



BUTTE COUNTY ADMINISTRATION

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August 19, 2014



Honorable Kristen Lucena, Presiding Judge
One Court Street
Oroville, CA 95965

Honorable Judge Lucena:

Pursuant to Penal Code 933 et. seq., attached is my response to the 2013-2014 Grand Jury Final Report on Butte County Information Systems and Butte County Indigent Defense Services:

Butte County Information Systems

FINDINGS

F1 The County's network went live in the late 1990's it has achieved a greater than 99 percent uptime. The continuous operation of the network is critical to all departments within the county.

The respondent agrees with the finding.

F2 The Butte County ISD's Information Technology Strategic Plan was prepared in 2005 and has not recently been updated.

The respondent agrees with the finding.

F3 Currently ISD is preparing to launch Lync™, a unified messaging system to leverage the county's fiber data infrastructure and to deploy VoIP technologies onto the BCI network.

The respondent agrees with the finding.

F4 ISD's strategy is to maintain an industry standard of a maximum 5-year technology refresh rate of enterprise class server equipment; and a 3–5 year refresh rate of network infrastructure routing and switching equipment.

The respondent partially agrees with the finding.

According to the IS Department, "A 3-5 year refresh rate for enterprise server class equipment is a target that, for the most part, ISD has been able to meet. A 5-8 year refresh rate for network infrastructure equipment is a suitable target. Extending beyond 8 years increases the potential for equipment failure, but more importantly diminishes the ability to provide necessary services."

F5 Since the FY 2008/2009 budget reductions, most of the infrastructure hardware life has been extended to 10+ years (core router and switching equipment), which is beyond its normal life span.

The respondent neither agrees nor disagrees with the finding.

The Administration Department is not aware of the life of specific pieces of equipment, though over the past few years the IS Department has purchased a large amount of equipment (including routers and switching equipment) utilizing the ISF Equipment Replacement Fund, which does not appear to have been discussed nor reviewed as part of the Grand Jury Report.

F6 The core router was replaced in FY 2013 with funds made available from Homeland Security Grants.

The respondent agrees with the finding.

F7 With the implementation of the Microsoft® Lync™ unified messaging system, the county networked devices will increase to over 12,000+ units.

The respondent partially agrees with the finding.

According to the IS Department a final number cannot be accurately determined due to variables in deployment options. The number of devices will likely double from the current number, but will be well under 12,000 units.

F8 Without additional staff resources, ISD will continue to be overburdened with support issues.

The respondent partially agrees with this finding.

In an environment where funding constraints did not exist, additional staff for ISD would certainly be considered. However, in the reality of a public organization with limited resources and competing important priorities, it is impossible to fund every department at the optimal level. In order to help IS with its workload, an additional position was allocated

in the FY 14-15 budget. With that position, the department is able to maintain services, albeit at a level lower than the department wishes.

F9 The loss of key ISD employees would be catastrophic to the county. Loss of their valuable knowledge, experience, and commitment would be a major set back to the functionality of the department.

The respondent agrees with this finding.

The same could be said of any department within the County, which is why each County department head is charged with providing cross training opportunities and succession planning so that no single employee is the sole source of knowledge related to any aspect of the department's function.

F10 The IS Department provides mission critical services and support to most county departments. Loss of ISD support to any of these departments would greatly impair their ability to conduct county business.

The respondent agrees with this finding.

F11 The current adopted budget FY 2013/14 for ISD is 0.85 percent of the total county budget, down from 1.42 percent in the 2008/09.

The respondent agrees with the finding.

F12 For the last ten years the IS Department has been given increased duties and responsibilities and their budget has remained flat (increase of 0.08 percent) while the overall county budget has increased by \$200,000,000 (61 percent) (see Appendix B).

The respondent disagrees with this finding.

The Department's budget (not including reimbursements) was \$4,053,663 in FY 2003-2004 and \$4,746,429 in FY 2013-2014, an increase of 17% over the 10-year period, with a major recession in the middle of that time period. The major increase in the overall County budget relates to increased State and Federal funding for specific mandated services, or the realignment of services from the State to the County and is not funding that is available for IS operations, beyond the program's share of support costs. In addition, the Grand Jury's calculation does not take into account the amount of money spent in the ISF Equipment Replacement Fund each year for replacement equipment and infrastructure in support of the IS Department's operations.

