

**A REPORT ON SYSTEMIC MISMANAGEMENT OF
FUNDING AND PROGRAMS WITHIN THE
COUNTY OF VENTURA
A PUBLIC AGENCY**

*Prepared by the League of United Latin American Citizens
Ventura County, California*



This document, as dated, supersedes any prior versions of this report

April 19, 2011

EXECUTIVE SUMMARY

This report was researched and completed by the League of United Latin American Citizens (LULAC) of Ventura County, with direct input from a variety of partner organizations and individuals concerned with what they perceive to be a systemic form of mismanagement of County funding and related programs. The County of Ventura is a publicly funded agency serving an approximate 803,000 residents. There were four key areas of concern addressed which are presented here in abbreviated form:

<p>1</p>	<p>In the matter of the local Workforce Investment Board, the findings indicated major mismanagement of millions of dollars in federal funding entrusted to it for the purpose of addressing the training and support needs of the more than 47,000 unemployed workers in this County.</p>
<p>2</p>	<p>In the matter of the Human Services Agency’s Food Stamp Program, the documented and irrefutable findings indicated mismanagement of the program, resulting in the underutilization of \$42.8 million in available Food Stamp funding during the 2008-2009 fiscal year, with the year-to-date estimate of underutilization now exceeding more than \$100 million of available but unclaimed funding that could have been used to provide nutritional relief to 20,000-36,000 eligible but deprived residents of the County. <i>(Source: California Food Policy Advocates Report, Ventura County Nutrition Profile, 2008 and VC Star 2/9/11).</i> In addition, there was a finding that indicated a major conflict of interest incident involving senior HSA officials and their dispensing of a major funding contract to one non-profit organization.</p>
<p>3</p>	<p>In the matter of the County’s Human Resources departments(s), it was found that the County has seemingly abandoned, with conscious intent, the fair employment and hiring practices historically required of publicly funded agencies.</p>
<p>4</p>	<p>In the matter of the County’s Health Care Agency (HCA), there was ample evidence to clearly demonstrate a long-standing and continuing intent by lead HCA administrators to dominate all public funding available to health care providers for the purpose of serving uninsured patients. Through the use of what appear to be highly predatory tactics, such as aggressively diverting patients from independent health care providers to County clinics, HCA has, in effect, been able to reap millions of dollars for billing on patients previously tied to other providers. It was also found that HCA routinely violates patient privacy rights in order to position itself for greater access to Medi-Cal funding. There were other similar findings which, as a whole, bring into question an assortment of state and federal guidelines that prohibit much of the noted conduct.</p>

CONCLUSION

Based on the findings of the study that resulted in this report, it is hereby the position of LULAC and partner organizations that the County of Ventura has and continues to mismanage public funding and related programs within the noted four areas. The negative impact of the described conditions on our community is significant. We hereby strongly urge the Board of Supervisors to address the concerns and recommendations as presented in this report.

Note: As of April 18, 2011, the County Executive Office has used what appears to be an artificial barrier to prevent LULAC from receiving documents it requested in early December, 2010. It is anticipated that the report at hand may be expanded upon obtainment of those yet to be released public records.

LULAC National Mission Statement

“The Mission of the League of United Latin American Citizens is to advance the economic condition, educational attainment, political influence, housing, health and civil rights of the Hispanic population of the United States.”

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I. INTRODUCTION

This report was researched and completed by the League of United Latin American Citizens (LULAC) of Ventura county, with direct input from a variety of partner organizations and individuals concerned with what they perceive to be a systemic form of mismanagement of public funding and related programs within the County of Ventura, a publicly funded governmental agency serving the approximate 803,000 residents of this county. The team that researched and developed this report was guided by a strong commitment to conduct its research itself within a culture of evidence which means that our organization is prepared to back-up our assertions with documentation and/or testimony (i.e. Declarations).

The length and depth of this report was intentional. It is the position of LULAC that the issues and specific forms of systemic mismanagement being addressed through this report are indicative of similar conditions and practices in other parts of the state and across the nation. It is the hope of LULAC that this report will serve as a catalyst to provoke change in Ventura County and in other communities.

This report is organized into seven chapters that include an (1) introduction, (2) methodology, (3) background and demographic information, (4) findings, (5) conclusions, (6) recommendations, and a (7) summary.

It is important to our organization that readers of this report fully realize that the initiative at hand is an attempt by many individuals and organizations to expose, at a local, state, and federal level, what has been years of systemic mismanagement of programs which has had significant negative effects on the delivery of entitled services to primary stakeholders of our county and, in certain cases, deprivation of civil rights in terms of fair and equitable employment hiring practices. A key motivator for completion and dissemination of this report was the fact that senior County officials have elected to ignore or deny the validity of expressed concerns by certain community leaders and therefore the matter at hand has become a major focus of attention among members of our organization and other stakeholders of the county.

The specific purpose of this study and resultant report was to focus on four key areas that have been the subject of considerable concern within our organization and across the community.

1. The perceived and historical mismanagement of millions of dollars in Workforce Investment Act (WIA) funding intended, in part, to provide relief to the underemployed, unemployed, and displaced workers of our county;
2. The mismanagement of the County's Food Stamp Program, resulting in a major underutilization of available funding to the entitled unemployed and working poor of this county;

3. The mismanagement and ill-practices of the County's Human Resources Department which seemingly abandoned fair employment and hiring practices about ten years ago; and,
4. The perceived failure of the County to work collaboratively and equitably with other health care providers across the county, to the detriment of the compelling state interests that govern and fund health care services for the working poor and the uninsured.

II. METHODOLOGY

- A. A review and analysis of select demographic data was conducted for the purpose of casting light on the social and economic conditions of special populations that are primary and entitled stakeholders within the workforce, health care, and equal employment opportunity operations of this county.
- B. Several Public Records Act requests to the County of Ventura and other agencies, totaling over 1,000 pages of documents, were processed and reviewed.
- C. An internal scan of current employees (i.e. confidential interviews) within the County of Ventura was conducted in order to better understand the internal operation of the agency and to provide employees with an opportunity to express their own personal concerns regarding matters of governance.
- D. An external scan of former employees (i.e. confidential interviews) of the County of Ventura was conducted in order to better understand the history of the institution and the pattern of certain practices.
- E. An external scan of lead personnel from independently operated health care organizations was conducted to collect information regarding the management and leadership of the health care industry across the county.
- F. Numerous documents and subject matter literature was accessed and reviewed.
- G. State and national level stakeholders were consulted for the purpose of clarifying and/or reaffirming interpretation of policy and certain data.
- H. The findings were analyzed and served as the basis for the conclusions and recommendations that were issued in this report.

Definition of Terms and intended audience

Given the uniqueness of the issues in focus, certain definition of terms was required. That feature of the report was integrated into the narrative (i.e. stakeholders). Also, while the attention to detail and descriptive background information may seem excessive to local observers, the intended audience for this report includes local, state and federal elected officials, regulatory agencies, and other external stakeholders and therefore definition of terms and certain contextual detail was required.

III. BACKGROUND INFORMATION AND SELECTED ECONOMIC AND DEMOGRAPHIC DATA

Several of the concerns raised in this report bring into focus matters of ethnicity and language proficiency, as well as the economic status of certain sectors of the community. In order to fully appreciate the expressed concerns presented in this report, the direction of the related analysis, and the subsequent recommendations, it is important that internal and external stakeholders have an understanding of the population characteristics and economic conditions of the primary stakeholder populations addressed by this report.

Primary stakeholders

It is the position of LULAC and partner organizations that the ultimate stakeholders in this matter are (1) the underemployed, unemployed, or displaced worker entitled to the federal Workforce Investment Act funding and resources entrusted to the County of Ventura, and 2) the more than 36,000 working poor and unemployed who are entitled to the ample nutrition intended for them by the federal Food Stamp administration, (3) the everyday job applicant who expects to be treated in a fair, legal, and equitable manner when applying for employment at the County of Ventura, and (3) the economically disadvantaged and working poor who are entitled to federally sponsored quality and accessible health care

State and federal compelling interests

At stake also are the compelling interests of the state and federal governmental agencies and legislative bodies that require and expect local government to conduct itself in a compliant, ethical, and legal manner when accepting categorical funds for such things as relief for the poor, entitlement health care or workforce dollars intended for primary stakeholders. In the case of hiring practices, there is no doubt a compelling state and federal interest for local government to adhere to the laws of the land and established policies (i.e. Civil Service hiring process) that demand equal employment opportunity for all primary stakeholders.

Ventura County – The face of California

Ventura County is located along the Pacific Coast, immediately north of the Los Angeles county line. Local marketing enthusiasts and public relations firms tend to describe Ventura County as the “Gold Coast . . . one of the safest populated places and one of the most affluent places in the country. . . one of the 100 highest-income counties in the country and is the sixth wealthiest county in California by per capita income,” (www.freebase.com/view/en/ventura_county).

While there is wealth and affluence within certain sectors of the areas, particularly the eastern area of the county (i.e., Thousand Oaks), the statistical data included in this report provides for a more complete social and economic profile of Ventura county. In essence, the social and economic geography of the area is highly indicative of the overall state which means that this county has its fair share of peaks (wealth) and valleys (poverty).

A significant part of the county’s economic “wealth” comes from its agricultural industry which means that our county is highly dependent on about 30,000 seasonal and year-round workers that support this industry. Many of these agricultural workers work full days but they are not paid a “living wage” that allows them to access health care and other services without some form of public subsidy.

