



County of San Diego

-File-

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July 19, 2023

The Honorable Michael T. Smyth
Presiding Judge, San Diego Superior Court
220 West Broadway
San Diego, CA 92101

R E C E I V E D

JUL 26 2023

PRESIDING



Dear Judge Smyth,

The 2022-23 San Diego County Grand Jury issued three reports during their tenure that addressed findings and recommendations to the County of San Diego. On July 18, 2023, the County Board of Supervisors approved responses to the reports listed below and directed me to forward these responses to your office, as required by California Penal Code.

These responses, which are enclosed, correspond to the following reports:

- Housing in San Diego County
- Public Administrator in San Diego
- Permanent Supportive Housing for the Homeless
- Sheriff's Department Incarcerated Persons' Welfare Fund
- Governance of San Diego Bay and Its Tidal Lands and Regions

If you have any questions or need additional information, please contact Natalia Bravo, CAO Chief of Staff, at (619) 531-6271.

Sincerely,

HELEN N. ROBBINS-MEYER
Chief Administrative Officer

Attachment

cc: Board of Supervisors

COUNTY OF SAN DIEGO RESPONSES
TO
2022-2023 GRAND JURY REPORTS

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COUNTY OF SAN DIEGO RESPONSE TO 2022-23 GRAND JURY
REPORT
"Housing in San Diego County"
Filed May 9, 2023

FINDINGS

Finding 01: The City of Lemon Grove met its housing allocation for all the income categories identified by SANDAG in the Fifth Regional Housing Needs Allocation (RHNA) Cycle.

Response: The County of San Diego cannot respond on behalf of other jurisdictions.

Finding 02: The County of San Diego failed to meet their housing allocation for all income levels.

Response: The County of San Diego Chief Administrative Officer agrees with this finding. While the County demonstrated that it had the capacity to meet its housing allocation for all income levels, as required by the state, it did not see those units produced. During the 5th housing cycle, the County received an allocation of 22,412 units, second only to the City of San Diego. The unincorporated areas have very little share of the available transit, jobs, and services in the region, making it more challenging to produce all its allocations. The County permitted 6,004 units, which is more in line with the 6th Housing Cycle allocation based on a jurisdiction's proximity to transit, jobs, and services.

Finding 03: The following cities did not meet their housing allocations for all income categories: Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach and Vista.

Response: The County of San Diego cannot respond on behalf of other jurisdictions.

Finding 04: The San Diego region failed to meet its housing allocations for each of the income categories identified by SANDAG in the Fifth RHNA Cycle.

Response: The County of San Diego cannot respond on behalf of other jurisdictions.

Finding 05: Specific plans are useful tools in spurring development, including housing development, and have been used by El Cajon and Chula Vista among others.

Response: The County of San Diego Chief Administrative Officer agrees with this finding. Specific Plans can provide additional density, public improvement plans, and streamlining opportunities and are one of many tools. The County recently adopted the Campo Road Revitalization Specific Plan in January 2023, which aims to streamline certain development and allow more housing types to be built. The success of specific plans to spur development is primarily driven by outside factors, including market demand, capital improvements, and private and/or public investments. Other useful tools that the County is currently working on include measures to remove and streamline regulations related to housing, allow development by-right in certain areas, address costs to delivering infrastructure, inclusionary housing regulations, infrastructure gap analysis, etc.

Finding 06: Both transit agencies in San Diego County (NCTD and MTS) have made land available for development and are actively developing projects that include housing, among other uses.

Response: The County of San Diego cannot respond on behalf of other agencies.

RECOMMENDATIONS

The 2022/2023 San Diego County Grand Jury recommends that the Chief Administrative Officer of the County of San Diego, the Mayor and City Council for the City of San Diego, and the City Managers of the cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Marcos, Santee, Solana Beach, and Vista:

- The County of San Diego's response is related only to County departments, and not those administered by other jurisdictions.

23-01: Consider, if they have not done so, using specific plans (as defined by the Governor's Office of Planning and Research) to facilitate the permitting and development of housing, particularly affordable housing, in their jurisdictions.

Response:

The recommendation has been implemented. The County recently adopted the Campo Road Revitalization Specific Plan in January 2023 and expects to complete the Fallbrook Specific Plan in late 2023. The County is implementing other measures with similar outcomes to specific plans to remove and streamline regulations related to housing, including the below examples that are currently underway:

- Develop an Inclusionary Ordinance requiring affordable housing as part of market-rate housing developments.

ATTACHMENT A

- Develop a By-Right Approval Program to reduce the time and cost associated with the land development review process for RHNA sites in the unincorporated area that were identified in the current and previous RHNA housing cycle and explore the feasibility of expanding the program to all remaining RHNA sites.
- Explore the feasibility of developing a Small Lot Subdivision Program to support a range of multi-family housing types.
- Explore the feasibility of developing a program to facilitate/remove barriers to senior and assisted living housing development.
- Prepare Development Feasibility Analysis for key areas that will identify barriers to housing development, costs, and strategies to incentivize development in these areas, including infrastructure investments the County could make to encourage development.
- Create objective design standards to replace subjective guidance for affordable housing projects that meet certain criteria, such as 10 percent of the total number of units as low-income units or units for households making below 80 percent of the area median income. Providing objective design standards is intended to assist in saving time by increasing the certainty of project design approval.
- Review the development designators in the Zoning Ordinance and amend Code as necessary and appropriate to ensure that a range of housing types and densities can be achieved and that the designators facilitate development at the maximum density allowed by the General Plan. This project will commence after the Board's consideration and action on an Inclusionary Housing Ordinance.
- Prepare a program environmental impact report (PEIR) to reduce the need to conduct environmental studies in key areas upfront so that future development can rely on those studies and approvals with limited additional work. A PEIR would be for areas that contain many parcels and could help to streamline housing and potentially other uses (i.e., infrastructure, supporting commercial uses) on numerous properties, not on just one site like a typical EIR for a single development project.

