



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Text

File #: 10-0805, **Version:** 1

Chief Administrative Office recommending the Board adopt response to the 2009-10 Grand Jury Final Report.

Fiscal Impact/Change to Net County Cost: No change to Net County Cost

Background: In 2002 the Commission on State Mandates determined that certain elements of grand jury proceedings constitute a state mandate. The FY 2009-10 State Budget Act suspended a number of mandates, including grand jury proceedings as described in the Commission's test claim No. 98-TC-27. This mandate remains suspended in the absence of a new Budget Act.

Part of this mandate includes Section 933.05 of the Penal Code, which prescribes a format for responses to grand jury reports. Although there is no mandate to respond in accordance with Penal Code style, the Board of Supervisors is still obligated to provide a response to the Grand Jury report of some form. In addition, Board Policy A-11 also requires grand jury responses to follow the format outlined in Penal Code Section 933.05. In addition, Board Policy A-11 provides for the adoption of an initial draft response to be followed by the adoption of a final draft response to grand jury reports.

The attached draft response to the grand jury is allowed under the suspended mandate, but deviates from Board policy.

The foreman of the current grand jury has been notified of the day and time of this agenda item.

Reason for Recommendation: Compilation of the initial and final draft responses to the grand jury can be a labor intensive process across multiple departments and the Chief Administrative Office. For example, the 2009-10 Grand Jury Final Report to which the Board must respond contains approximately 117 findings and recommendations. In light of the suspended mandate and increasingly constrained county resources, the Chief Administrative Office believes a deviation from Board policy is warranted and reasonable. While the response is more abbreviated under this approach the County still acknowledges the work of the Grand Jury and will consider all their recommendations seriously as has been done in prior years.

Action to be taken following Board approval: Board Chair to sign letter for submittal to the presiding judge by the Board Clerk

Contact: Mike Applegarth (5123)