Primary stakeholder population characteristics

According to the most current posting of population characteristics for Ventura County, the ethnic distribution of the area population is as follows:

Table A		
County Population by Percentage of Ethnicity		
Description	Ventura County	California
Population, 2009	802,983	36,961, 664
African American persons	2.2%	6.6%
American Indian and Alaska Native persons	1.3%	1.2%
Asian persons	6.7%	12.7%
Native Hawaiian and Other Pacific Islander	0.3%	0.4%
Persons of Hispanic or Latino origin	38.6%	37%
White person not Hispanic	50.9%	41.7%

<http://quickfacts.census.gov>

The following table includes the distribution of ethnicity by percentages across the county. It is important to note that in the following table the census bureau includes “White Hispanics” in the first column but the actual total percentage of all Hispanics/Latinos is noted in the column title “Hispanic or Latino (of any race).”

Table B									
City Population by Percentage of Ethnicity									
City	*White	African American	American Indian & Alaskan	Asian	Native Hawaiian & Pacific Islander	Some Other Race	Two or more races	**Hispanic or Latino (of any race)	Total Population
Camarillo	74.1%	1.8%	0.4%	9.5%	0.6%	10.0%	3.6%	21.2%	62,392
Fillmore	52.6%	0.6%	0.2%	2.3%	0.0%	42.3%	1.9%	72.6%	14,945
Moorpark	71.3%	1.1%	0.4%	6.4%	0.0%	17.4%	3.4%	30.1%	35,830
Pt. Hueneme	55.7%	3.8%	5.1%	6.7%	0.8%	19.7%	8.1%	51.4%	21,531
Ojai	83.1%	0.0%	0.1%	1.7%	0.0%	13.6%	1.5%	19.8%	7,772
Oxnard	53.1%	4.3%	2.7%	8.1%	0.3%	27.6%	3.7%	69.3%	183,765
Santa Paula	49.5%	0.1%	0.3%	1.0%	0.1%	46.0%	3.1%	75.5%	28,482
Simi Valley	75.8%	1.1%	0.5%	7.9%	0.1%	11.6%	2.9%	21.7%	119,334
Thous. Oaks	81.2%	1.1%	0.4%	8.6%	0.5%	5.7%	2.6%	15.0%	122,652
Ventura	72.3%	1.1%	1.1%	3.4%	0.1%	17.0%	4.9%	30.6%	103,232
Total unincorporated areas: Data by unincorporated area not available per ACS									103,065
TOTAL ESTIMATE ACS									803,000

<http://factfinder.census.gov>

Generation “Z” as a demographic Indicator

This research team examined some of the local statistical data pertaining to Generation “Z,” the term commonly used for people born between 1991 and 2010 and now totaling about 23 million in number across the nation. At the present time, the average age of a “Z’er” is fourteen.

The primary source for the following data elements was the California Department of Education’s (DOE) datamart which is posted and accessible at <http://www.ed-data.k12.ca.us> Because of the type of data that the DOE tracks, we could not find a more reliable source to help describe some of the key social and economic features for a significant portion of the County population. For the sake of brevity and convenience, we simply listed key data elements that we believe help to describe the current and future ethnic, linguistic, and economic environment of the primary stakeholder population(s) targeted by this report. The following data is current through June 30, 2009.

- 1) There are 141,639 students attending public school (K-12) in Ventura County.
- 2) 49.2% of the total students are Latino.
- 3) 41.6% of students qualify for the federal free/reduced school lunch program. *“Children from families with incomes 185% or below the federal poverty line are eligible for free (if the income is 0-130%) or reduced-price (if the income is between 130-185%) meals for which the school is also reimbursed by federal and state funds. The charge to the student for reduced-price meals may not exceed \$0.40.”* (www.cfpa.net).
- 4) 32,895 (or 23.2%) of the total county student population are “English learners,” meaning that the primary language spoken at home is usually Spanish.
- 5) 86.2% of children attending the Oxnard Elementary School District are Latino.
- 6) 78.8% of children attending the Oxnard Elementary School District qualify for the free and/or reduced lunch program.
- 7) 50% of children attending the Oxnard Elementary School District are English Learners.
- 8) 85.1% of children attending the Fillmore Unified School District are Latino.
- 9) 71.1% of children attending the Fillmore Unified School District qualify for the free and/or reduced lunch program.
- 10) 36.2% of children attending the Fillmore Unified School District are English Learners.

- 11) 83% of children attending the Rio School District are Latino.
- 12) 69.5% of children attending the Rio School District qualify for the free and/or reduced school lunch.
- 13) 43.1% of children attending the Rio School District are English Learners.
- 14) 36.7% of children attending the Moorpark Unified School District are Latino.
- 15) 29.5% of children attending the Moorpark Unified School District qualify for the free and/or reduced school lunch program.
- 16) 18.5% of children attending the Moorpark Unified School District are English Learners.
- 17) 92.7% of children attending the Santa Paula Elementary School District are Latino.
- 18) 82.1% of children attending the Santa Paula Elementary School District qualify for the free and/or reduced school lunch program
- 19) 58.3% of children attending the Santa Paula Elementary School District are English Learners.

National School Lunch Program as an indicator of poverty

In 1946, the National School Lunch Program (NSLP) was created by Congress in the National School Lunch Act. In the Act, Congress declared the program a "measure of National Security to safeguard the health and well-being of the Nation's children." Originally, the program provided surplus farm commodities and a small, general assistance cash grant to all schools operating a lunch program based on the size of the program, regardless of the economic need of the children the school served.

In 1970, however, Congress authorized a new cash subsidy for schools based on the number of low-income children served by the school. In return, schools had to provide their low-income students with free or reduced-price meals, depending on the income status of the child's family. The federal lunch program has always required that schools follow national nutrition guidelines so that each meal contains an adequate level of key nutrients. These guidelines were updated to reflect the recommendations in the Dietary Guidelines for Americans and the Food Guide Pyramid, and as of July 1997, all California schools must be working toward meeting these new dietary goals.

Source: California Food Policy Advocates: <http://www/cfpa.net>

According to the *2010 Ventura County Nutrition and Food Insecurity Profile*, there are 245,533 children in Ventura County, out of which 23,649 meet the “Child in Population in Poverty” criteria. In all, according to this report, there are 58,160 students within the County school system that qualify for the school lunch program. In addition, countywide there are 59,000 adults that meet the definition of “Adults in Food Insecure Households.”

Indigenous Oaxacan Community in Ventura County

Ventura County has one of the highest concentrations of Oaxacan people in California, second only to San Diego County. The general consensus by various researchers and community-based organizations that monitor and support this community is that there are approximately 22,000 Oaxacans residing in Ventura County. To put this figure into perspective, there are presently about 17,665 African Americans and about 10,438 Native Americans residing in Ventura County. Primary languages spoken within this community include Mixteco, Triqui, Zapoteco, Amusco, and Chatino. Oaxacans are the fastest growing farm worker population in California. In economic development terms, the Oaxacan community is an integral part of the local agricultural industry. Some of the greatest challenges facing the human services and health care provider industry that attempt to reach and assist this population includes limited Spanish speaking proficiency within the Oaxacan community, very limited interpreter services to serve this community within the mainstream human and health care agencies of the county, fear by Oaxacan residents of formal agencies due to immigration status concerns, cultural incompetence among the majority of the mainstream human services industry (i.e. understanding the distinct differences between the customs and practices of the Mestizo/Mexican population and the Oaxacan population). For example, a major challenge has been how to effectively conduct outreach into a community that does not respond to conventional outreach tactics. A common problem has been that many Oaxacans speak enough “survival” Spanish to conduct very basic business in the marketplace, thereby giving the impression to the untrained listener or observer that they are engaging a Mestizo person who is typically of a European-Mexicano indigenous background). Research has revealed that Oaxacans that are unable to fully engage bilingual Spanish-English eligibility workers may wind up not receiving services for which they may be eligible. In fact, it was until not recently that the public school system began tracking these two different populations as different, a long over-due necessity in terms of language learner needs. As noted in a study by Aguirre International (2005), “Lack of health insurance is one of the most frequently cited barriers preventing indigenous Oaxacans from accessing adequate health care. According to the National Agricultural Workers Survey (NAWS), fully 70 percent of California farm labor force has no health insurance. The NAWS survey indicates that indigenous are 11 percent less likely to seek needs-based services than other non-indigenous agricultural workers.”

Farm Worker Community

Estimates vary but the Employment Development Department LMI data mart noted that in November, 2010, there were 23,700 farm related jobs within Ventura County. The peak period

for this industry is April-May at which time the farm labor workforce increases by as much as twenty percent. Ventura County, with 2,437 farms and 259,055 farming acres, continues to be one of California’s major agricultural regions with more than \$1.3 billion in annual farm sales

In August of 2002, the County of Ventura’s Resource Management Agency completed a *Farm worker Housing Study* to determine economic and living conditions of residing in Ventura County. The procedures for the study included mailing or delivering to growers 9,000 surveys in English and Spanish. There were 1,516 households that completed the questionnaire. Following is a summary of the findings made by the respective research team:

Table C	
Farm Worker Study Findings – County Ventura	
1.	Most farm workers surveyed (92%) live within existing cities.
2.	70% of responding farm workers have personal median incomes within the HUD “extremely low-income” category (less than 30% of median County income for a household of one person).
3.	57% of responding farm workers who reside with related persons only live in households with median incomes within the HUD “extremely low income” category (less than 30% of median County income for a household of 5 persons).
4.	14% of farm workers surveyed live in dwellings that lack adequate bathroom facilities.
5.	14% of farm workers surveyed live in dwellings that lack adequate kitchen facilities.
6.	22% of farm workers surveyed live in dwellings that lack adequate heating.
7.	A sizable number of farm workers surveyed (5 to 10%) reported problems with housing dilapidation, noise, vermin, and inadequate sanitation.
8.	41% of farm workers surveyed live in dwellings where there is reported overcrowding, which appears to be validated by the fact that, on average, the farm workers surveyed lived in housing where the household size is substantially larger than the county-wide population.
9.	30% of farm workers surveyed report the cost of housing is a problem. This is validated by the fact that 55% of surveyed farm workers personally paid more than 30% of their income for housing and/or 52% lived in households with related persons where more than 30% of the household income was paid toward housing.