Other actions that the County is taking that go beyond the scope and intent of specific plans reflect the County's status as a State designated Prohousing Jurisdiction. These actions remove barriers to housing and help to establish guaranteed review permit times for affordable housing and emergency shelters, housing in Vehicle Miles Travelled (VMT) Efficient and Infill areas, and workforce housing.

23-02: Consider working with school districts and community college districts within their jurisdictions to identify developable land for housing owned by districts within their boundaries.

Response: The recommendation has been implemented. As part of efforts to prepare a Development Feasibility Analysis for key areas, the County Board of Supervisors funded and approved six staff positions as economic development liaisons. These positions will work with community members, developers, and property owners, including school districts and community college districts on an ongoing basis, to share information about available incentives and streamlining opportunities. These staff members will provide useful technical

ATTACHMENT A

and financial data on vacant and redevelopable parcels that could reduce initial due diligence costs for developers and spark interest in locations that reveal higher development potential. The effort will present potential opportunities for leadership and partnership strategies with other agencies or private entities that could play a pivotal role in building out these areas.

Although not specific to school districts and Community colleges, the San Diego County Board of Supervisors directed the Chief Administrative Officer to collaborate with the San Diego Foundation collectively address the affordable housing crisis in San Diego County through the utilization of publicly owned land, these efforts are ongoing.

23-03: Consider working with local religious institutions within their jurisdictions to identify land developable for housing, particularly affordable housing.

Response: The recommendation has been implemented. As part of efforts to prepare a Development Feasibility Analysis for key areas, the County Board of Supervisors funded and approved six staff positions as economic development liaisons. These positions will work with community members, developers, and property owners, including local religious institutions, on an ongoing basis to share information about available incentives and streamlining opportunities. These staff members will provide useful technical and financial data on vacant and redevelopable parcels that could reduce initial due diligence costs for developers and spark interest in locations that reveal higher development potential. The effort will present potential opportunities for leadership and partnership strategies with other agencies or private entities that could play a pivotal role in building out these areas.

23-04: Consider drafting revenue-generating legislation at the jurisdiction level, if feasible and legal e.g., the Seattle Jumpstart Tax. Monies generated by such a tax to fund or assist in funding the construction of housing, particularly affordable housing.

Response: The recommendation has been implemented. Consideration of drafting revenue-generating measures has and will continue to occur. Both the laws governing the financing of affordable housing and the laws governing revenue generation are significantly different across states. What is possible in Seattle (Washington) and what is allowable at the jurisdictional level in California is different. All options for ballot measures as well as the potential revenue that could be generated and what that revenue could be used for would need to be provided to policy makers before they could determine whether or not to move forward on a ballot measure.

23-05: Consider providing legislative support to re-introducing in the State Legislature SB 1105, or similar legislation, to create a San Diego County agency that could raise revenue for housing.

Response: The recommendation has been implemented. The Board of Supervisors' Legislative Program, as directed by the Board in August of 2022 and approved by the Board

ATTACHMENT A

in December of 2022, includes Sponsorship Item II. B. which states, "Seek a law to create a regional housing finance agency to raise revenues and use funds to support affordable housing across the region and provide technical assistance to local jurisdictions."

23-06: Consider providing legislative support to SB4, which is currently before the legislature. This bill makes it easier to provide affordable housing on land owned by religious institutions.

Response: The recommendation has been implemented. The Board of Supervisors has Affordable Housing as a Priority topic in the Legislative Program and seeks to engage in legislation that has a benefit to the County and our region. Consideration of SB 4 will occur; however, it is noted that SB 4 has a very specific application and analysis will need to be done with various departments to determine if there are the type of properties in our region as noted in SB 4.

The 2022/2023 San Diego County Grand Jury recommends that the Chief Administrative Officer of the County of San Diego and the City Managers of the cities of Escondido, San Marcos, Vista, Oceanside, and Carlsbad:

23-08: Continue working with the North County Transit District to identify land suitable for development of housing, particularly affordable housing, at major transit stops including Coaster and Sprinter train and bus lines as appropriate.

Response: The recommendation has been implemented. As part of efforts to prepare a Development Feasibility Analysis for key areas, the County Board of Supervisors funded and approved six staff positions as economic development liaisons. These positions will work with community members, developers, and property owners, and other agencies, including North County Transit District, on an ongoing basis to share information. These staff members will provide useful technical and financial data on vacant and redevelopable parcels that could reduce initial due diligence costs for developers and spark interest in locations that reveal higher development potential. The effort will present potential opportunities for leadership and partnership strategies with other agencies or private entities that could play a pivotal role in building out these areas.

Although not specific to North County Transit, the San Diego County Board of Supervisors directed the Chief Administrative Officer to collaborate with the San Diego Foundation collectively address the affordable housing crisis in San Diego County through utilization of publicly owned land, these efforts are ongoing.

23-09: Continue working with the Metropolitan Transit System to identify land suitable for development of housing, particularly affordable housing, at major transit stops including trolley and bus lines as appropriate.

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Response: The recommendation has been implemented. As part of efforts to prepare a Development Feasibility Analysis for key areas, the County Board of Supervisors funded and approved six staff positions as economic development liaisons. These positions will work with community members, developers, and property owners and other agencies, including Metropolitan Transit System, on an ongoing basis to share information. These staff members will provide useful technical and financial data on vacant and redevelopable parcels that could reduce initial due diligence costs for developers and spark interest in locations that reveal higher development potential. The effort will present potential opportunities for leadership and partnership strategies with other agencies or private entities that could play a pivotal role in building out these areas.