F13 The County's radio communication relies on outdated equipment installed on Saint John Mountain, located in Glenn County, which is costly to support.

The respondent agrees with this finding.

F14 Of the County's older personal computers, 500+ are still operating on the Windows XP system and will require upgrades in order to function in the upgraded Active Directory.

The respondent disagrees with this finding.

At the time the Grand Jury was researching this issue, there were computers still operating with the Windows XP operating system. The County invested funding in FYs 2012-2013 and 2013-2014 to upgrade all outdated computers and operating systems so that the upgraded Active Directory could be used by all employees. All computers have been updated.

F15 Two full-time employees are dedicated to network security, monitoring against unauthorized users and filtering for SPAM and viruses, while receiving over 800,000 Internet messages monthly.

The respondent agrees with this finding.

The County has invested in numerous systems over the past few years, at the request of the IS Department, to lessen the impact on the two full-time employees, though not all of the systems have been fully deployed by the IS Department to-date.

RECOMMENDATIONS

R1 Butte County should develop the ISD Information Technology Strategic Plan to reflect new technology developments and new support services needed. It should be reviewed annually in order to respond to any unanticipated need or development opportunity.

The recommendation has not been implemented but will be in FY 2014-15.

The ISD Information Technology Strategic Plan was prepared in 2005 and was intended to be updated regularly. However, despite the repeated assurances from the former Information Systems Director, he was unable to develop these updates.

The Chief Administrative Officer has requested the new Information Systems Director provide an updated 3-5 year plan for information system services in the County, and that it be updated on a regular basis.

R2 Butte County should provide adequate resources to ISD to ensure the network infrastructure is at the industry standard refresh rate of 3-5 years for technology and hardware.

The recommendation has been implemented.

The County has and will continue to fund replacement technology as requested by the IS Department and as financial resources are available.

R3 Butte County should diligently search and pursue available grants from any and all sources to fund necessary infrastructure upgrades.

The recommendation has been implemented.

The County has and will continue to pursue funding through grants, legislative advocacy, and leveraging of existing resources.

R4 Butte County should allocate funds to rehire or replace ISD positions eliminated after budget cuts were implemented in FY 2008/09 and allocate additional positions to support expanding workloads.

The recommendation has been implemented.

The IS Department received additional position allocations beginning in FY 2012-2013. With the addition of one (1) position in the FY 2014-2015 budget, the IS Department position allocation will be back to the same level it was in FY 2007-2008 (27 Full-Time Equivalent positions), prior to the 2008 budget reductions.

R5 Butte County should acknowledge the importance of the IS Department and its role, which is mission critical, to the citizens of Butte County and most county departments.

The recommendation has been implemented.

The Board of Supervisors and Chief Administrative Officer continually acknowledge the importance of the IS Department and its role through favorable resource allocation, open lines of communication and consensus building.

R6 Butte County should commit to fund ISD, for the next five years, at a minimum rate of 1.75 percent of the total county budget, with a goal of 3 percent within 10 years.

The recommendation has already been implemented.

Because County government in California is an arm of the State, the majority of the funding received by the County is pass-through funding for State and federally mandated programs, and not available to fund IS functions. A more accurate picture can be painted by looking at the IS Department budget as a percentage of the General Fund. Over the past 10 years, the IS Department's operating budget ranged from 3.1% to 3.6% of the General Fund. The Grand Jury's analysis did not include discussion regarding the amount of funding that the IS Department utilizes from the ISF (Support Services) Equipment Replacement Fund for replacement equipment and infrastructure that supports the IS Department's mission. When one takes into account that additional funding, the IS

Department percentage of resources increases to close to 4% in some years. The ISF Equipment Replacement Fund is funded through depreciation payments on capitalized equipment that is spread throughout County departments, and then used to replace equipment for the IS Department, General Services, and Risk Management as needed.

R7 Butte County should acknowledge the problems with St. John Mountain radio system and take steps to replace the antiquated equipment before total system failure.

The recommendation has been partially implemented.

The County is well aware of the issues related to the St. John Mountain radio site and has been diligently working to identify grants, working with our legislative advocates, and identifying ways to leverage local resources to address the daunting project of replacing the antiquated system. What was identified as a \$40 million project in the early 2000's has been reduced to an approximately \$12 million project and the IS and Administration Departments continue to search for funding.