A review of a 2003 study completed by the County of Ventura’s Workforce Investment Board on the subject of farm worker earnings in Ventura County, was summarized by a writer for the Free Library as follows:

“Ventura County’s billion dollar agriculture industry has added thousands of new jobs to the county since the 1980s, but the farm workers’ average salary has fallen, something economic analysts see as an alarming trend because it shows growth in jobs that pay below the poverty level. This is perhaps the most ominous finding in this

report. There were 5,000 more agriculture jobs in 2003 in the county than in 1983, more than a 30 percent increase but during the same time farm worker earnings fell significantly. The vast majority of Ventura County residents are unaware of the problems these workers face, including the inability to afford basic housing and medical care, and sometimes working under dangerous conditions, according to the study.”

Another study by the California Research Bureau (2003), on the subject of lack of health care for farm workers, found that “Because approximately 70% of migrant agricultural workers lack public or private health insurance, this lack of access to health care is not unexpected. There is evidence that a significant number of migrant women and children are eligible for programs but are either unaware of them, face bureaucratic barriers, or are afraid to sign up because they fear use of public programs will adversely impact their ability to become legal U.S. residents.

The Workforce

According to the State’s Employment Development Department (EDD), there are 432,300 individuals that comprised Ventura County’s workforce during the final quarter of 2010. At the same time, there were 45,300 workers (10.5%) who were unemployed. The Economic Policy Institute (EPI, 2009) reported that Latinos in California, as a group, typically exceed the state unemployment rate by as much as 5%. For example, in July of 2009, the unemployment rate for Latinos in California reached 15.7%, at a time when the overall national unemployment rate was 9.5%. The EDD LMI posting for November 2010, showed California’s unemployment rate to be 12.4% and 10.8% for Ventura County (<http://www.labormarketinfo.edd.ca.gov>). A recent report by the EPI summed up its observation of the current national status of unemployment by stating that “Forty-two percent of unemployed workers have been seeking work for more than six months; 21.9% for more than a year. And several segments of the working population are seeing staggering rates of unemployment that make the nationwide rate look mild. The unemployment rate is 16.3% for black workers, 12% for Hispanic workers, and 13.8% for those with less than a high school degree. The share of youth age 16 to 24 that are neither employed nor enrolled in school is 17.9%.”

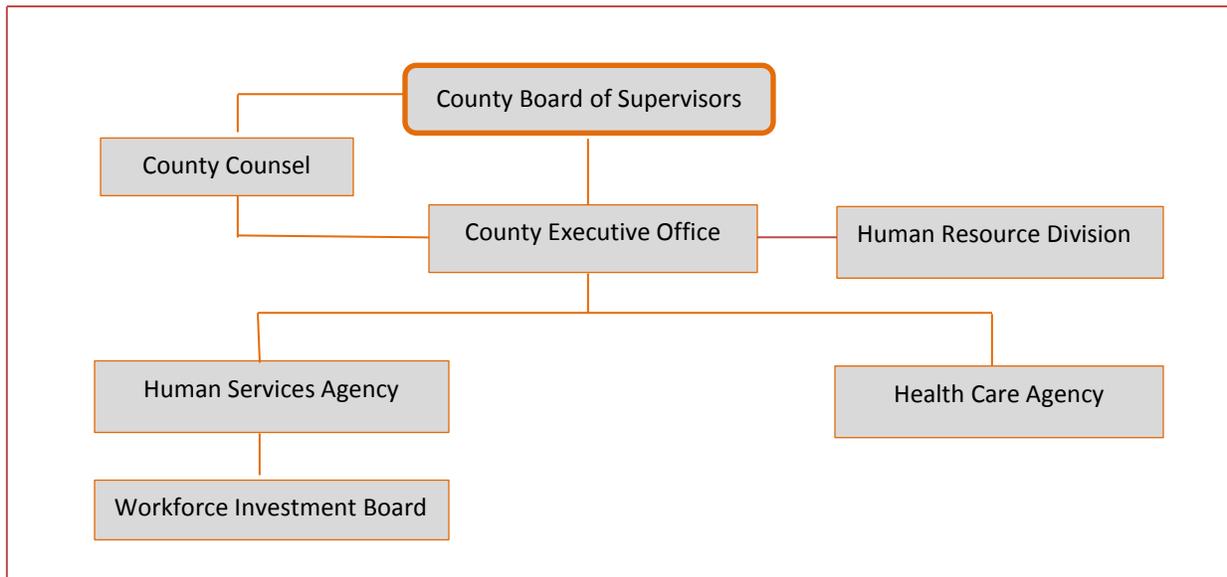
In May of 2010, the Los Angeles Times reported that “Unemployment among Hispanics in the U.S. has soared since the recession hit because those workers are disproportionately employed in industries and regions hardest hit by the downturn, according to a congressional report.” Representative Carolyn B. Maloney (D-NY), chairwoman of the Congress Joint Economic Committee, which produced the report, stated “Not only were Hispanics a significant part of the hardest hit by the recession, but they have also been underrepresented in education and health activities – sectors that have experienced growth during the Great Recession.” The Washington Post, commenting on the same report, stated “While the November 2010 jobs report showed the national unemployment rate at 9.8%, the rate for Hispanics was 13.2% - a rise of 6.9% percentage points since the start of the recession. More than twice as many Hispanics are unemployed now than at the start of the recession.”

American Recovery and Reinvestment Act of 2009 (ARRA)

In February of 2009, the 111th Congress enacted an economic stimulus package to help respond to the national recession. One of the principal purposes of ARRA was to create jobs and promote investment and consumer spending. The estimated worth of the measures rolled out by ARRA amounted to about \$787 billion. Included in that package were hundreds of millions of dollars that were allocated to the state and county Workforce Investment Boards. Over the past two years, the County of Ventura has received about \$14 million.

County of Ventura’s Human Resource Department

The County of Ventura employs about 8,121 individuals who are distributed across approximately 65 departments that are housed within an estimated 26 agencies and/or divisions. For the purposes of this report and the issues being addressed, the following organizational chart illustrates the flow of the key departments and County agencies at the center of this study, the Workforce Investment Board, the Health Care Agency, and the Human Resources Division and Departments of the agency.



Prior to 1998, the County of Ventura maintained a centralized Human Resource Division that directly facilitated the outreach, screening, and hiring of employees for most of the departments and agencies of the institution. According to a Personnel Management Program Review (PMPR, 2005), lack of staffing and funding commitment and support from senior administrators and the Board of Supervisors led to a collapse of the central human resources division. As stated in the PMPR, “The Human Resources Division appears unable to maintain a viable program utilizing merit requirements to provide satisfactory service to operating departments due to insufficient staff authorized for this function by the county.” Since that time, the various agencies of the County have been allowed to conduct their own outreach and hiring of personnel. The Human Resources Division of the county now fills the role of a central administrative unit but the process to outreach, screen, and hire has been released to the on-site personnel at each agency of the County. Each of the major agencies (i.e. Health Services,

Human Services) maintains its own Human Resources unit that coordinates with the central office but operationally each department (or agency) screens and hires their own personal. In operational terms, this means that the civil service requirements that supervisors not be involved in the initial screening and competitive phase of the hiring process does not necessarily exist within the County of Ventura. The administrators from each of the agencies are, in effect, positioned close to the process. Consequently, the safeguards typically used in a merit system environment to reduce or eliminate pre-selection bias (i.e. “distance”) by front-line supervisory personnel are not assured. It is anticipated that the duplication of effort and staffing across the various separate departments is not a cost effective situation.

The most recent Equal Employment Opportunity Plan (EEOP) developed by the County was for the inclusive period of July 1, 2008 to June 30, 2010. The plan states that “It is the policy of the County of Ventura to assure equality employment opportunity to its employees and applicants for employment on the basis of fitness and merit without regard to race, color, religion, national origin, disability, sex, or age. The County of Ventura will follow this policy in recruitment, hiring and promotion into all classifications.”

Table D									
Distribution of Underutilization by Ethnicity and Gender									
County of Ventura									
Black Male = BM	White Male – WM	White Female=WF	Hispanic Male = HM						
Hispanic Female=HF	Asian Male = AM	Asian Female = AF	Native American Male = NM						
Native Amer. Female = NF									
Job Category	BM	WM	WF	HM	HF	AM	AF	NM	NF
Officials/Administration			1.1	3.6	*	1.3			
Professionals	*	15.3				1.9			
Technicians		9.8	5.7			5.1	*		
Protective Services	*	8.5						1.1	*
Office Clerical	*	15.9	7.0	3.1		*		*	*
Skilled Craft		5.3	2.0		2.5		1.4		*
Service Maintenance			9.5	2.2	5.6				

Source: County of Ventura Equal Employment Opportunity Plan 2008-2010

*=underutilization is less than 1%

In 2006, LULAC conducted an inquiry into the “at will” hiring practices of the County of Ventura. Simply defined, this process means that the employment status of a hired individual is more tentative than for employees hired through the conventional civil service process. This process also means that in many cases, the rigorous civil service hiring process which requires open advertisement, formal screening panels, objective testing, and strict adherence to anti-bias state and federal regulations, is not always followed. Many of the “at-will” positions are not advertised or opened up to the public for equal access opportunity. In such a case, senior administrators simply appoint whomever they want to appoint. There is no process in place to verify that the person hired by the “at-will non-advertised” process actually has the required background and qualifications for the position handed to them through the appointment.