Although not specific to Metropolitan Transit District, the San Diego County Board of Supervisors directed the Chief Administrative Officer to collaborate with the San Diego Foundation collectively address the affordable housing crisis in San Diego County through the utilization of publicly owned land, these efforts are ongoing.

**COUNTY OF SAN DIEGO RESPONSE TO 2022-23 GRAND JURY
REPORT**

“Public Administrator in San Diego”

Filed May 25, 2023

FINDINGS

Finding 01: The PAPG Policy & Procedure Handbook does not provide sufficient detail to enable staff to verify veteran status or to arrange for a suitable interment of remains at a National Cemetery.

Response: The County of San Diego Chief Administrative Officer agrees with this finding.

Finding 02: The PAPG Policy & Procedure Handbook does not reflect the provision in the Probate Code that hospitals and nursing homes need to refer in-patient deaths to the Public Administrator only when there is no known next of kin.

Response: The County of San Diego Chief Administrative Officer agrees with this finding.

Finding 03: The PAPG Policy & Procedure Handbook does not address the subject of auction vendor fees.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. The PAPG Policy and Procedure Handbook is intended to serve as a guide to PAPG staff. As auction vendor fees are negotiated at the time vendor contracts are drawn up, it is not within the scope of the PAPG Policy and Procedure Handbook to provide direction for scope of work negotiated on contracts.

Finding 04: The Office of the Public Administrator has not requested a comprehensive evaluation of the occupational risks faced by its field staff and the protective equipment required to mitigate those risks.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. On September 13, 2017, HHSO Safety and Occupational Health met with PAPG administration to review the hazards PAPG employees may encounter and reviewed safety programs in place to mitigate those hazards. At the conclusion of the meeting, it was determined that no hazard was present that would require the department to implement a mandatory use Respiratory Protection Program. PAPG administration was given information

on how to comply with Cal/OSHA requirements for voluntary N95 use if staff wanted to use N95s to mitigate unpleasant smells they sometimes encounter.

Additional History:

- In March of 2020, HHS Safety reviewed PAPG's Voluntary Use Respiratory Protection Program and recommended updating the language in the program to make it clearer that the program is voluntary use only.
- In October of 2020, HHS Safety received a safety complaint from an employee and their representatives. HHS Safety investigated the complaint which included reviewing appropriate PPE for COVID-19 for PAPG staff. It was determined that N95s were not required for the work that PAPG staff were conducting. The response was sent to the employee and their representatives on October 23, 2020.
- On March 14, 2022, a discussion was held between HHS Safety and PAPG administration about PAPG Voluntary Use Respirator Protection Program. The program was confirmed by PAPG administration that no new hazards were present and that the program was still voluntary use only.
- On May 23, 2022, a Bloodborne Pathogen Plan Review and Proper PPE Disposal Meeting with Occupational Health and PAPG administration was held. The meeting was to answer questions that PAPG administration had about proper PPE disposal and review the PAPG's Bloodborne Pathogen written program.

Finding 05: The Office of the Public Administrator does not provide fit testing of N-95 respirators for its field staff who choose to wear them.

Response: The County of San Diego Chief Administrative Officer agrees with this finding. The Office of the Public Administrator does not currently have any hazards identified that require staff to wear a respirator (N95). Best practice supports only fit testing for mandatory users of N95s. Currently, as with no known hazards present, the Office of Public Administrator field staff may only opt to voluntarily use N95s.

If a new hazard is identified and PAPG have no other means to mitigate the hazard than to provide respirators, they will be required to implement a mandatory use Respiratory Protection Program. To implement the program, the department will need to engage with Labor to notice the Union of the change in work practices. Employees and employee classifications that may encounter the hazard will need to be identified and medical clearance will need to be achieved through Medical Standards. A mandatory Respiratory Protection Program will need to be created with all the required Cal/OSHA information. Staff that fall under the mandatory use program will need to be provided training on the program and hazards. After staff have medical clearance, they can be fit tested. To fit test and to be able to wear a respiratory in mandatory settings staff need to have the ability for the respirator to seal completely on the skin of their face.

If no new hazards are present, PAPG staff can continue utilizing N95s for voluntary use. Employees who use N95s must be given the Appendix D per Cal/OSHA. The Appendix D covers basic safety.

Finding 06: A workload analysis study would aid in determining an optimum caseload for Deputy Public Administrators.

Response: The County of San Diego Chief Administrative Officer disagrees partially with this finding. Based on Aging & Independence Services (AIS)'s experience with caseloads, a set, optimal caseload may not be feasible as cases vary depending on an individual's Estate. However, AIS did reach out to the California State Association of Public Administrators, Public Guardians, and Public Conservators, (CSAPAPG) a statewide organization that was formed to "support, develop and maintain a statewide professional standard framework and ensure that these standards reflect the needs of the Public Administrator...profession..." AIS will consult with the CSAPAPG on the caseload standards set in similarly populated counties and to obtain best practices for distribution of cases and manageable caseload counts.

If workload standards are developed, it could be considered a change in working conditions and we would need to consult with Labor Relations to notify the respective unions and go through the meet and confer process.

Finding 07: The absence of the Public Administrator liaison to the Medical Examiner's Office has resulted in increased work for Medical Examiner Investigators and duplication of work and other inefficiencies in the referral process for the Public Administrator's staff.

Response: The County of San Diego Chief Administrative Officer agrees with this finding. Since the Grand Jury reporting occurred, the Public Administrator liaison has already been restored.

Finding 08: The absence of access to each other's computer system often results in duplication of effort in such functions as identifying and locating a decedent's next of kin and other potential heirs.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. Public Administrator staff are required to make a diligent search for the assets and family of the decedent as stated in the PAPG Policy & Procedure Handbook – Chapter 7. Analogously, Medical Examiner staff are required to make a reasonable attempt to locate the family according to California Government Code Section 27471. As both offices are independently required to complete their own diligent search of next of kin, providing access to Medical Examiner software would not necessarily prevent duplication of effort.

