which reviewed and reported on state-wide use of Mental Health Services Act funding in all counties.

The Grand Jury has requested a response from the Board of Supervisors to all Findings and Recommendations. The El Dorado County Board of Supervisors is the only named respondent to this report.

GRAND JURY CONCLUSION

Unexpended MHSA funds are subject to reversion to the State, unlike most other County programs, where funds not spent during a budget year are returned to the County's General Fund. The State will then redistribute reverted funds to all 58 counties. The County 2018-2019 annual plan update has a *Reversion Reallocation Expenditure Plan*, which calls for funds subject to reversion to be given priority for expenditure. The annual update also calls for Community Services and Support funds identified during the fiscal year that are at risk of reversion be transferred to the Reserve account. The Grand Jury interviewed individuals with the most knowledge of Mental Health Services Act funds. However, none of the key County administrators interviewed indicated there have been any changes to either MHSA budgeting philosophy or contracting procedures, which could reduce the risk of County funds being reverted to the State.

FINDINGS

F1. Underspending of MHSA funds is a State-wide issue, although a few counties have managed to fully utilize funds provided under this program.

The Board of Supervisors agrees with the finding.

F2. The County's MHSA Project Team has taken some actions to minimize the risk of reversion of MHSA funds.

The Board of Supervisors agrees with the finding.

Specifically, MHSA Innovation funds have been at risk of reversion, and the MHSA Project Team has recommended adding one new project, expanding an existing project, and opting into two statewide Innovation projects for FY 2019-20 to address local needs while spending down at-risk funds. These are all still pending approval from the Mental Health Services Oversight and Accountability Commission (MHSOAC).

F3. There are systemic and persistent issues in hiring and retaining County mental health employees that impact the timely expenditure of MHSA funds.

The Board of Supervisors agrees with the finding.

The Health and Human Services Department reports the following status of recruitment and retention efforts, as of May 2019:

- *Since 2016 Behavioral Health has conducted 38 recruitments and has had 30 separations. Overall, the Department has experienced a 109% turnover in Mental Health Clinician positions.*
- *Behavioral Health had 18.5 filled Clinician positions and 12 vacancies.*
- *12 of the 18.5 filled positions were still interns and not qualified for professional licensure yet.*
- *Statewide there is a shortage of medical professionals and there is increasing demand for licensed mental health clinicians.*

F4. The El Dorado County budgeting philosophy puts County MHSA funds at risk of reversion.

The Board of Supervisors disagrees with the finding.

The County budgeting approach is to represent the full obligation and anticipated revenues for all County programs and services. If the Department were to budget at less than the County's obligated expenditures, this could lead to financial and budget complications during the fiscal year. Furthermore, actual expenses are not influenced by the County budgeting approach, but by other challenges that are described in the Grand Jury Report.

Through the county budgeting process, the Department budgets 100% of anticipated annual plan expenditures, based on the approved plan budget. Due to a variety of reasons, including vacancies in budgeted positions, expenditures rarely reach this level, creating "plan savings." The Department uses forecasting tools separate from the annual County budget, and holds routine discussions regarding how to manage and use plan savings.

F5. The County's contracting procedures are complex and time-consuming. This allows less time for contractors to assist staff in developing and implementing programs, putting County MHSA funds at risk of reversion.

The Board of Supervisors agrees with the finding.

Due to contracting processes that are required to be followed by public agencies, as well as the complexity of developing and implementing new public service programs, it can take several months to conduct a competitive procurement process and at times additional months are needed to negotiate and execute final contracts. Once contracts are in place, additional start-up time is necessary for contractors to build and implement programs for MHSA.

RECOMMENDATIONS

R1. The County should contact Counties who have been successful in spending MHSA funds in a timely manner to determine if there are best practices that might be used to better utilize MHSA funds.

This recommendation has not been implemented, but will be implemented within the next two months.

Behavioral Health will contact Santa Cruz, Sonoma and Tuolumne Counties to inquire about their lessons learned and what practices could be implemented in El Dorado County to better expend all funds.

R2. The Chief Administrative Officer, the Director of Health and Human Services the County Auditor-Controller and the Director of Human Resources should review County budgeting and personnel philosophies, strategies, and procedures to ensure that these administrative functions fully support the timely expenditure of MHSA funds.

This recommendation has not been implemented, but will be implemented within the next three months.

The Director of Health and Human Services and the Director of Human Resources are looking into the factors impacting Clinician recruitment and retention and will be developing recommendations to improve those processes.