Critics of the non-advertised “at-will” process claim that this approach allows the hiring supervisor to side-step the normal academic and experience requirements typically involved in the advertised process. However, this practice is clearly inconsistent with the County’s Administrative Policy Manual for Human Resources, which states that “It is not the intent of this policy to permit or require the lowering of bona fide job requirements or qualification standards to give preference to any employee or applicant for employment.”

In addition to the decentralized hiring process and its questionable effect on bias-free hiring requirements, the County of Ventura seems to be highly reliant on the “at-will” process for hiring of managers. Per a review of Public Records Act information released to LULAC in 2006 by the County’s Human Resource Division, it was found that of the 749 managers working within the agency at the time, 126 (or about 17%) were hired through an “at will” (aka “by appointment”) process versus a civil service hiring process (aka open and public recruitment). It was not clear in the data how many of the positions were hired using the non-advertised process. Of the approximate thirty-one County departments reviewed, literally every senior manager was recruited through the at-will process. Following is a sampling of the type of positions filled using this process.

Department/Division	Position Title	Process Used
Agriculture Commission	Chief Deputy Commissioner	at-will
Air Pollution Control District	Executive Officer	at-will
Assessor	Deputy Assessor	at-will
Auditor-Controller	Deputy Director	at-will
County Clerk	Assistant Registrar voters	at-will
County Counsel	Principal Assist. County Counsel	at-will
County Executive Office	Assistant Clerk BOS	at-will
County Executive Office	Chief Deputy Exec. Officer	at-will
County Executive Office	Deputy Executive Officer	at-will
Health Care Agency (HCA)	Chief Medical Examiner	at-will
Health Care Agency (HCA)	Deputy Director	at-will
HCA Behavioral Health	Director	at-will
HCA Public Health	Director	at-will
HCA Medical Center	Hospital Administrator	at-will
Human Services Agency	Public Authority Administrator	at-will
Human Services Agency	WIA Executive Director	at-will
Human Services Agency	Deputy Director	at-will
Probation Agency	Chief Deputy Probation	at-will
Public Defender	Chief Deputy Public Defender	at-will
Resource Management Agency	Deputy Director	at-will
Treasurer-Ta x Collector	Assistant Public Administrator	at-will
Department of Child Support Services	Assistant Director DCSS	at-will
County Fire Department	Fire Chief	at-will

Source: Public Records Act response to LULAC by the Human Resource Division, County of Ventura (2006).

IV. FINDINGS

As previously stated, this report focused on four areas of concern that were examined in varying degrees.

1. The perceived mismanagement of the local Workforce Investment Board, including its entrusted funding and its process of governance.
2. The perceived mismanagement of the County’s Food Stamp Program, including its funding and sub-contracting practices and major underutilization of available resources.
3. The perceived mismanagement of the County’s HR department(s), including hiring practices that violate the most basic of open access and equal employment opportunity requirements.
4. The perceived mismanagement of the County’s Health Care Agency, including the direct undermining of alternative health care providers within the area.

WORKFORCE INVESTMENT BOARD

The following findings are based on interviews of current and former employees of the Human Services Agency (HSA) which oversees the Workforce Investment Board (WIB) program, and of representatives from organized labor, current and former volunteers serving on County WIB committees, a review of numerous Public Records Act documents released to LULAC by the County, a review of Workforce Investment Board (WIB) reports available on County websites, and a review of related literature on the general subject of workforce training, unemployment, and the economy in general.

1. Of the \$14,492,680 entrusted to the local WIB during the past two years for the purpose of workforce training, the amount directly used to train unemployed and unemployable individuals in need of training appears to be virtually imperceptible in comparison to the grand total allocated (Source: Public Records Act documents). A January 19, 2011 WIB Committee Meeting report stated that the agency enrolled the following youth and adult participants during the period of 7/1/2010 through 1/18/2011.

Table F – WIA Enrollments 7/1/10 to 1/18/11					
Type of Participant	County HSA Programs	Adult Allied Health	Adult Ed Spec Projects	Boys & Girls Club	PPT
-Adult Core	308				
Adult ARRA	274				
Dislocated Worker Core	606				
Dislocated Worker ARR	576	14			
Youth Core		12	18	166	143
Youth ARRA				99	
Total	1,764	36	18	265	143

Adults = 1,818 Youth = 408

Source: Public Records Act document released to LULAC by HSA administration, Jan. 27, 2011

The specific nature of the type of services provided to the adult participants was not explained in the released document. For example, the HSA Adult & Dislocated Worker Performance report for the second quarter of the current fiscal year has a section titled Common Measures that will tell you percentages of what was accomplished but they will not tell you the actual number of participants who were trained and/or placed in a job. As one HSA manager stated to our team, “If you ask WIB staff for specific details about what was actually done for those participants you will be surprised to find that in some cases they did almost nothing. Enrolling someone does not mean that they were provided with anything of any significance. It could have been something as simple as helping them to fax a resume which is done for people who visit the Job and Career Centers, known as universal services. It definitely does not mean they were provided with real training.” At the time this report was being written, there were 45,700 unemployed adult workers in Ventura County (10.6% unemployment rate).

2. While our team did find some evidence of adult training efforts, some of the training schools that were issued funding to train workers this year often receive amounts in the hundreds of thousands of dollars but wind up training only a handful of people. In the case of one training school in Ventura, the WIB awarded a total of \$739,161 for two contracts. According to monitoring reports completed by WIB staff and released to LULAC, in one project the “Contractor had only enrolled 10 or 33% of the expected 30 enrollments after six months of program activity.” The second contract to this school was in the amount of \$471,275 but, according to the County’s review of the operations, “As of October 31, 2010 or six months into program operation, only \$84,780 (18%) of the budget was expended.” A corrective action plan was requested of the school by the County. It is expected that the underutilized funds that emerge from this failure to perform will most likely be returned to the state and federal government or be hastily spent on such things as fancy “advertising” and “consulting.”
3. One of the most glaring findings was what appeared to be a major contradiction between the WIBs interpretation of outcomes at the micro level (operational) versus the interpretation of WIB performance at the macro level (internal and external performance). A review of the performance reports completed by the WIB’s Evaluation Committee would lead most readers to believe that the agency is doing a superb job. The following documented facts tell another story:
 - The WIB returned \$205,835 in BRAC funding because, according to the documents provided to LULAC, they could not figure out how to use the funds.
 - About \$500,000 in ARRA funding intended to help feed the poor was unutilized and returned to the federal government – right in the midst of a major recession
 - This past December, the local WIB was cited by the feds for underutilization of its allocated funding and was directed by ARRA administrators to develop a “Corrective Action Plan” because it had only used 39.58% of its \$2,886,167 allocation by the intended date.

- At the local level, monitoring reports issued by local WIB reviewers cited Ventura Adult Education for underperformance (see item # 2 above).
 - Despite the more than 45,000 unemployed workers in Ventura County, the local WIB has only reached 1,818 of them and only about one third of them have actually received anything that resembles workforce training services.
4. As stated, the local WIB is one of fifteen counties that were cited by the State for underutilization of allocated funding, meaning that funds available to help the unemployed are not being effectively disseminated to employers, training schools, and the workforce. Within the context of a confidential interview, one County administrator stated
- “There are quite a few of us within the agency that are embarrassed with the WIB. We wish they would do more. They have convinced certain Supervisors that they’re doing a great job. It’s very hard to find a clear connection between the WIB and what’s really going on in the work force. They spend thousands and thousands on things like public relations to give the impression they are actually doing some good. Most of the WIB board members are well-intentioned people but they have been convinced by the staff that they are doing some good. When I was on the WIB Board, everyone relied on the staff to tell them that things are good but no one could really answer any questions about how many people are really being helped and how we really help the economy. The staff has a lot of statistics and a lot of little reports but if you look behind what they are claiming, there’s almost nothing to show for the money that we spend. It’s such a waste of tax dollars. The public would be really angry if they knew what was going on there, particularly right now during such hard times.”
5. According to Public Records Act documents provided by HSA, during the past 12 months the local WIB expended nearly \$400,000 in federal training dollars to pay for advertising and public relations firms.
6. As previously noted, the local WIB returned to the State \$205,835 of Base Realignment and Closure (BRAC) funding that was entrusted to it for the purpose of helping local employees at the local naval bases affected by realignment issues leading to actual or possible layoff. The Naval Base Ventura County (NBVC), as overseer of numerous military and private subcontracts, employs 19,000 military and civilian workers. NBVC houses more than 80 military commands and all military branches of the DOE are represented. The economic contribution of the NBVC to this county is immeasurable and easily within the hundreds of millions of dollars. Reportedly, the local base is up for review by the Department of Defense (DOD) within the next 18 months
7. Over the years, LULAC has received numerous complaints regarding the contention that in the Oxnard area only one program operator ever receives youth services funding, the Boys and Girls Club of Greater Oxnard (BGC). A review of WIB documents released to LULAC

showed that over the course of the past several years, the majority of WIB youth funding has gone to this one organization. There is a widespread perception among observers of the process that grant applicants led by Latino operated CBOs are “100% blocked out of the competition.” As one elected official stated to LULAC, “I used to serve on the WIB board but left when it was made clear to me that the level of cronyism and unfair treatment of certain groups amounted to nothing more than a good ole boy’s network. There is a select group of people that have a stranglehold on the funding. A lot of the young people served by the Boys and Girls Club are Latino and that’s good but the administration is 100% non-Latino. The County uses our unemployment statistics and other problems to justify the millions of dollars they get for WIB but we never see any of it. Even El Concilio del Condado de Ventura, can’t get any funding or support from them.”

8. Consistent with the above characterization by a former WIB Board member, there were findings that bring into question the form of governance used by senior WIB staff and the County Board of Supervisors (who appoint WIB Board members). Over the years LULAC has received numerous complaints that WIB staff and lead WIB members administer its procurement and public access process in a way that does not allow for fair treatment of CBOs that are not personally favored by the WIB hierarchy. Accusations have included the following:
 - That favored program operators routinely have their initial contract award increased without having to compete with other organizations, as was indicated by the WIB agenda for November 2010;
 - That there is virtually no representation of Latino operated CBOs among the program operators routinely awarded contracts.