Finding 09: The duties of a Deputy Public Administrator are more closely aligned with those of Medical Examiner Investigators than those of Aging Program Specialists.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. The essential function of a Medical Examiner Investigator is primarily focused on the investigation and identification of the deceased, whereas the Public Administrator's function is to protect and manage the estates of decedents. Given this, the functions/duties performed by the Public Administrator staff were reviewed and deemed appropriate for

reclassification to Aging Program Specialist (APS). The APS classification offers higher pay and a broader career path for employees.

Finding 10: The Business Process Reengineering recommendation to re-classify Deputy Public Administrators to Aging Program Specialists, which are employed only in Aging & Independence Services, is not consistent with the recommendation to consider transferring the Office of Public Administrator to another County department.

Response: The County of San Diego Chief Administrative Officer agrees with this finding. If the functions are moved to another department, a classification study may be required and labor unions may have to be engaged.

RECOMMENDATIONS

The 2022/2023 San Diego County Grand Jury recommends that the Chief administrative Officer of San Diego County direct the Public Administrator to:

23-40: Encourage revisions to the PAPG Policy & Procedure Handbook to include specific direction on the process for identification of veterans and for arranging the placement of remains at a National Cemetery.

Response: This recommendation has not yet been implemented. Aging & Independence Services will collaborate with the Office of Military and Veteran Affairs to develop and implement a procedure to arrange for the placement of remains at a National Cemetery. In addition, the PAPG leadership team has met with the Veteran's Affairs National Cemetery Administration to ensure there is an open communication channel between the two departments for ongoing process management. It is AIS's objective to have policy materials updated within 90 days.

23-41: Encourage revisions to the PAPG Policy & Procedure Handbook to include language consistent with the California State Probate Code, in that hospitals and long-term care facilities should not refer cases to the Public Administrator when a decedent's next of kin is known.

Response: This recommendation has not yet been implemented. Aging and Independence Services will update the current procedures to state that PAPG will not accept referrals from facilities when a next of kin is known. It is AIS's objective to have policy materials updated within 90 days. In the interim, AIS call center staff as well as PAPG supervisors have been trained to reject the above referenced referrals when they are identified during the referral triage process.

23-42: Encourage revisions to the PAPG Policy & Procedure Handbook to set a reasonable standard for auction vendor commissions to be included in future contract specifications.

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Response: This recommendation will not be implemented. Pursuant to County of San Diego Administrative Code section 401, the County's Director of the Department of Purchasing and Contracting is authorized to award a contract for Auction and Liquidation Services. The County of San Diego follows policy that requires competitive procurement of goods and services. This contract was procured through an open and competitive process. As part of the procurement process, rates were proposed by the Offeror(s) and a contract was awarded based on best value, including an evaluation and award based on terms, price and other appropriate factors. Because award of this contract is subject to existing County policy and procedure, inclusion of standards for awarding an auction house contract within the PAPG Policy & Procedure Handbook is not warranted.

23-43: Request the Occupational Health Program of the Department of Environmental Health and Quality to perform a specialized hazard risk assessment study, to include conditions workers face in the field, for the Office of the Public Administrator/Public Guardian.

Response: This recommendation requires further analysis. Aging & Independence Services, Occupational Health, and the HHSA Senior Safety Coordinator have met several times over the past few years to analyze and review hazards that PAPG workers face. Training, written programs, and administrative processes were developed as the result of past meetings. AIS is coordinating a meeting with the HHSA Senior Safety Coordinator and the Occupational Health Program to re-assess job functions and to re-review, identify and study job hazards for both in office and field workers of PAPG. The initial meeting to re-review job hazards will take place within the next 45 days.

23-44: Request that the Occupational Health Program provide training consistent with the risks identified in the study cited above to Deputy Public Administrators and other field personnel in the proper use and storage of personal protective equipment.

Response: This recommendation has not yet been implemented. During the meetings with AIS, Occupational Health and the HHSA Senior Safety Coordinator, the department's current trainings will be re-reviewed to evaluate their regulatory compliance with identified hazards. If new trainings are needed, they will be developed in 6 months, to ensure safety and compliance standards are met. All HHSA employees are trained on the HHSA Injury and Illness Prevention Program (IIPP) which states that each person is accountable for their own health and safety and actions. Staff who use voluntary use respirators are given the Cal/OSHA required Appendix D which informs the employee to read the manufacturer's instructions on that N95 regarding maintenance, cleaning, and care of the respirator.

23-45: Request that the Occupational Health Program provide fit testing of N-95 respirators, when consistent with the risks identified in the study cited in Recommendation 23- DD; and additionally, consider fit testing for staff who voluntarily use N-95 respirators.

Response: This recommendation requires further analysis. During the meetings with Aging and Independence Services, for which the initial meeting will occur within 45 days, Occupational Health and HHSA Safety will determine if there are new hazards that would

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require a mandatory Respiratory Protection Program. If no new hazards are identified requiring mandatory respirator use, the department's employees can continue to use respirators voluntarily. Employees that use a voluntary use respirator are required to comply with the California Occupational Safety and Health Administration's (Cal/OSHA) Respiratory Protection standard (Section 5144) to ensure the safe and effective use of the respirators. AIS will implement processes to ensure that Cal/OSHA requirements are met.

23-46: Retain the position within the Public Administrators Office of a Deputy Public Administrator co-located in, and acting as liaison to, the Medical Examiner's Office and update the Memorandum of Understanding differentiating the functions of each agency's staff.