The departments identified by the Grand Jury are consistently working to improve efficiency and effectiveness of County processes and procedures, and the departments will make a separate effort to review those processes and procedures relative to the unique challenges facing the Mental Health Services Act program and funding.

R3. The Chief Administrative Officer, the Director of Health and Human Services, the County Auditor-Controller, and the Procurement and Contracts Division Purchasing Agent should review County contracting strategies and procedures to ensure that these administrative functions fully support the timely expenditure of MHSA funds.

This recommendation has not been implemented, but will be implemented within the next three months.

As stated in Recommendation 2, above, the departments identified by the Grand Jury are consistently working to improve efficiency and effectiveness of County processes and procedures, and the departments will make a separate effort to review those processes and procedures relative to the unique challenges facing the Mental Health Services Act program and funding.

#18-03: Jail and Juvenile Detention Centers Inspections

The 2018-2019 Grand Jury conducted inspections of the County's Jails and Juvenile Detention Centers.

The Grand Jury did not request a response from the Board of Supervisors.

The Grand Jury invited a response from the Chief Probation Officer regarding Juvenile Detention Centers, but did not require one. Because the response was optional, the Chief Probation Officer declined to submit a response.

Pursuant to Penal Code §933.05 subdivision (c), if a finding or recommendation of the grand jury addresses a county agency or department headed by an elected officer, the Board of Supervisors shall respond if requested by the Grand Jury. However, the response shall address only those budgetary or personnel matters over which the Board has some decision making authority.

The elected Sheriff has submitted his response, which is attached to this report as Attachment A.

No findings or recommendations address budgetary or personnel matters over which the Board has some decision making authority; therefore, no response has been submitted from the Board of Supervisors. The Board of Supervisors supports the response from the elected Sheriff.

Penal Code §933.05 subdivision (c):

However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

#18-06: A Fair Review

The 2018-2019 Grand Jury conducted a review of the Agreement between the El Dorado County Fair Association and El Dorado County and related documents, providing for the annual County Fair and other related activities.

The Grand Jury has requested a response from the Board of Supervisors to all Findings and Recommendations. The El Dorado County Board of Supervisors is the only named respondent to this report.

FINDINGS

F1. The Agreement between El Dorado County and the El Dorado County Fair Association is outdated. Many of the provisions are no longer applicable and others are not enforced.

The Board of Supervisors agrees with this finding.

F2. El Dorado County does not appear to have a single point of contact responsible for administration, monitoring, and enforcing provisions of the existing Agreement.

The Board of Supervisors disagrees partially with this finding.

The agreement does not designate a single point of contact; however, in practice the Chief Administrative Office has operated as the point of contact for the El Dorado County Fair Association (the Fair Association).

F3. El Dorado County holds title to the property on which the El Dorado County Fair Association conducts the annual agricultural fair, as well as a variety of other events.

The Board of Supervisors agrees with this finding.

F4. The El Dorado County Fair Association was formed for the purpose of conducting the annual agricultural fair.

The Board of Supervisors agrees with this finding.

F5. By delegating to the El Dorado County Fair Association, the year-round management of the fairgrounds, El Dorado County has missed opportunities to receive revenue from events held on the fairground property.

The Board of Supervisors disagrees with this finding.

The Board of Supervisors reviews and approves the El Dorado County Fair Association's budget annually. Review of the El Dorado County Fair Association submitted budget for 2019 shows a

proposed net profit of \$752, before depreciation, for all fair operations including revenue from events held on the fairgrounds property. Results of current Fair operations do not demonstrate that year-round management of the fairgrounds by the County would result in the County receiving revenue from events. Additionally, it is possible that management of the Fair and related events by the County could result in increased operating costs as opposed to the current management agreement with the non-profit Fair Association.

F6. El Dorado County is inattentive to the El Dorado County Fair Association's management of the fair and fairgrounds.

The Board of Supervisors disagrees with this finding.

The Board of Supervisors and the Chief Administrative Office provide oversight to the El Dorado County Fair Association by appointing five members to the Fair Association's Board of Directors, through annual review and approval of the Fair Association's budget, and by attendance at the Fair Association's annual luncheon and presentation.

F7. El Dorado County Government has assumed liability for all fair activities and operations without any direct financial benefit.

The Board of Supervisors agrees with this finding.

The County understands that the fair activities and operations provide a valuable public benefit to the community in providing a place for community events and celebrations as well as open grounds for walking and recreation.