9. One outside but relevant indicator of perceived malgovernance within the WIB and of great concern to our organization is that the Chairman of the WIB, who is also the Executive Director of the Economic Development Corporation (EDC) in Oxnard, was recently cited by the County District Attorney’s Office for violation of “the state’s open meeting law,” otherwise known as the Brown Act. We are particularly concerned about the nature of the EDC matter because it involves what appears to be a deliberate attempt on the part of that organization to circumvent conflict of interest requirements - another systemic issue in this county. This particular matter has been the subject of two major stories within the Ventura County Star. The first one was published 2/5/2011 and the second, “EDCO Criticized for Spending Habits,” as published 4/16/2011. We are concerned that this type of conduct may be endemic across many of these rather tight-knit and historically mismanaged groups, especially the current Workforce Investment Board. The two stories from the Star suggested that there are major and extravagant abuses of public funds by the CEO of the agency, an individual that is presently the chairperson of the WIB. There was also coverage of what may be attempts to circumvent the Brown Act and conflict of interest safeguards by the same individuals and their organization.

FOOD STAMP PROGRAM

1. In 2008, there were 66,754 eligible individuals in Ventura County that were eligible to receive assistance from the Food Stamp Program. (Source: California Food Policy Advocates - CFPA, "Ventura County Nutrition Profile." 2008).
2. There were 36,047 individuals who were eligible to participate but were not served, (CFPA, 2008).
3. The loss of Federal funding due to underutilization of the Food Stamp program in Ventura County for the noted period was \$42,802,621. Print. In cumulative terms, from 2008 to the present, it is safe to assume that the amount now exceeds \$100 million in unused entitlement funding to this County, (CFPA, 2008).
4. We also found that last year the County of Ventura was awarded a sizeable ARRA grant that included \$594,000 in funding earmarked for food to assist the homeless and disadvantaged. Rather than allow community-based organizations to share in the use and distribution of those funds, the County's Human Service Agency administration attempted to keep most of the funds and run the operation itself, an initiative that failed miserably and resulted in the funding not being used for its intended purpose. We also found through a review of credible documents (i.e. CFPA, 2008) that in 2008 the County's Human Services Agency underutilized its entitled access to \$42,802,621 in federal Food Stamp funding, with the year-to-day underutilization now amounting to about \$100 million or more.
5. On February 9, 2011, the Ventura County Star reported that the human Services Agency and the County Board of Supervisors awarded a \$770,000 contract to FOOD Share, a local non-profit organization devoted to providing food relief to the poor. As stated by the Star, "The board authorized the contract with FOOD Share, the regional food bank based in Oxnard, without going through a public bidding process." According to Barry Zimmerman, who was quoted in the Star, the Director of HSA and who directly contributed to the story with quoted information, the award was issued without an open bidding process because FOOD Share is "a sole source," implying that there were no other qualified organizations with the capacity to recruit eligible food stamp recipients. The Star also stated that Ms. Melissa Livingston, who serves as the chairperson for the Board of Directors for Food Share, a non-profit CBO, is also a lead administrator within the Human Services Agency that awarded her group the funding. Reportedly, Food Share has now been allowed to set-up its recruitment tables and its recruiters on-site at various Human Services Agency locations. It is the perception among numerous County employees at those sites, along with various community groups, that this highly unusual arrangement is the result of a conflict of interest, given the working relationship of the HSA administrators and Food Share. Furthermore, from a general human resources and general accounting standpoint, this activity appears to be in direct violation of even the most rudimentary rules for a public agency. For example, it appears that HSA contracted a CBO to come in to its workplace to duplicate work that is already performed by County employees whose work is protected

under a collective bargaining agreement (i.e. SEIU). In addition, the ongoing practice of HSA simply issuing large monetary contracts, at will, to anyone it chooses to fund is seemingly consistent with its overall approach to governance of the County. For the record, LULAC would like to acknowledge that our concern is not with the good work that Food Share does for our community. Our concern is with County administration of the noted program(s).

HUMAN RESOURCES DIVISION/DEPARTMENTS

1. A review of pertinent, historical documents, including the 2006 Personnel Management Program Review (PMPP) for the County of Ventura revealed that the County used to have a centralized and autonomous Human Resources Division that was allowed to conduct outreach and screening of job applicants without any close-proximity bias from department supervisors who tend to want to have more than their entitled say in the selection of personnel. On or about 1998, the process was decentralized and departments have since been allowed to conduct their own hiring at the operational level, with very little “interference” from the central division. According to the noted PMPP, it was the lack of funding and staffing support to the central unit that led to its inability to meet the HR needs of departments at large and therefore it was decentralized and the various county agencies (i.e. Health Care, Human Services) were empowered to take charge of hiring for their areas.
2. Pertaining to the expressed concern regarding the use of the “at-will” hiring process, a review of the County of Ventura’s Employee Handbook, Personnel Rules and Regulations, Administrative Policy Manual, and a Report of Findings by the Cooperative Personnel Services Merit System Services titled Personnel Management Program Review (2005), found no evidence of any waiver or policy statement that allows any supervisor or administrator of the County (A) to circumvent the minimum and/or industry standard experience and educational requirements that would be required for a given position if it was filled using a formal civil service process or (B) to circumvent state and federal requirements for adherence to equal employment, bias-free, hiring practices.
3. A review of Public Records Act documents released to LULAC showed that most high level administrative positions within the County of Ventura are filled using an “at-will” hiring process (see page 16 in this report) that is often times devoid of open-access advertising, fair and bias-free competition, objective ratings, and observance of the minimum work experience and educational requirements that would be enforced in a genuine civil service process.
4. A retired County of Ventura administrator stated to our research team that “I sincerely believe that a lot of the top administrators hired by the County these days through the at-will process (i.e. non-advertised positions) would probably have never made it through the civil service process because that involves testing and thorough screenings. Some of the people that I know that were hired through at-will appointments were hired on hand shake. When you hire a person who is not qualified to do a job, it’s the tax payers who suffer because they are not getting their money’s worth. I have seen people with almost no

college and no relevant experience get hired into management positions simply because someone on the Board or a senior administrator wanted them here. This problem is epidemic and the at-will process has everything to do with it.”

5. A major criticism that was put forth to our organization by County personnel interviewed by the research team is that it seemingly common for the County of Ventura to fill top administrative positions with individuals who at times appear to possess little to no relevant educational background or professional experience that is germane to the area of expertise and functionality they are assigned to supervise. For example, the current Director of the Human Services Agency reportedly has no traditional background in human services operations, yet he is the County’s senior manager overseeing welfare programs, Children’s Services, Adult Protective Services, Food Stamps, workforce training (WIB), and other social welfare programs. It was assumed by our organization that that these individuals make daily decisions that affect the social and human services needs of thousands of primary stakeholders. There were similar reported to the research team regarding the previous Director of the Health Care Agency who early on began his career with the County as an attorney and was then put in charge of the county’s hospital and behavioral health agency.

COUNTY OF VENTURA – A PUBLIC AGENCY

How the “at-will” Hiring Process impedes fair and Equal Treatment

You read about it quite often in the VC Star, “The County of Ventura today appointed” Mr. X to be the new Director of xyz. What typically goes unnoticed, apparently even to the press, is that often times the selection was made without the appointed person having had to compete for the position. In many of these cases the positions are not advertised to the public and therefore qualified individuals from outside of the County agency are locked out of the application process. This system serves three purposes. **Firstly**, aspiring low and mid-level managers within the County fully know that their future advancement is in the hands of their immediate and upper level supervisor and not a fair and competitive hiring or promotional process. Therefore, the aspiring individual will never do anything to offend or contradict the supervisor, right or wrong. The purpose here appears to be one of control. **Secondly** this process allows upper managers to avoid the civil service process which requires a full application, testing, interviews, and strict adherence to anti-discrimination of civil rights. They can hire whomever they want to hire without any interference from the intent and spirit of public law. **Thirdly**, this form of control and power feeds the practice of *cloning*, meaning that it is human nature for a person, if given the power to do so, to only want to “reward” or “choose” individuals who think, act, look like they do, and will no doubt do their bidding. Duty to the community and true mission of the institution is apparently of secondary importance.

HEALTH CARE AGENCY

1. As described in section “III” of this report, Ventura County has a significant population of historically disadvantaged residents. Reflective of the overall “face of California,” Ventura County may have pockets of “gold coast” features but overall the County population includes a rather large portion of immigrant and indigenous (i.e. Oaxacan) people, a large working class, a significant percentage of working poor (see school demographics on poverty), and an economy that is highly reliant on the services of a rather large farm worker population. These demographics clearly indicate the existence of a large population that is uninsured in terms of health care and therefore highly reliant on publicly subsidized health care services.
2. We also have an unemployment rate of 10.6 percent overall and about 16 percent unemployment rate among Latinos. Nearly every report or news article that our team reviewed on the subject of workforce demographics in Ventura County included a reference to the matter of insufficient living wage and health care conditions.
3. Very obvious to the team was the critical role that independent health care providers, such as Clinicas Del Camino Real, have and continue to play as a safety net in our community. The evolution of independent health care providers was the result of a demonstrated and unmet health care need within the county as far back as the 1970’s, particularly in respect to the Latino and immigrant community. Add to exec summary –add clinicas as model
4. As an example, Clinicas Del Camino Real is an eligible Medi-Cal service provider but eligibility determination (ED) of patients is fully controlled by personnel from the Human Services Agency (HSA). In an effort to meet their on-site needs, this community clinic requested of the County that they assign eligibility workers to provide on-site services at Clinicas facilities. HSA eligibility determination workers were assigned as requested but they were reportedly directed by administrators to not engage more than forty-five Clinicas clients per month. As a result, many eligible applicants are/were routinely turned away by HSA staff. It is the perception of this research team that this restriction is imposed by Senior HSA and HCA administrators for the sole purpose of not allowing independent health care providers to effectively participate in the Medi-Cal program. In the public arena, when questioned about the matter, HSA officials have blamed the situation on lack of Information Technology (IT) support, claiming that the County cannot figure out how to interlink Clinicas’ computer network to the County, (This was verified by emails between HSA/HCA staff and Clinicas staff). As one Clinicas’ administrator stated, “This is what some people commonly refer to as an artificial barrier. There’s nothing wrong with the County’s IT system or its ability to hook up something so elementary. It’s just another way to prevent our Clinics from serving our patients.” This same administrator expressed further concern by stating that “On the one hand they undermine us by ordering their eligibility workers to not register our patients. On the other hand they go to meetings or issue statistical reports

stating that Clinicas has almost no Medical eligibility determination applications to show for a given period. They make it look like either there is no need for Medical services at our clinics or we are not capable of reaching and serving Medical eligible patients. This is done intentionally to hinder our success.”