Response: This recommendation has been implemented. Aging and Independence Services identified a staff member who has been appointed to serve as liaison to the Medical Examiner's Office. The staff member commenced liaison duties in February 2023. AIS intends to retain this position for the foreseeable future.

23-47: Identify common areas of investigation with the Medical Examiner and provide secure computer access to Medical Examiner staff for those areas.

Response: This recommendation will not be implemented. Both PAPG and the Medical Examiner have similar access to systems run by other agencies or companies. The Medical Examiner does not believe that having direct access to the Public Administrator's case management system will expedite the Medical Examiner's work in this regard. The Public Administrator Medical Examiner Liaison has access to the Medical Examiner case management system and is available to consult on cases as needed.

23-48: Establish workload standards for the number of cases to be handled by a Deputy Public Administrator.

Response: This recommendation requires further analysis. Aging and Independence Services reached out to the California State Association of Public Administrators, Public Guardians, and Public Conservators, (CSAPAPG) a statewide organization that was formed to "support, develop and maintain a statewide professional standard framework and ensure that these standards reflect the needs of the Public Administrator...profession..." AIS will consult with the CSAPAPG on the caseload standards set in similarly populated counties and to obtain best practices for distribution of cases and manageable caseload counts. It is AIS's objective to have policy materials updated to include workload standards within the next six months.

If workload standards are developed, it would be considered a change in working conditions and we would need to consult with Labor Relations to notify the respective unions and go through the meet and confer process.

23-49: Transfer the functions and appropriate staff of the Public Administrator's Office to the Medical Examiner's Office.

Response: This recommendation will not be implemented. The functions/duties performed by the PAPG staff are in alignment with the Aging Program Specialist (APS) classification and will therefore not be moved to the Medical Examiner Office. Additionally, the APS classification offers higher pay and a broader career path for employees.

23- 50: If recommendation 23-49 is implemented, reinstate the Deputy Public Administrator title series to the active list.

Response: This recommendation will not be implemented. Since recommendation 23-49 will not be implemented, recommendation 23-50 is not applicable.

The 2022/2023 San Diego County Grand Jury recommends that the Chief Administrative Officer of San Diego County direct the Medical Examiner to:

23-51: Identify common areas of investigation with the Public Administrator and provide secure computer access to Public Administrator staff for those areas.

Response: This recommendation will not be implemented. While there is some intersection in the work of the two agencies in the need to find the next-of-kin, the Public Administrator's Medical Examiner Liaison already has access to the Medical Examiner's case management system, and the Medical Examiner does not believe that having direct access to the Public Administrator's case management system will expedite the Medical Examiner's work in this regard. Both agencies have similar access to systems run by other agencies or companies (like Ancestry.com and Accurant); the Public Administrator has access to other systems that help with identification of a decedent's assets (like "Mainframe" for access to county property records); and the Medical Examiner has access to other law enforcement databases (like EJIMS, ARJIS and CalID).

**COUNTY OF SAN DIEGO RESPONSE TO 2022-23 GRAND JURY
REPORT****“Permanent Supportive Housing for the Homeless”****Filed May 31, 2023****FINDINGS**

Finding 01: The installation of a fraud hotline could improve the San Diego Housing Commission’s efficiency in administering its rental assistance programs as well as helping to identify potential areas of fraud, waste, and abuse on the part of Housing Commission employees and contracted staff.

Response: This finding is not applicable to the County of San Diego as the finding is for the San Diego Housing Commission.

Finding 02: The City and County of San Diego can often take up to two months to fill a vacancy in permanent supportive housing.

Response: The County of San Diego Chief Administrative Officer disagrees partially with this finding. Although it may take up to two months to fill a permanent supportive housing (PSH) vacancy, several organizations are involved in that process and not just the City and County of San Diego. Delays during any of the steps required to fill a vacancy, which involve several coordinating entities, can and do extend the time that it takes for a PSH vacancy to be filled. For MHSA units that began leasing up in 2020 or later, and for which the County and its contracted service providers are responsible for the provision of services, multiple steps must be completed to fill a PSH vacancy.

Those steps include:

Notification of Available Unit

1. The development’s property management team notifies the County Health and Human Services Agency, Behavioral Health Services (BHS) that a PSH vacancy exists.

Identification of Referral

2. BHS requests that Regional Task Force on Homelessness (RTFH) pull an eligible referral from the Coordinated Entry System (CES) Community Queue.
3. RTFH staff pull the requested referral and send notification to BHS, the referred head of household, and any service provider(s) the household may be listed as connected to in the Homeless Management Information System (HMIS).
4. BHS staff look up the referred household in the County’s mental health database to determine whether the referred household is connected to BHS services and determine the appropriate level of care.
 - a. For clients who are not treatment-connected at the time of CES referral, BHS assigns the client to the non-clinical lead service provider for MHSA units.

Contact with Referral

5. The appropriate BHS-contracted service provider attempts to locate and engage the referred household. This can be particularly difficult for households that are unsheltered and not service-connected at the time of referral. Although all households in the CES Community Queue must be actively connected to a service provider (as indicated in HMIS at the time of referral), if a client is not disenrolled in HMIS when they leave a program, a “warm handoff” may not be possible, and the location of the household may be unknown at the time of referral.

Completion of Application

6. Once located, the BHS-contracted service provider works with the prospective tenant to identify any up-to-date, required document(s) that they do not yet possess (e.g., ID, Social Security card, birth certificate, bank records), requests those documents, and waits for those documents (wait times can be substantial).
7. The BHS-contracted service provider works with the prospective tenant to complete the required application packet(s), then submits them for review and approval.
 - a. In addition to the standard application packets provided by property management, prospective tenants and their service providers complete additional paperwork for units with project-based vouchers and those that are funded using tax credits.
8. Property management staff review the application, perform any necessary background check(s), request any additional information needed, and approve the household, if eligible.
9. For units with project-based vouchers through the San Diego Housing Commission (SDHC), SDHC staff review the application, perform any necessary background check(s), request any additional information needed, and approve the household, if eligible.
10. For approved households, the BHS-contracted service provider coordinates with the referred household and property management to move them into their unit.

