



County of San Diego

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RECEIVED

July 13, 2010

The Honorable Kevin Enright
Presiding Judge, San Diego Superior Court
220 West Broadway
San Diego, CA 92101

RECEIVED
JUL 22 2010
SAN DIEGO
COUNTY GRAND JURY

Dear Judge Enright,

On July 13, 2010, the County of San Diego Board of Supervisors approved responses to nine Grand Jury reports that addressed findings and recommendations to the County of San Diego. The Board further directed that these responses be sent to your office. The reports for which responses are attached are titled:

- Ethical Political Practices-Enforcement of Campaign and Lobbying Laws
- Transitional Age Youth: Navigating a Difficult Course to Independent Living
- Homeless in San Diego
- San Diego County Detention Facility Inspection Report
- Proposition 63 Mental Health Services Act
- The Substance Abuse Recovery Management System (SARMS)
- Ethics in Government- Code of Ethics, Internal Control, Fraud Hotlines
- Efficiency in Government-Managed Competition, Outsourcing, Reengineering and Reverse Auction Within San Diego County
- Medical Marijuana in San Diego

The Board is scheduled to consider the County's response to a 10th report titled "Eye Gnats in San Diego County" on August 3, 2010. That response will complete the County's obligations to the 2009-2010 Grand Jury and will be sent to you as soon as Board approval is obtained. If you have any questions, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD

Chief Administrative Officer

Attachment

cc: Board of Supervisors

COUNTY OF SAN DIEGO
RESPONSE TO 2009/10 GRAND JURY REPORT
“Ethics in Government-Code of Ethics, Internal Controls, Fraud Hotlines”
Issued May 27, 2010

Finding #09: The County appears to have no integrated comprehensive Code of Ethics designed, for example, for classified employees and parties dealing with the County and addressing basics such as fraud, waste, abuse and conflict of interest.

Response: Disagree, in part. While the County does not have a document called a Code of Ethics, the organization does have a policy Statement of Legal and Ethical Standards, which is posted on line and which all employees are required to sign when they join the organization. <http://www.sdcountry.ca.gov/cao/docs/elspstmt.pdf>. This statement commits County employees to uphold all laws, act in an ethical and respectful manner and use County resources prudently. In addition, all County employees were trained on the policy when it was adopted and each unclassified employee is being required to have annual training on the policy.

Finding #10: The County has neither fraud, waste, abuse and conflict of interest anonymous hotline contracted to an independent third party provider, nor other process that addresses these issues specifically and assures the anonymity of the complaint.

Response: Agree. At the present time, the County of San Diego does not have an anonymous hotline operated by a third party provider, nor processes that allow for the and assure a complainant's anonymity. Both of these items will be reviewed as part of the analysis addressed in Recommendations 10-66 and 10-67.

However, while the County does not have an anonymous hotline, it does have the Office of Internal Affairs hotline which is available to all County employees to report improper government activity including waste, fraud and other forms of malfeasance. Also, HHSA has a compliance officer that is responsible for ensuring that HHSA is in compliance with all applicable Federal, State and County laws, rules and regulations relating to health care and social service funding and patient confidentiality. The HHSA compliance officer also manages a hotline where employees and members of the public can report violations of law regarding HHSA administered health care and social services, or violations of privacy or confidentiality.

The 2009/2010 San Diego County Grand Jury recommends that the Board of Supervisors and the Chief Administrative Officer of the County of San Diego:

Recommendation 10-66: Bring before the Board of Supervisors for its consideration in a public meeting a proposal to revise, reorganize and publicize the Code of Ethics so that it will serve as an integrated comprehensive Code of Ethics designed for all employees and parties dealing with the County and addressing basic issues such as fraud, waste, abuse and conflict o interest.

Response: This recommendation requires further analysis by the Chief Administrative Officer who will, by October 27, 2010, complete a review of the County's existing Legal and Ethical Standards program and recommend revisions to strengthen its effectiveness and expand

employee awareness. Also, the County has recently appointed a new director for the Office of Internal Affairs who will be developing a comprehensive ethics management program.

Recommendation 10-67: Bring before the Board of Supervisors for its consideration in a public meeting a proposal to initiate a fraud, waste, abuse and conflict of interest County Hotline for complaints regarding these issues, outsourced to a third party provider who forwards the initial report to the County Office of Audits where material complaints are investigated by its Certified Fraud Examiner, assuring the anonymity of the caller.

Response: This recommendation requires further analysis, which the Chief Administrative Officer will complete by October 27, 2010.

Recommendation 10-68: If a Hotline is created as recommended in Recommendation 10-67 above, consider posting the County Hotline phone number on the Home page on the County website and post prominently the phone number in County workplaces.

Response: This recommendation requires further analysis, which the Chief Administrative Officer will complete by October 27, 2010.

Recommendation 10-69: If a Hotline is created as recommended in Recommendation 10-67 above, consider including a non-binding recommendation regarding disposition in County Office of Audits and Advisory Services staff reports of cases involving fraud, waste, abuse and conflicts of interest.

Response: This recommendation requires further analysis, which the Chief Administrative Officer will complete by October 27, 2010.