5. According to a funding letter issued to the County of Ventura’s Health Care Agency (HCA) on April 10, 2007, by the State of California’s Department of Health Services, this county was awarded \$30 million over a three year period to participate in the Access Coverage Enrollment (ACE) program. A review of the initial application submitted by HCA to the State included within its narrative strong reference to other health care providers within the county, namely Clinicas Del Camino Real. In its description of the narrative rationale for selecting the targeted uninsured population, HCA stated “As the county’s primary safety net providers, the HCA and Clinicas serve approximately 40,000 uninsured individuals annually.” Under Section 3a. of the narrative, page 7, County grant writers clearly stated that “Extending its long relationship with the HCA, Clinicas will be an integral part of the ACE Program’s array of services.” Our team reviewed various documents pertaining to status of ACE operations within Clinicas and found the following:

During the patient enrollment phase of ACE, at which time eligible patients select who their primary health provider will be and who will be paid for providing those services, also referred to as a patient’s selected “medical home,” our research team found strong evidence to support the contention that HCA staff aggressively worked to divert patients away from Clinicas and other providers, amounting to an act in violation of standard operating procedures and rules of conduct for agencies that are funded to administer programs such as ACE. Specifically, HCA held back on issuing an ACE contract to independent health care providers for nine months, with the most affected provider being Las Clinicas which is second only to HCA in terms of the size of its operation and its patient base. Consequently, during that nine-month period, HCA positioned itself as the sole provider of ACE services and aggressively monopolized and diverted patients away from Clinicas and other independent health care providers.

The matter of patient stealing was one of the most controversial issues investigated by this research team. It was the position of Clinicas del Camino Real that lead administrators and staff of the Ventura County Health Care Agency (HCA) routinely “steal patients” from Clinicas through a variety of highly questionable methods. Numerous and recent emails and letters between Clinicas administrators and senior HCA administrators regarding this matter were reviewed by our research team. LULAC also obtained numerous copies of HCA outreach and notification materials issued or mailed to Clinicas patients by HCA staff for the apparent purpose of advising them that they were now HCA patients. In addition, LULAC reviewed a series of signed Incident Reports (similar to Declarations) from Clinicas patients stating that they had been aggressively approached by HCA staff during intermittent encounters with the County and misinformed about the ability of Clinicas to continue serving them and that they would have to convert to HCA patient status in order continue receiving health care. In short, patients claim they were told by HCA staff that Clinicas was

not authorized nor equipped to continue as their health care provider. A review of Clinicas and HCA email traffic revealed that on January 4, 2011, a meeting was held between lead HCA and Clinicas administrators. In attendance were Terrie Stanley (HCA), Paul Lorenz (HCA), Chris Velasco (Clinicas), and Antonio Alatorre (Clinicas). At the meeting, HCA staff agreed to mail out letters to Clinicas patients clarifying and reaffirming that Clinicas is, indeed, a qualified health provider and that they, as patients, are entitled to continue making clinics their “medical home.” HCA staff agreed that Clinicas patients had been misinformed by their staff and therefore they agreed to help correct the damage done to the relationship between Clinicas and their patients. Prior to this meeting, the back-and-forth correspondence between HCA and Clinicas regarding this issue clearly showed that Clinicas’ complaints regarding “patient stealing” had initially been dismissed by the County, including by certain Supervisors from the county board. In a related story in the Ventura County Star (12-21-2010), County Supervisor Steve Bennett responded to reporter inquiries regarding Clinicas’ claims by stating “I haven’t seen a lick of evidence that there’s a problem, but I welcome any investigation. I don’t think the county has a thing to hide.” The story also addressed the matter of “patient stealing” by blaming it on a “computer mix-up.” The January 4, 2011 meeting with HCA staff proved two things: (A) there is evidence to support the position of Clinicas regarding patient stealing and (B) HCA is seemingly making a good faith effort to correct its actions. It was, in essence, the finding of LULAC that Clinicas does have evidence to substantiate its expressed concern regarding the County’s practice of patient stealing. Thus far, the County has avoided responsibility for its highly predatory actions by simply denying the existence of tangible evidence and treating Clinicas’ attempts to address the matter with complete disdain. The County is now eligible to participate in a new funding level increase that will potentially increase the County’s ACE program by a significant amount (i.e. federal waiver 1115). (Exhibits on file)

6. On January 25, 2011, after what appeared to have been a “good faith” gesture on the part of HCA to correct some of its predatory practices pertaining to the patient stealing issue and the January 4, 2011 meeting, Clinicas administration was abruptly notified by HCA personnel at the Ventura County Medical Center (VCMC) that Clinicas’ physicians were no longer authorized to refer their patients to the VCMC. This decision was apparently made by an on-site manager who took it upon themselves to decertify Clinicas. On January 26, 2011, senior HCA administrator’s reversed the action of CMC staff after Clinicas staff questioned the rejection of Clinicas’ physician referrals.
7. An examination of the County’s human services and health care agency capacity to serve the Oaxacan community revealed some rather severe limitations, as well as major concerns. As noted, the Oaxacan community is an integral part of the economic engine (i.e. workforce) for the \$1.3 Billion dollar agricultural industry of the county and therefore there is a compelling interest to provide this workforce with human and health services. However, our findings were disturbing. Of the several thousand individuals employed by the County agencies, we were informed that this agency employs two staff who are able to interpret for Oaxacan patients. In the case of one independent provider, Clinicas, we found the following:

- Clinicas employs eight interpreters to serve the Oaxacan community
 - Clinicas sponsors a Oaxacan language radio talk show to reach listeners with information about available services.
 - Commercials in Oaxacan language are frequently aired on local radio stations
 - Prenatal classes are routinely offered to expectant Oaxacan women
 - Obesity prevention classes are also customized and presented to this community
 - Clinicas also maintains ongoing community education efforts to reach this community
 - Clinicas maintains A 24-7 crisis hotline to serve the Oaxacan community
 - Clinicas staff routinely facilitates hospital tours to familiarize Oaxacan patients with the most effective way for them
8. There was also evidence that HCA staff routinely approach Clinicas' employees at varying levels (and probably other independent health care providers), for the specific purpose of presenting them with offers of employment. This finding was particular to unique positions that require unique skills sets, such as Mixteco interpreters and, in some cases, clinical personnel. Clinicas staff, and no doubt other providers, views this practice as being within the same context as patient stealing. While our research team was fully cognizant of an individual's right to pursue employment anywhere they see fit, the more salient concerns fell within two other areas:
- Indicative of what we found with the County's overall HR practices, the act of HCA operational staff approaching non-HCA personnel with any offer of employment or even an assurance of any favoritism in a forthcoming hiring process, amounts to yet another form of violating the open access hiring policies that a public agency is obligated to follow.
 - The fact that HCA administrators would direct their operational staff to directly approach personnel from other health care providers displays an incredible amount of disdain towards the institutional integrity of other providers. In effect, this is yet another form of a predatory practice that is seemingly condoned by senior HCA administrators without any regard to the need to maintain a professional and collaborative relationship with partner organizations.
9. During the summer of 2010, the media chronicled a major controversy involving the County of Ventura's conduct in the process that it used to select which local hospital would be designated the new west county trauma center. In response to The Ventura County emergency Medical Services Agency request for proposals to become the designated trauma center, there were two hospitals that responded with an application, the Ventura County Medical Center (VCMC) in Ventura, and St. John's Regional Medical Center in Oxnard, California. The VCMC was selected for the trauma site by the evaluation team. According to several related stories in the Ventura County Star (June, 2010) there was considerable criticism of the evaluation and rating process. St. John's and other onlookers

accused the American College of Surgeons (ACS) of having discrepancies and errors in their process and in their rating sheets. The lead physician and its panel, reportedly hired by the County, refused to share its working calculations with participants of the process and claimed that they had discarded their notes. The controversy has continued because the county medical center does not have the physical infrastructure to support a trauma center and the County will now have to spend about \$300 million to construct facilities that were already available at St. Johns Hospital. The ground-breaking ceremony to launch the new trauma center was reported in the VC Star on July 12, 2010.