Delays during any of the steps listed above can and do extend the time that it takes to fill a PSH vacancy. The filling of vacancies at the Valley Vista and Kearny Vista developments involves similar steps, except that the County is never directly involved in the process to request and vet prospective applicants; instead, the County-contracted service providers request referrals from RTFH and work with referred households to assess them for necessary services, and complete and submit an application.

Finding 03: Because the Coordinated Entry System provides only one referral at a time, there are frequent delays in filling supportive housing vacancies.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. Although there are frequent delays in filling supportive housing vacancies, having multiple CES referrals per vacancy would only address some of the causes of those delays. The time needed to complete steps 1, 2, 3, 4, 8, 9, and 10 listed in the response for Finding 2 would not be reduced by having multiple referrals per vacancy.

Finding 04: The reporting form used by County of San Diego Behavioral Health Services, Health and Human Services Administration to monitor the effectiveness of its contracted service providers does not adequately document the provision of Clinical Case Management services.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. The reporting form used by County of San Diego Health and Human Services Agency, Behavioral Health Services (BHS) to monitor the effectiveness of its contracted service providers documents the provision of Clinical Case Management services. There are two levels of case management within the two facilities outlined in this report: 1) Light Case Management, which is provided to all clients on a regular basis and includes individual meetings and/or group activities; and 2) Clinical Case Management, which is voluntary and provided to individuals who opt to utilize this service, although many individuals do not. Individuals may also be eligible to receive services from their managed care plan, which BHS case management can link them to. BHS currently monitors the number of residents receiving Light Case Management and Clinical Case Management services, the number of residents who decline these services and outreach and engagement efforts, and referrals and connections for mental health, substance use, and primary care services.

On page 6 of the Grand Jury Report, the Grand Jury found that, upon review of the monthly status reports, the service provider of the Kearny Vista facility identified 34 out of 165 residents appropriate for behavioral health services, however, only one individual chose to be connected services. A similar scenario occurred at the Valley Vista facility. In these scenarios, it is important to remember that residents can choose to engage in behavioral health services (these services are voluntary). If residents – for instance, the 34 residents identified as appropriate for behavioral health services – do engage in services, they do not have to divulge or disclose this information. Additionally, client information such as the number of health assessments made, adjustments to previous assessments, treatment referrals, documentation of assertive outreach to tenants and barriers to accepting services would be found in electronic health records and are not included in monthly reporting forms. A client's electronic health record is included in annual medical record reviews, which are conducted by Behavioral Health Services' Quality Management Division to ensure that high clinical standards are documented.

Finding 05: The City and County do not monitor the staffing and recruitment of contracted service agencies, and low staffing impacts the ability to deliver meaningful services.

Response: The County of San Diego Chief Administrative Officer disagrees with this finding. Behavioral Health Services regularly monitors vacancy rates on Monthly Status Reports, including recruitment, retention and hiring, and works with the providers to address challenges.

Furthermore, in 2021, the San Diego County Board of Supervisors commissioned a study titled Addressing San Diego's Behavioral Health Worker Shortage for which a consultant convened a steering committee of local leaders, developed an extensive analysis of the labor market, facilitated focus groups, and surveyed 1,600 behavioral health workers about their wages, job conditions, job satisfaction and other aspects of their work. Focus group members

included community health workers, mental health and substance abuse social workers, psychiatric aides and more. The needs assessment determined that by 2027, the San Diego region will need to recruit an additional 18,500 behavioral health professionals to the field, more than the entire existing workforce of 17,000. As part of the continuum of behavioral health services, this program faces similar challenges in recruiting and retaining staff that is consistently impacting behavioral health providers across the region.

RECOMMENDATIONS

The 2022/2023 San Diego County Grand Jury recommends that the Chief Administrative Officer of the County of San Diego:

23-67: Direct Behavioral Health Services, Health and Human Services Agency to design a set of performance indicators to measure the effectiveness of clinical services provided to formerly homeless residents of supportive housing and revise its monthly reporting form to reflect those indicators.

Response: This recommendation has been implemented. Behavioral Health Services has a set of performance indicators in place that measure the effectiveness of clinical case management services provided to formerly homeless residents who reside in supportive housing. The department requires the service providers to submit Monthly Status Reports reflecting Statement of Work expectations, including the following metrics:

- Number of head of household and other residents served during report period.
- Breakdown of who received Clinical and Light Case Management services.
- Individuals who declined services, along with those that were outreached and engaged.
- Breakdown of referrals and connections to mental/physical health or substance use treatment.
- Vacant units.

Client information such as the number of health assessments made, adjustments to previous assessments, treatment referrals, documentation of assertive outreach to tenants and barriers to accepting services would be found in electronic health records and are not included in monthly reporting forms. A client's electronic health record is included in annual medical record reviews, which are conducted by Behavioral Health Services' Quality Management Division to ensure that high clinical standards are documented.

23-68: Direct the Health and Human Service Agency's representatives to the Continuum of Care advocate for the Coordinated Entry System staff to provide a minimum of two referrals for each vacancy in permanent supportive housing.

