



# County of San Diego

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JUL 22 2010

SAN DIEGO  
COUNTY GRAND JURY

July 13, 2010

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

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  
"Proposition 63 Mental Health Services Act"  
Issued May 20, 2010**

**Finding #01: San Diego County's proportion of MHSA funding is commensurate with its proportion of the population of the State.**

**Response: Agree.**

**Finding #02: The State allocation of \$27.9 million (FY 2010) Prevention & Early Intervention was double counted in Capital Facilities & Technological Needs and in Prevention & Early Intervention, which inflated the Capital Facilities & Technological needs allocation amounts in the State MHSA agreement and internal tracking report.**

**Response: Agree.** The double counting has been corrected, and is reflected in MHSA Agreement Modification # B8 executed April 18, 2010. The internal tracking report was revised to match Modification # B8.

**Finding #03: The State approved \$1.5 million (FY 2010) for Innovation was double recorded under Prevention & Early Intervention and Innovation in the State MHSA agreement and the County internal tracking report. Also, State documentation understated the Prevention & Early Intervention service approval amount by \$2.2 million.**

**Response: Agree.** The State acknowledged their error, and on March 4, 2010, sent the County an e-mail advising Behavioral Health Services (BHS) staff that the error was corrected, and that BHS would receive a new agreement modification. However, the MHSA Agreement Modification # B8 executed on April 18, 2010, still showed the State's erroneous double entry of \$1,454,050. BHS is waiting for a subsequent agreement modification from the State, and has corrected its internal tracking report removing the amount from Prevention and Early Intervention.

**Finding #04: As of March 2010, the County has no funding at risk of reversion to the State.**

**Response: Agree.**

**Finding #05: About \$65.2 million, or 17% of the funds allocated to San Diego County are not approved.**

**Response: Partially Agree.** San Diego County must continue to work toward gaining approval for all \$383.5 million in allocated MHSA funds. However, of the \$65.2 million in question, \$24 million is already approved by the State Department of Mental Health for housing projects that are being considered by the County for public review and submission to the State.

**Finding #06: MHS has submitted no proposals for approval of Capital Facilities (CF). A balance of \$34.4 million, or 92% of the CFTN allocation is not approved, according to MHS, due to current economic conditions and liability risk of property ownership.**

**Response: Agree.** Agency and Mental Health Services placed Capital Facilities lower in its prioritization for implementation. Mental Health Services is currently in the planning process for this component, with a projected completion date of August 2010, after which the plan will be submitted to the Board of Supervisors and then to the State for approval.

**Finding #07: About \$24 million of the funds allocated to San Diego County for MHSA housing development but administered by the State are not approved.**

**Response: Agree.** Although use of \$24 million in State administered funds is pending approval at the State level, San Diego is ahead of most counties in the number of approved projects. As of February 18, 2010, San Diego was only one of five counties that had three or more applications approved with funding actually committed.

**Finding #08: About \$9.1 million of the MHSA funds allocated to San Diego County for MHSA housing development but administered by the State has been approved; \$18.9 million in the pre-development pipeline; and \$5 million of other possible projects are under consideration.**

**Response: Agree.**

**Finding #09: Implementation of proposed MHSA projects is often delayed due to the lengthy public outreach process, lack of effective coordination, and labor intensive processes requiring extensive administrative tasks.**

**Response: Disagree partially.** The County acknowledges that the public outreach process can be time consuming, but not one that “delays” implementation. Incorporating extensive community input into MHSA planning is a statutory requirement of the Act, and is also a priority concern for both the local mental health stakeholder community and the State Legislature’s Oversight and Accountability Commission.

The County acknowledges that there have been challenges coordinating implementation at both the State and local levels, as would be expected in a complex and lengthy endeavor.

Many associated tasks are time consuming, and have been necessary to comply with State requirements for compliance and accountability. With the State’s approval, in January 2010 the County’s multiple Community Services & Supports programs were consolidated into seven work plans. This administrative consolidation will simplify some future tasks and increase administrative efficiency. The County continues to work with the State to streamline processes.

**The 2009/2010 San Diego County Grand Jury recommends that the Chief Administrative Officer of the County of San Diego direct the Director of the Health and Human Services Agency and the Director of Mental Health Services to:**

**Recommendation 10-47: Proceed now, during the economic downturn, with CFTN projects so as to take advantage of lower costs.**

**Response: The recommendation has been implemented.** Community planning for both the Capital Facilities and Technological Needs components of the Act is underway, with estimated completion in August 2010.

**Recommendation 10-48: Enhance the Mental Health Services Act web site to improve transparency of the program. Such enhancements should include:**

- a listing of all of the County's Proposition 63 funded activities,
- how much funding is allocated to each program,
- the target population for each program,
- a brief summary of each program's function,
- the duration of each program,
- the name and contact information for each program's lead person, and
- the deliverables for each program.

**Response:** The recommendation has not been implemented, but will be implemented in the future. MHS recognizes the need to improve transparency of MHSA information by making the website more "user friendly." Additionally, the Grand Jury's recommendations will be included in the upcoming project to redesign the Mental Health Network of Care site. Anticipated implementation is December 31, 2010.

**Recommendation 10-49: Report to the Grand Jury on the resolution of findings #2 and #3 as stated above regarding double counting.**

**Response:** The recommendation has been implemented. The double counting issues in findings # 2 and # 3 above have been reconciled. The Agency notes that an agreement modification from the State is still pending for # 3.

**Recommendation 10-50: Advocate with the State Department of Mental Health to streamline the approval process to allow for a timelier implementation of approved projects.**

**Response:** The recommendation has been implemented. Efforts to streamline the approval process include:

- Formal direct advocacy efforts and negotiations with the State, along with collaborative advocacy in partnership with the California Mental Health Directors Association;
- Regular meetings and communication among County executives, program managers and their counterparts at the State; and
- Weekly teleconferences with State officials.

**The 2009/2010 San Diego County Grand Jury recommends that the Chief Administrative Officer of the County of San Diego direct the Chief Financial Officer to:**

**Recommendation 10-51: Audit the Mental Health Services Act at least once in every three year cycle.**

**Response:** The recommendation will be implemented in the future. Staff is working with the County Auditor to develop an audit schedule for MHSA funding and programs.