10. It was found that senior administrators from the Human Services Agency, in unison with senior HCA staff, have established a process that involves the gleaning of County Medi-Cal files for the purpose of identifying current and previous patients that have fallen behind on their payments to the County Medical Center and/or their clinics. A monthly listing is then compiled and then turned over to the County's Medi-Cal workers with instructions to aggressively recruit those individuals into the Medi-Cal Coverage program. This allows HCA to claim Medi-Cal funds in arrears to cover the unpaid debt incurred by patients. Our review of pertinent policy statements (i.e. all county letters) indicated that this practice is in direct violation of the Health Insurance Portability and Accountability Act (HIPAA) and the Personal Identifiable information (PII) privacy provisions demanded by state and federal agencies, including the Social Security Administration. Specifically, these acts are in sharp contrast to state Department of Health Care Services (DHCS) directives to the County of Ventura (and all other counties) regarding the management and restricted access to the Medi-Cal Eligibility Data System (MEDS), directives that were seemingly ignored by senior HSA/HCA administrators. In addition and worst yet, patients are being misled into believing that if they don't surrender their privacy rights up front when they first engage HCA clinics, they may not be provided the medical care they are seeking. Our research team was advised that while it is not uncommon for County's to make Medical claims to cover debt that is in arrears, it is highly unethical and a violation of state guidelines to (A) release private patient information without a signed release from the patient, and (B) to mislead patients into believing that they won't receive medical treatment if they don't sign away their privacy rights. All of the above represents what appear to be highly inappropriate and questionable practices among senior HSA administrators, which fully oversee the eligibility determination aspect of the noted process, and HCA administrators, which oversee the claiming of the Medi-Cal payments.

V. CONCLUSIONS

1. There are clearly several systemic conditions within the administration and operation of the Workforce Investment Board that have resulted in federal workforce training funds being significantly underutilized and returned to the state, as opposed to effectively reaching and helping the primary stakeholders – the workforce.

2. The WIB is spending hundreds of thousands of federal dollars on what appears to be administrative operations, including labor market research, planning, and advertising, but almost nothing on direct training services to the intended beneficiaries of the funding.
3. There appears to be an inherent conflict of interest in how the WIB administers its Board and support committees in relation to contractors who routinely receive funding. In some cases, these individuals appear to be the same people.
4. It is evident that hundreds of thousands of dollars were awarded to at least one training school but the failed administration and implementation of those contracts represent a major lack of capacity on the part of the WIB to facilitate successful outcomes from its contractors and to administer training programs, much less follow federal and state mandatory evaluation methodology systems.
5. The underutilization and return to the state of the \$205,835 in Base Realignment and Closure (BRAC) funds in November, 2010, further demonstrates what appears to be a failed administration of public funds by WIB staff. A review of the WIB staff response to the Employment Development Department dated October 14, 2009, clearly demonstrated, at a minimum, an intent to blame the State and Federal government for the inability of local WIB staff to effectively and competently interpret and appropriately utilize the BRAC funding - - and therefore local stakeholders were deprived of the entitled assistance. In addition, the tone and demeanor of the written response was rather negative and not the quality of representation that our community expects of its county officials. *(Source: Public Records Act release from Barry Zimmerman to LULAC)*
6. Regarding the matter of one group being empowered by the WIB to monopolize Youth Services funding in the Oxnard area, this widespread perception, at a minimum, serves as an indicator of a WIB administration that cares very little about its relationship with a significant portion of a community that it is obligated to serve. As one former WIB Board member stated, "These federal dollars were intended to serve the everyday worker who needs help keeping up with the changing demands of labor but these funds don't seem to ever reach the population targeted by the federal legislation."
7. The significant underutilization of available federal funds to provide nutrition to the poor of our County, to the tune of \$42.8 million in 2008 and/or more than \$100 million over the course of the past three years, serves as a major indicator of the mismanagement of programs among HSA administration. The fact that this rejection of available relief for the poor is occurring in the midst of one of the worst recessions since the Great Depression is unconscionable and the complete opposite of what these entrusted administrators should be doing.
8. The February 9, 2011, VC Star story regarding the \$770,000 sole source allocation to FOOD Share to assist with the recruitment of eligible Food Stamp recipients merits two different

comments. Firstly, LULAC would like to make it clear that it considers FOOD Share to be one of the most important, worthy, and ethically run organizations in the County. Secondly, in the case of the Human Services Agency, this incident served as a glaring example of how County administrators make major funding decisions without any process to validate that decision. It is inconceivable that this one organization was the only non-profit organization in the County with the capacity to conduct some rather basic outreach activities and very basic eligibility determination procedures. This does not mean that HSA made the wrong decision in selecting FOOD Share and that they were not the most qualified organization. Our expressed concern is about the absence of a process to reassure the public that funding decisions are based on an honest and valid process. Our organization is highly concerned about the use of “sole providers,” which we believe may be a method of circumventing a fair and open bidding process. It is the conclusion of LULAC that the described conditions clearly point to a system of management that is without any checks and balances or even the most rudimentary sense of equity and fairness in how it manages public resources and the hiring of personnel.

9. In the matter of the County’s human resource structure, it was clear, per documents provided to us by the County itself (i.e. State Merit System report), that what was once a centralized, autonomous, and bias-free hiring system, came to an end during the late-1990’s as the result of the County Board of Supervisors and lead administrators drastically reducing funding and staffing support to the operation, an act that resulted in the loss of the Division’s capacity to maintain full HR services.
10. As a result of the lack of County leadership support that led to the demise of the central Human Resources Division and its ability to function at the needed capacity, the various departments across the agency were then empowered to take charge of hiring their own personnel.
11. It is our conclusion that the decentralization of the County’s Human Resource Division enabled various departments to circumvent traditional procedures designed to maintain bias-free, objective hiring processes.
12. The “at-will” (non-advertised positions) hiring process completely circumvents the civil service hiring process by allowing supervisors to minimize the importance or use of open advertising, educational qualifications, relevant experience, and testing when hiring personnel.
13. It is our conclusion that a significant number of the managers presently in place at the County through the non-advertised process may have not been hired if they had been subjected to the rigor of a genuine civil service process.
14. We are concerned that the “at will” hiring process, by omitting the standard civil service hiring process, allows for the practice of hiring and assigning senior managers to assignments for which they seemingly have no subject matter experience. We are

furthermore concerned that this process also lends itself to an organizational culture that allows ill-equipped, non-subject matter experts to duplicate themselves in the work place.

15. The population of Ventura County represents the face of California in that it includes a significant cohort of immigrants, working poor, underemployed, and unemployed residents. Unique to Ventura County, the area includes one of the largest Oaxacan populations within California, totaling about 22,000.
16. A review of the County's public school data base and the emerging "Z" population served to reaffirm the existence of a current and future economically disadvantaged population across the county, a condition that is most salient in the areas of Fillmore, Oxnard, Port Hueneme, Santa Paula, and unincorporated areas such as El Rio and Saticoy.
17. Independent health care providers, in particular Clinicas Del Camino Real, are an integral part of the health safety net for the uninsured and working poor of our County.
18. There exists irrefutable documentation and correspondence between the County of Ventura's Health Service Agency and Clinicas to support the contention that the County is using highly questionable, predatory practices to divert patients, employee, and entitled resources away from Clinicas and other independent providers.
19. It was our finding, based on documented evidence, that staff from County health care services centers routinely confuse and misadvise patients for what appears to be the sole purpose of damaging the credibility of Clinicas as a legitimate and capable provider and ultimately destabilizing its fiscal integrity. (Exhibits on file)
20. There was a meeting between HCA and Clinicas staff on January 4, 2011 that was chronicled through back and forth emails between the two agencies. The noted communications indicate what appears to be a good faith effort on the part of HCA senior administrators to correct some of its past predatory practices. Subsequent actions on the part of mid-level HCA managers on January 25, 2011 and January 26, 2011 (i.e. deleting Clinicas as an eligible referral agency to the County hospital) served to weaken the corrective efforts seemingly being initiated by of senior HCA staff.
21. A review of available documents pertaining to the evolution of the Access Coverage Enrollment (ACE) program revealed that HCA will clearly and deliberately showcase Clinicas as one of its partners when applying for state and federal funding. However, a close examination of how HCA proceeded to implement the ACE program, once funded, would lead one to believe that Clinicas was not a welcomed participant as far as HCA staff was concerned. Deliberately withholding an ACE contract from Clinicas (and probably from other providers) for nine months was obviously an attempt to monopolize access to and registration of ACE eligible patients. In effect, the exclusionary actions of HCA greatly diminished the access to ACE sponsored health care by Clinicas patients. Clinicas had to

resort to the threat of a lawsuit in order to gain access to the program, as initially described in the grant application from the County. This conclusion was based on a review of the matter pertaining to “patient stealing” that was addressed and verified per the January 4, 2011 meeting between all concerned parties.

22. The matter of how the County of Ventura handled the process to select and designate a west county hospital to be the new trauma center also serves as a major indicator of bad government at its worst. The refusal of the County to abide by a fair and legal evaluation process for such a monumental and expensive project, demonstrates considerable disdain for the public and its expectation that decisions be made within a culture of honesty and in consideration of cost to taxpayers.
23. While the pending matter of the mismanaged ARRA (\$594K) and Medical (\$43 million annually) funds may not be directly attributable to the local WIB administration, these two incidents clearly serve as indicators of rampant malgovernance at the hands of the parent organization, the Human Services Agency.
24. There is irrefutable evidence to demonstrate that HSA and HCA lead administrators orchestrated a process to inappropriately access and use personal patient information (PPI) to complement a scheme to inappropriately position HCA to access Medi-Cal resources. The matter of patient confidentiality and the County misguiding patients into believing they have to sign away their privacy rights in order to receive medical treatment is consistent with the highly predatory nature of HCA and a gross violation of patient rights and state and federal (i.e. SSA/SSI) guidelines.
25. The Food Share matter and the highly questionable process that was used to make the award appeared to be nothing less than (a) a disregard for the need to avoid and/or prevent conflict of interest when managing or issuing public funds, and (b) a violation of numerous policies and procedures for the County (i.e. violation of collective bargaining agreement with current employee organization).