R8 Butte County must acknowledge that they have in excess of 500 personal computers that have outdated operating systems in use. It is recommended that the County consider a lease arrangement, or the outright purchase, to assist departments in the replacement of outdated machines, which will be required for compatibility with the new Active Directory.

The recommendation has already been implemented.

As part of the FY 2012-2013 and 2013-2014 budgets, funding was included to bring all County computers up to the required operating system to utilize the functionality of the new Active Directory.

Butte County Indigent Defense Services

FINDINGS

F1 The Public Defender Consortium attorneys are highly dedicated and committed to the legal defense system.

The respondent agrees with the finding.

F2 The consortium, with independently contracted attorneys, virtually eliminates conflicts of interest.

The respondent agrees with the finding.

F3 There is no consolidated system for tracking numbers of cases and their disposition.

The respondent agrees with the finding.

F4 There is no formal procedure for evaluating attorneys' performance.

The respondent agrees with the finding.

F5 Unlike the District Attorney's staff, public defenders must pay for their own research subscriptions.

The respondent agrees with the finding.

F6 Public defense attorneys have limited private meeting space in the County courts.

The respondent agrees with the finding.

F7 Trying capital cases disrupts the consortium's operations and incurs significant costs.

The respondent partially agrees with the finding.

Capital cases incur significant costs and impacts the consortium operations, but with the hiring of Keenan Counsel (every capital case requires additional counsel appointment known as Keenan Counsel) and other attorneys to maintain the existing workflow, the impact is not negative or disruptive.

F8 County Administration negotiated staffing decisions for the fourth felony court based on costs, rather than workload.

The respondent disagrees with the finding.

While costs were a factor in the discussion, as it necessarily has to be with a public agency of limited resources, the decisions were based on an analysis of workflow and the anticipated capacity of the attorneys working the courts. The staffing decision was a collaborative effort between Administration, the Public Defender Consortium and the District Attorney. The staffing plan is an innovative response that balances attorney needs, court demands, and available resources. The staffing plan is being carefully monitored to ensure viability.

F9 There is no formal plan to evaluate the impact of the fourth court on public defense services.

The respondent agrees with the finding.

RECOMMENDATIONS

R1 The County should develop and implement a cohesive caseload management system, i.e. numbers of cases, clients, and disposition of cases.

The recommendation requires further analysis.

To be effective, a case management system for the Public Defender needs to be integrated with the Court and District Attorney's existing systems. Staff needs to explore the feasibility and cost of such a system. An analysis will be completed by December 2014.

R2 The Public Defender Consortium Executive Director should develop and implement a procedure for evaluating each attorney's performance.

The recommendation will not be implemented because it is not warranted.

On a practical basis, each attorney's performance is evaluated every day in court. The criminal justice system can only work when the defendant is provided a vigorous and competent defense. Judges are not required to appoint consortium attorneys to provide indigent defense, therefore every time a consortium public defender is appointed represents a de facto approval of the attorney's performance.

Additionally, attorney performance is monitored by other members of the consortium, the District Attorney, Probation, and the Court. Any party can bring up a performance issue that can be discussed in their regularly-scheduled meetings.

R3 The County should provide consortium members with subscriptions to a legal research system, such as LexisNexis or WestLaw.

The recommendation will not be implemented because it is not warranted.

The County contracts with private attorneys who already have access to such research systems.

R4 The County should provide a meeting space for the consortium attorneys.

The recommendation will not be implemented because it is not reasonable.

Attorneys generally meet with clients at their office, the jail, over the phone or at the courthouse. The Court provides attorney/client conference rooms. Any additional meeting space at the Court is outside the purview of the Board of Supervisors.

R5 The County administration and consortium should study the feasibility of hiring non-consortium attorneys for capital cases, considering costs and the impact on public defender operations.

The recommendation has been implemented. Every capital case requires additional counsel appointment (known as Keenan Counsel) to share the workload. Every capital case has had Keenan Counsel hired outside the consortium.

R6 The County should monitor the impact of the fourth felony court on the consortium's operation and staffing and present a report to the Board of Supervisors by March 2015.

The recommendation will not be implemented because it is not warranted.

The impact of staffing the fourth felony court is currently being monitored and assessed for efficacy. If the staffing model does not work and an additional attorney is needed, staff will bring the recommendation to the Board of Supervisors.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Hahn", with a long horizontal line extending to the right.

Paul Hahn
Chief Administrative Officer

cc: Board of Supervisors