Response: This recommendation will not be implemented. Providing two referrals for each vacancy in permanent supportive housing will not reach the intended outcome of quicker

times to fill vacancies and reduce vacancies. With the current process, anyone who is referred by Coordinated Entry System (CES) and who meets all eligibility requirements is guaranteed a unit. If two referrals are competing for each vacancy, a household who would otherwise be eligible may ultimately not be housed if their paperwork is not approved before a competing household. Referral of a household to an existing vacancy requires removal of that household from the CES Community Queue, which prevents them from being referred to multiple Permanent Supportive Housing (PSH) vacancies simultaneously. A household that is referred to a PSH vacancy but who fails to be housed because other households were approved more quickly would be returned to the Community Queue to potentially be referred to other available housing resources. However, because prioritization within the Community Queue is determined by a formula that attempts to quantify vulnerability—not by the length of time that a household has been in the Queue—there is no guarantee that a referred household that does not obtain a unit will still be at the top of the Queue when they are returned to it. Essentially, there is no way to guarantee that a household pulled as a “backup” referral would be quickly referred to another PSH resource, thus potentially losing out on housing opportunities. Additionally, this process may create stress and exacerbate behavioral health issues these vulnerable households may already be experiencing. There are other process improvements that can be explored, in coordination with the Regional Task Force on Homelessness, that have shown promise in reducing wait times and vacancies.

23-69: Direct the Health and Human Services Agency to collaborate with the San Diego Housing Commission on a workload and salary study to determine an equitable level of compensation for staff of contracted homelessness service provider agencies.

Response: This recommendation has been implemented. The County is making efforts on multiple fronts to support recruiting and retaining public behavioral health workers. Challenges in staffing within County-operated and County-contracted behavioral health programs, including programs that serve homeless individuals, are widespread across the region and State.

In 2021, the San Diego County Board of Supervisors commissioned study titled *Addressing San Diego's Behavioral Health Worker Shortage*. A consultant convened a steering committee of local leaders, developed an extensive analysis of the labor market, facilitated focus groups, and surveyed 1,600 behavioral health workers about their wages, job conditions, job satisfaction and other aspects of their work. Focus group members included community health workers, mental health and substance abuse social workers, psychiatric aides and more.

The 2021 study determined that by 2027, the San Diego region will need to recruit 18,500 behavioral health professionals to the field, more than the entire current workforce of 17,000. The report outlined the following five proposed solutions to address the behavioral health workforce shortage in San Diego County:

- Invest in Competitive Compensation
- Pursue Administrative Relief Opportunities
- Establish Regional Training Centers of Excellence
- Build a Regional Workforce Training Fund

- Continue Listening to Workers

Since the workforce report, the County has taken immediate steps to support recruiting and retaining the behavioral health workforce, including:

- On April 28, 2023, a memo titled “Update on Addressing the Behavioral Health Workforce Worker Shortage in San Diego County” went to the Board of Supervisors. The memo outlines key strategies the Board is taking, as follows, which are under development:
 - A plan to invest in competitive compensation for behavioral health workers by establishing competitive salaries for the County and County-contracted workforce.
 - A plan to pursue administrative relief.
 - A plan to establish Regional Behavioral Health Training Centers of Excellence by establishing a pilot program.
 - Building a Regional Behavioral Health Workforce Training Fund, and identifying private sector, County, State, and federal resources for investment.
 - A plan to implement a Regional Master Training Agreement with San Diego area community colleges, colleges, and universities that provide practicum placements for behavioral health professionals.
 - Continue listening to workers during implementation.
- On May 2, 2023, the County Board of Supervisors approved the *Public Behavioral Health Public Workforce Development and Retention Innovation* program proposal, and on June 15, 2023, the Mental Health Oversight and Accountability Commission approved components of the proposal, including:
 - Outcomes-Based Renewable Training and Tuition Fund
 - Upskilling to Meet Professional Needs

Additionally, the San Diego Housing Commission is addressing their own workforce challenges separately and released a Homelessness Services Compensation study in March 2023.

23-70: Direct the Health and Human Services Agency to collaborate with the San Diego Housing Commission and supportive housing service agencies to produce a training manual for staff assigned to permanent housing facilities.

Response: This recommendation has not yet been implemented. The Health and Human Services Agency will collaborate with the San Diego Housing Commission and supportive housing service agencies to produce a training manual, as appropriate, for staff by the end of next fiscal year (FY 23-24). Topics may include but not limited to harm reduction, outreach and engagement, and case management basics.

The 2022/2023 Grand Jury recommends that the County of San Diego Board of Supervisors, through its representation on the Continuum of Care Advisory Board:

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23-71: Advocate for the Coordinated Entry System to provide a minimum of two referrals for each vacancy in permanent supportive housing facilities.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors will direct the Chief Administrative Officer to review these recommendations and to take any actions that are deemed appropriate based on such review, and report back on the review and any actions.

**COUNTY OF SAN DIEGO RESPONSE TO 2022-23 GRAND JURY
REPORT**

“Sheriff’s Department Incarcerated Persons’ Welfare Fund”

Filed June 1, 2023

FINDINGS

Findings apply to the Sheriff’s Department of the County of San Diego, therefore all responses shall be submitted by the Sheriff’s department directly to the Presiding Judge with an information copy sent to the Board of Supervisors.

RECOMMENDATIONS

The 2022/2023 San Diego County Grand Jury recommends the San Diego County Board of Supervisors:

23-79: Establish advisory panels of experts qualified to review and advise the County of San Diego staff and Sheriff’s Department Reentry Division staff in the development and evaluation of evidence-based correctional education and training programs.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief Administrative Officer to review this body of recommendations and to take any actions deemed appropriate based on such review, and report back on the review and any actions taken.

23-80: Authorize a comprehensive and independent study to evaluate the effectiveness of psychosocial, behavioral cognitive training, educational, vocational, or other correctional education programs undertaken for the benefit of incarcerated persons.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief Administrative Officer to review this body of recommendations and to take any actions deemed appropriate based on such review, and report back on the review and any actions taken.