VI. RECOMMENDATIONS

1. It is recommended that the Board of Supervisors direct and assist the County Executive Officer to take immediate action to address and the concerns presented in this report regarding the Workforce Investment Board, with particular attention being given to (a) preventing further underutilization of federal training funds, (b) increasing the use of funds to promote and directly train a significant number of workers, (c) ensuring that in the future BRAC funds are utilized for their intended purpose and not returned to the state, (d) the need to stop the agency from mispending funds on inappropriate administrative activities, such as advertising and consulting and that those funds be redirected to core training purposes, (e) the need to significantly increase the accountability and/or reprimand of WIB administrators who fail to effectively implement

the intended federal training initiatives, and (f) increasing the good will and community image of the agency by taking action to ensure that all legitimate contractors, of diverse backgrounds, are treated equitably when competing for WIB youth funds.

2. It is recommended that the Board of Supervisors and/or designee initiate an immediate investigation into the underutilization of the Food Stamp program and that immediate steps be taken to ensure that (a) entitled resources are claimed and disseminated to entitled recipients, and (b) that the process used to conduct outreach and registration of eligible recipients be done within the context of established County policy, anti-conflict-of-interest requirements, and a fair and legal bidding process.
3. In observance of the most fundamental general accounting and fair contracting principles required of a publicly funded agency, it is highly recommended that the County significantly curtail its use of the “sole provider” provision to select contractors and that the practice of open bidding for all projects be re-embraced, particularly by senior managers connected to the WIB and HSA. In addition, it is recommended that the background of all senior HSA managers be reviewed by qualified HR analysts to ensure that their educational and professional backgrounds are congruent with the positions they now hold. In the interest of the public, the County should be prepared to make adjustments as needed.
4. It is further recommended that the County of Ventura restore a fully centralized and autonomous Human Resources Division, with adequate staffing and authority to enforce and maintain an effective and equitable recruitment and civil service hiring process.
5. It is also recommended that the authority of individual departments to hire their own personnel be abolished in deference to the need to re-establish a bias-free, genuine civil service hiring process.
6. It is strongly recommended that the County of Ventura take immediate steps to abolish the non-advertised provision of the “at-will” hiring process and that all future hires be subject to an open, equitable, and standardized civil service screening and evaluation process prior to being hired.
7. It is recommended that the County Board of Supervisors direct its County Executive Officer to instruct his administrative staff to immediately cease and desist from any further actions (i.e. patient stealing) to intentionally weaken the fiscal integrity of Clinicas Del Camino Real and other independent health care providers in the area.
8. It is further recommended that the County Executive Officer be directed to instruct his administrative staff to immediately launch a good faith initiative to make Clinicas a fully-fledged participant in the ACE program as original intended in the grant narrative – such

as assisting Clinicas to establish its own state approved and self-sustained Medi-Cal eligibility determination unit.

9. It is also highly recommended that the County Executive Officer direct the administrative staff from the Health Care Agency to increase the level of ACE fees that Clinicas and other independent health care providers can charge in accordance with the recent increase in funding levels of the program as authorized by the state and federal agencies overseeing the ACE program.
10. It is furthermore recommended that lead administrators within the County's Health Care Agency embrace an equitable standard of definition for conflict of interest involving individuals who serve on various health care consortiums and committees. In operational terms, either any secondary stakeholder (i.e. HCA staff, Clinicas staff) is eligible to serve on these committees/commissions or no secondary stakeholders are eligible to serve. The disparate treatment of singling out Clinicas staff as being in conflict of interest must cease.
11. It is highly recommended that the County Executive Officer initiate the development of a Board Resolution designed to reaffirm the County's genuine commitment to embrace Clinicas as a valuable, equitable, and genuine partner within the County's health care network.
12. It is also highly recommended, in the interest of harmony for all concerned, that lead management for HCA develop and immediately implement a single-subject staff orientation and/or staff development program to reverse the indoctrination that was infused into HCA operational staff over the years and who continue to believe that diverting patients from other providers, namely Clinicas, is the expectation of lead administration. (The recent fiasco involving the arbitrary decertification of the Clinicas physicians' list at County Medical Center is an example of how HCA staff has been conditioned to take the initiative, if given the opportunity, to wreak havoc on groups like Clinicas).
13. It is furthermore recommended that the Board direct lead HSA and HCA administrators to cease and desist from the continuing violation of the Personally Identifiable Information (PII) and Health Insurance Portability and Accountability Act (HIPAA) rights of patients – for the sole purpose of maximizing HCA's access to Medi-Cal funding and that an external audit be commissioned to ensure that the County has not injured any of patients affected thus far.
14. It is furthermore recommended that the County Board of Supervisors direct the County Executive Officer to take immediate action to investigate the matter of possible mismanagement of the Food Stamp and ARRA food service programs and that corrective

action be taken to ensure that the compelling interests of the funding agencies and the entitled interests of primary stakeholders (i.e. the poor) are hereafter honored and treated in a highly compliant manner.

IV. SUMMARY

The following summary was structured to address the four different areas that were investigated by LULAC. All of these matters are of equal importance to our organization and therefore they are not presented in order of priority concern.

In summary, it is the position of LULAC and partner organizations that the County of Ventura has and continues to maintain a systemic form of mismanagement within the noted areas. The negative impact of the described conditions on our community is significant. In respect to the irresponsible and incompetent mismanagement of workforce training funds by staff from the **Workforce Investment Board**, the County is depriving entitled stakeholders of receiving training that was intended for them by the federal government. Worst yet, our country, and surely our community, is presently feeling the brunt of one of the worst recessions in over fifty years. Training and putting people back to work is one of the most fundamental things that a Workforce Investment Board should be doing, not spending hundreds of thousands of dollars on expensive advertising campaigns. Indeed, this department has no business returning hundreds of thousands of unused dollars back to the state and/or federal government – rather than making sure it gets to where it was intended, the community.

The underutilization of entitled **Food Stamp** funding to the unemployed and working poor of this county, in the midst of a major economic recession, is by far one of the most salient indicators of mismanagement and weak leadership that we encountered. Aside from its fundamental purpose in terms of providing nutrition and humaneness to the disadvantaged residents of our County, there are major economic stimulus opportunities for our County that have been wasted by the incompetent and unfortunate mismanagement of this program.

In the matter of how the County is administering its **Human Resources Division**, we find the conduct of the County to be appalling and in sharp contrast to the most basic tenets of leadership for public officials. Nearly every piece of ensuing legislation that evolved from the Civil Rights Movement of the 1960's has addressed the compelling need for our society to embrace a fair and equitable hiring process that operates in an environment free of discrimination. Historically, this guiding principle has been most prominent within the public sector. Even the County's most current Administrative Policy Manual claims to maintain a bias-free hiring process. The current "I will pick whomever I want" system of hiring managers within the County of Ventura, irrespective of equal opportunity, educational background or relevant experience is completely devoid of even the most basic equity standards. There is no doubt a correlation between this highly subjective, informal hiring process and the apparent and deficient level of competence that has been turned loose on the public by certain departments.

The matter of how the **County of Ventura's Health Care Agency** has conducted its business in recent years is by far one of the worst cases of systemic mismanagement of public funds and programs that LULAC has encountered during the many years that it has advocated for and defended the rights and interests of our communities. The maltreatment of the alternative health care providers in our county the years by the Health Care Agency (HCA) is truly a case study in abuse of power and incredible disdain for the welfare of a community. The genesis of alternative health care providers can be traced to a time when equitable health care was virtually non-existent in many sectors of the County. In the case of Clinicas, that evolution was a response to an outcry by the most disenfranchised sectors of our community, including farm workers, the working poor, people without transportation, the non-to-limited English-speaker, and more recently members of indigenous groups (i.e. Oaxacan), and other individuals historically ignored by the mainstream health care providers of our County. In many instances, these special populations require special support services (i.e. trilingual interpreters) that are not available through County medical centers but are available through Clinicas which has a long track record of being highly responsive to non-traditional patient populations. Members of this research team visited several Clinicas centers at different times of the day and, in every case, the waiting and examination rooms were jam packed with patients.

Note: It was not the intent of this research team to imply that the County does not provide quality health care services to many of the uninsured patients of this community. The focus of this study, in part, was on the current state of affairs pertaining to the perceived attack on independent health care providers by the County of Ventura's Health Care Agency.

It is therefore the position of LULAC that the community clinic system of this county is a critical and integral part of the human and health care safety net of our community. It is furthermore our position that all stakeholders, including the County of Ventura, should be doing everything it can to help preserve the capacity of these providers to serve our community as a whole. However, our organization and many other observers are 100% convinced that the County's Health Care Agency views the success of independent health care providers, including Clinicas, as not something it wants to support; it obviously views Clinicas and the other health care providers competitors and it will seemingly do whatever it can to limit the capacity of these providers to perform, including damaging their fiscal integrity by diverting patients and monopolizing available funds. It is the position of LULAC, at every level, that the continued hindrance of independent health care providers, in particularly Clinicas, by the County is synonymous to an attempt to turn the clock back forty years, to a time when most public agencies cared very little about the health care needs of the uninsured and working poor. LULAC is fully committed to preserving the good work of organizations such as Clinicas and it is prepared to take whatever political or legal action it has at its disposal to protect their good work and their right to access publicly funded resources to serve our community.

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All of the individuals (i.e. interviewees) who voluntarily stepped forward to share certain information with this organization were fearful of retaliation within the workplace and therefore asked that their names be kept confidential. In addition, the organization has in its possession numerous documents that are supportive of the report's findings but it was not deemed practical to attach them to the report at this time. Many of the documents that drove this investigation were provided to LULAC by the County of Ventura per several Public Records Act requests. LULAC is prepared to present exhibits (documentation) to substantiate its findings and analysis on an as-needed basis for select individuals and/or agencies.