While the County agrees with this finding, it should be noted that contracting with the Fair Association to manage the day-to-day operations of the Fair and Fair properties allows for the County to not maintain a separate management and administration division dedicated to these activities. If the County were to assume the role of Fair management and administration, a new operating division would need to be created within County government and additional County positions would need to be added.

RECOMMENDATIONS

R1. The County should designate a specific department or person that is directly responsible for management of the agreement between the Association and the County.

Recommendation has not been implemented but will be implemented by September 1, 2019. An Analyst from the Chief Administrative Office will be assigned as the liaison between the Fair Association and El Dorado County.

R2. The County should decide how it wishes to move forward relative to the Fairgrounds with one of these options:

a) Assuming direct control of the Fairgrounds and Agricultural Fair or,

b) Continuing the relationship with the Association and updating the agreement incorporating the changed conditions since the 2005 Agreement or,

c) Modifying the relationship whereby the Association is only responsible for conducting the agricultural fair and the County assuming management of all other activities held on the Fairgrounds.

This recommendation has not been implemented, but will be implemented by April 1, 2020.

The Board of Supervisors intends to establish an Ad-Hoc Fair Committee, including representatives from the El Dorado County Fair Association and El Dorado County, to draft an amendment to the Fair Association agreement. The agreement will be revised before the next renewal of the agreement on April 1, 2020.

R3. In drafting a new agreement or assuming direct responsibility for operations of the fair and fairgrounds, the County should look into potential revenue opportunities for the County arising from activities outside the Agricultural Fair.

This recommendation requires further analysis.

As stated above, the Fair Association has not generated excess revenue from the activities outside the Agricultural Fair. El Dorado County staff will work with the Fair Association to conduct an analysis of the ability to generate additional revenue from the activities outside the Agricultural Fair. It is anticipated that this review will be reviewed by the Ad-Hoc Fair Committee by November 2019.



JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR
 COUNTY OF EL DORADO
 STATE OF CALIFORNIA

REPLY TO:

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TAHOE JAIL
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July 17, 2019

The Honorable Suzanne N. Kingsbury
 Presiding Judge of the El Dorado County Superior Court
 1354 Johnson Blvd.
 South Lake Tahoe, CA 96150

RE: El Dorado County Grand Jury Case 18-03, May 20, 2019 Jail Inspections

The Honorable Suzanne N. Kingsbury,

This Office has received and reviewed a report by the El Dorado County Grand Jury relating to the "Jail and Juvenile Detention Centers Inspections, Case 18-03, dated May 15, 2019."

Sheriff's Response to the Grand Jury Findings

F1. *Some over-the-counter medicines at the South Lake Tahoe jail had expired.*

The Sheriff disagrees wholly with the finding.

The medications that were identified as being expired during the Grand Jury tour of the El Dorado County Jail in South Lake Tahoe on November 20, 2018 had been removed from cabinets, as they were set to expire at the end of the month. Though the medication noted expiration dates of 11/2018, they did not expire until the last day of the month at which time they were discarded.

F2. *The hood and the vent at the South Lake Tahoe jail kitchen had a noticeable buildup of grease on it.*

The Sheriff agrees with this finding.

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Grand Jury Case 18-03, Jail Inspections

F3. *Metal detectors are working and being used in both jail facilities.*

The Sheriff disagrees with this finding.

Metal detectors are currently being used for all visitors at the South Lake Tahoe jail.

Sheriff's Response to the Grand Jury Recommendations

R1. *All expired over-the-counter medicines at the South Lake Tahoe jail should be discarded.*

Recommendation has been implemented.

Medicine expiration dates are reviewed monthly by medical staff. Medicine that expires that month are removed from the storage cabinet to be used first. On the last day of the expiration month, unused medicine is appropriately discarded.

R2. *Grease should be removed from the hood and the vent in the South Lake Tahoe jail kitchen.*

Recommendation has been implemented.

The hood and vent in the South Lake Tahoe jail kitchen are cleaned on a weekly basis by kitchen staff. The hood and vent are also on schedule to be cleaned and serviced twice a year by a contracted vendor. This service is scheduled to occur on 6/19/19, and is also planned to occur in the month of October.

R3. *Continue to use full-body metal detectors for all visitors.*

Recommendation has not been implemented but implementation is anticipated to occur in September 2019.

The Sheriff's Office is currently working on the purchase of a metal detector to be installed in the Placerville jail for the screening of all visitors.

Sincerely,



JOHN D'AGOSTINI
Sheriff-Coroner
Public Administrator