23-81: Direct the Office of Audit and Advisory Services (OAAS) to undertake an audit of the Incarcerated Persons Welfare Fund and Jail Stores Enterprise Fund at least every three years.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief

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Administrative Officer to review this body of recommendations and to take any actions that are deemed appropriate based on such review, and report back on the review and any actions taken.

23-82: Direct the Office of Strategy and Intergovernmental Affairs to add a legislative priority to lobby the state legislature to introduce legislation similar to AB1782 (2022) (See Appendix I) amending California Penal Code §4025.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief Administrative Officer to review this body of recommendations and to take any actions that are deemed appropriate based on such review, and report back on the review and any actions taken.

**COUNTY OF SAN DIEGO RESPONSE TO 2022-23 GRAND JURY
REPORT**

“Governance of San Diego Bay and Its Tidal Lands and Regions”

Filed June 7, 2023

FINDINGS

Finding 01: Port Commissioners are only required to represent the perspectives, not the interests of the Port City appointing them to the Board of Port Commissioners.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 01.

Finding 02: The Port District acts as an independent special district without direct oversight from local city or county governments.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 02.

Finding 03: Because the interests of residents of Port Cities and the County of San Diego are subject to the interpretations of the unelected Board of Port Commissioners, their interests may not be heard, prioritized or represented accurately.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 03.

Finding 04: Briefings by Port Commissioners to Port City Councils in noticed public meetings regarding issues affecting their jurisdictions, will increase the level of public participation and knowledge regarding Port District activities, Port Master Plans, Master Plan Updates, Port Master Plan amendments or additions.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 04.

Finding 05: Currently, the Board of Port Commissioners does not have term limits. Considering term limits would foster democratic principles by providing more opportunities for diverse and talented individuals to serve, prevent the accumulation of influence, and uphold the public trust by keeping the Board representative responsive to its community.

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Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 05.

Finding 06: With three of seven port commissioners appointed to the Board of Port Commissioners by the City of San Diego, the potential exists for the City of San Diego to exert dominance over the priorities, resources and decisions of the Port District.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 06.

Finding 07: The Port District is incentivized to maximize revenue to fund its operations, a goal that may create conflicts of interest in the priorities, allocation of resources and other decisions made by the Port Commission.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 07.

Finding 08: Success in the development of the Chula Vista Hotel and Convention Center has been obtained because of a close collaboration and alignment of interests between the Port District and the City of Chula Vista.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 08.

Finding 09: The Port Commissioners decision to move short-haul truck staging for local deliveries of Dole Fruit products relocated a source of pollution from the Barrio Logan community to communities in National City

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 09.

Finding 10: The controversy surrounding the Mitsubishi Cement Corporation Project's potential health effects on the Barrio Logan neighborhood and other nearby residents damaged the Port District's community relations with these communities and contributed to the decision to discontinue the project.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 10.

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Finding 11: Oversight of the Mitsubishi Cement Corporation project by the City of San Diego or San Diego County governments might have given greater priority to the health concerns of community members and resulted in a more equitable balance between economic and health concerns earlier in the project's evaluation process.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 11.

Finding 12: The Port's decision to approve the Cottages at the Cays development proposal could negatively impact access to San Diego Bay and approving the plan favors those willing or able to pay costly hotel rates typical of the Coronado area.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 12.

Finding 13: Given a preference for informal channels of communication by Port City councils and mayors with their appointed Port District representatives, neither Port Commissioners nor Port City Councils maintain completely open and transparent relationships allowing for public involvement or awareness of Port District activities.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 13.

Finding 14: In its current form, the Port Master Plan and Master Plan Update documents published by the Port District are overly complex, difficult to understand and too broad in scope to foster meaningful comprehension by Port City residents, elected municipal or county officials. 17 2022/2023 SAN DIEGO COUNTY GRAND JURY REPORT (FILED JUNE 7, 2023)

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 14.

Finding 15: Ratification of Port Master Plans, Master Plan Updates or Master Plan Amendments would allow residents of Port City Planning districts and San Diego County to acknowledge and confirm their understanding of Port District development plans and projects within their municipal and county boundaries and provide reliable documents for communities to plan for the future.

Response: The County of San Diego does not own or manage the Port District and does not have a member on the Board of Port Commissioners. As such, the County of San Diego is not the appropriate agency to address Finding 15.

RECOMMENDATIONS

The 2022/2023 San Diego County Grand Jury recommends that the County of San Diego Board of Supervisors:

23-94 Institute ordinances or formal policies that require ratification of the Port Master Plans, proposed Port Master Plan Updates or amendments to the Port Master Plan by each of the three county supervisors for Port District planning districts within each of three county supervisorial district boundaries.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief Administrative Officer to review this body of recommendations and to take any actions that are deemed appropriate based on such review, and report back on the review and any actions taken.

23-95: Direct the County Office of Intergovernmental Relations to lobby California State legislators to introduce legislation enabling the County of San Diego to assume oversight of the activities of the San Diego Unified Port District or decisions of the Board of Port Commissioners and share in the Port District's duty as guardian of the public trust in the tidal and submerged lands of San Diego Bay.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief Administrative Officer to review this body of recommendations and to take any actions that are deemed appropriate based on such review, and report back on the review and any actions taken.

23-96: Depending on the outcome of Recommendation (23-XX, above) consider exploring and implementing an alternate form of governance for the Port District allowing for participation in, and oversight by the San Diego County Board of Supervisors and the elected city councils of the five port cities.

Response: The recommendation requires further analysis. The County of San Diego Board of Supervisors as the governing body does not direct any officer or employee appointed by the Chief Administrative Officer. As such, the Board will direct the Chief Administrative Officer to review this body of recommendations and to take any actions that are deemed appropriate based on such review, and report back on the review and any actions taken.