



COUNTY OF INYO

OFFICE OF THE AUDITOR-CONTROLLER

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AMY SHEPHERD
Auditor-Controller

August 10, 2018

Inyo County Grand Jury
C/O Honorable Brian J. Lamb, Presiding Judge
Inyo County Courthouse
Independence CA 93526

Dear Members of the Grand Jury,

First, I would like to thank you for your service as members of the Grand Jury. I have received your Final Report for the Inyo County Office of Public Guardian from the Inyo County Board of Supervisors. My responses to your findings and recommendations are as follows:

FINDINGS

F6. The Public Guardian has consistently failed to ask for the fees justified by the Court ordered Public Guardian fees Schedule then in effect.

Response: Agree.

F8. There is no system of oversight presently in place in Inyo County to be sure that the Public Guardian is seeking reasonable fees for its services for the benefits of the County tax payers.

Response: Agree.

F13. While the first priority of the Public Guardian is taking care of the conservatees, the county taxpayers deserve to be reasonably compensated for the services rendered at their expense where there are sufficient assets in the conservatorship to do so.

Response: Agree.

F14. The Public Guardian is consistently late, often very late, in filing its Accounting and reports with the Courts.

Response: Unable to agree or disagree. The Auditor-Controller does not review the Accounting and other reports that are filed with the Courts as part of the Probate code.

F15. A system of oversight to insure timely filings is not working well.

Response: Unable to agree or disagree. The Auditor-Controller is currently not part of the system of oversight.

RECOMMENDATIONS

R1. The Public Guardian's Office seeks reasonable fees for its services in those cases where the conservatorship estate has sufficient assets to reasonably pay for those services.

Response: This recommendation cannot be implemented by the Auditor-Controller because there is no jurisdiction to do so. The jurisdiction to implement this change would reside with the Public Guardian, an Independent Elected Official

R2. The job description of the Inyo County Public Guardian be changed to provide that it is the duty of the Public Guardian's Office to seek reasonable fees to reasonable compensate the County for services rendered by the Public Guardian when there are conservatorship assets to do so.

Response: This recommendation cannot be implemented by the Auditor-Controller because there is no jurisdiction to do so. The jurisdiction to implement this change would reside with the Public Guardian, an Independent Elected Official, and the Board of Supervisors.

FILED

AUG 15 2018

INYO CO. SUPERIOR COURT
PAMELA M. FOSTER, CLERK

BY

DEPUTY

R4. The Public Guardian's Office keep track of the time of the Public Guardian and that of its personnel in rendering services for the benefit of its conservatees.

Response: This recommendation cannot be implemented by the Auditor-Controller because there is no jurisdiction to do so. The jurisdiction to implement this change would reside with the Public Guardian, an Independent Elected Official.

R5. Reports to the courts be filed when due at least every 2 years.

Response: This recommendation cannot be implemented by the Auditor-Controller because there is no jurisdiction to do so. The jurisdiction to implement this change would reside with the Public Guardian, an Independent Elected Official.

R6. A system of oversight to insure timely filings needs to be created and implemented.

Response: This recommendation cannot be implemented by the Auditor-Controller because there is no jurisdiction to do so. The jurisdiction to implement this change would reside with the Public Guardian, an Independent Elected Official, and Superior Court.

R7. A system of oversight be created to be sure that the Public Guardian always petitions the Court for the Fees to which it is reasonable entitled under the law.

Response: This recommendation will require further coordination and analysis with the Public Guardian.

R8. When the Public Guardian in its discretion decides to apply to the Court for lesser or greater amounts than called for by the Public Guardian Fee Schedule, the Guardian should explain in the Petition for fees, which is a public document, why it is not seeking the amount supported by the Court Ordered Fee Schedule.

Response: This recommendation cannot be implemented by the Auditor-Controller because there is no jurisdiction to do so. The jurisdiction to implement this change would reside with the Public Guardian, an Independent Elected Official.

R9. To be sure there is some oversight on behalf of the Inyo County Taxpayers, now and in the future, copies of all conservatorship accountings be provided both to the County Administrator Budget Analyst and to the County Auditor's Office at the time of filing the Accounting with the Court at the latest and preferably 10 days before filing the Accounting with the Court so the at those offices may confer with the Public Guardians office or appear in Court if the interest of the County Taxpayers does not appear to be properly served by the fees requested in the Petition to the Court.

Response: This recommendation will require further coordination and analysis with the Public Guardian.

R10. The County work with the Public Guardian to assure adequate levels of record keeping and fee calculations and to reasonable compensate the County for the Public Guardian services whether by use of software, personnel or other County office assistance in calculating and processing those fees.

Response: This recommendation has been implemented. The Auditor's Office is always available to review and assist other departments such as the Public Guardian with fiscal tasks like fee calculation or external billings. In addition, this year's CAO Recommended Budget includes additional funding for a software program that would help the Public Guardian track time and case load.

In closing, I want to thank you for all of your hard work. If you have any questions or need further information please contact me.

Sincerely,


Amy Shepherd, Auditor-Controller

Cc: Inyo County Board of Supervisors