

# CALIFORNIA GRAND JURORS' ASSOCIATION



PROCEEDINGS  
22nd ANNUAL CONFERENCE  
October 15 & 16, 2003  
VENTURA COUNTY  
Pierpont Inn, Ventura, CA

## PREFACE

This document is the transcript of the 22<sup>nd</sup> Annual CGJA Conference.

When I accepted the assignment as Chair, I knew it would be a challenge, as we do not have a local CGJA chapter in Ventura County, or even neighboring Santa Barbara County. However, members from other nearby counties stepped up as follows:

Registration - Los Angeles - Audrey Lynberg, Andy Bliss and Pat Yeomans  
Program Booklet - Orange County - Rose Moreno  
Transcript - San Luis Obispo County - Boyd Horne  
Hospitality - Ventura - Lillian Goldstein, Janice Kuzemko, Ira Grooms and Sig Wathne (Santa Barbara) (Local people not affiliated with a chapter)

I want to particularly thank Boyd for his many hours of effort to create this document. The effort to transfer a stenographer's text to a usable document was much greater than either one of us anticipated.

The theme of the conference was *Today's Challenges to the California Grand Jury System*. We outlined these at the outset and I believe each was addressed throughout the conference. How effective our efforts will be to solve these problems will only be known with the passage of time.

My thanks to all participants, speakers, committee members and the general audience. Please do not hesitate to contact me via [www.cgja.org](http://www.cgja.org) with any questions and comments.

It has been an honor and a pleasure to serve.

Jerry Lewi  
Conference Chair

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**Program**  
***Today's Challenges to the California Grand Jury System***

**FRIDAY - October 17<sup>th</sup>**

<b>12:00 noon</b>	<b>Luncheon</b>
<b>1:30 pm</b>	<b>WELCOME - Linda Parks, Ventura County Supervisor</b>
<b>2:00 pm</b>	<b>CALIFORNIA LEGISLATIVE PERSPECTIVES - Assemblywoman Hannah-Beth Jackson (D. Ventura/Santa Barbara)</b>
<b>3:30 pm</b>	<b>Break</b>
<b>3:45 pm</b>	<b>Annual General Membership Meeting Reports and Election of Directors</b>
<b>6:30 pm</b>	<b>No-Host Reception, Dinner and Speaker - Casual dress</b>  <b>Speaker: THE DISTRICT ATTORNEY AND GRAND JURIES - Mike Bradbury, former District Attorney - Ventura County</b>

**SATURDAY - October 18<sup>th</sup>**

<b>9:00 am</b>	<b>LEGISLATIVE UPDATE - Panel Discussion</b>
<b>10:30 am</b>	<b>LITTLE HOOVER COMMISSION - Jim Mayer, Executive Director</b>
<b>12:00 noon</b>	<b>Luncheon</b>
<b>1:15 pm</b>	<b>AWARDS CEREMONY</b>
<b>1: 45 pm</b>	<b>CALIFORNIA SPECIAL DISTRICTS ASSOCIATION Neil McCormick - Deputy Director, Member Services</b>
<b>2:30 pm</b>	<b>Break</b>
<b>2:45 pm</b>	<b>CHAPTER ACTIVITIES</b>
<b>3:30 pm</b>	<b>OPEN FORUM</b>
<b>5:00 pm</b>	<b>Adjourn</b>

CGJA 2003 Annual Conference  
VENTURA, CALIFORNIA  
FRIDAY, OCTOBER 17, 2003, 1:32 P.M.

MR. LEWI: Well, good afternoon, everyone. I see you're all here, and you have all been properly fed, I assume. I'm glad to see everyone here on time, and we'll get the meeting started. I'm going to bypass some of the administrative announcements because our introductory speaker is here, and I would like to have her come up and give her introductory remarks, and it's Linda Parks. Linda Parks is a freshman Ventura County supervisor in her first term. You've seen her biography in the booklet.

I just have to share that I've known Linda for about six years. She was a city council member where I live, and we've worked together on many good projects. I was reminded, Linda, that about five years ago I introduced you to another group I was responsible for. Linda, she's a pretty classy lady. When she got done making her remarks, she asked for my permission to leave the meeting as opposed to walking off as many people do, smart person. I've got to know her very well. Without further adieu, please welcome Linda Parks.

***Linda Parks, Ventura County Supervisor***

MS. PARKS: Good afternoon. It's a pleasure to be here. Should I be sworn in? No. I have so much respect for the Grand Jury system. The media has often referred to it as the fourth branch of the government. The media, while you can't debate the fact that they are excellent in informing, we can't rely on the media to be our government's watch dog, and I just want to say that the grand jury provides our government such a wonderful opportunity as well. The media rarely has the resources or the time to investigate or initiate or comprehensively report on the government's ability to meet the needs of society. I prefer to think of the civil grand jury as really a true form of the fourth branch of the government.

While your work may not make the front pages of newspapers, grand jury reports disclose insufficiencies as well as providing valuable information to help raise the bar, contribute to making government more responsive and efficient. It's not to say grand jury reports don't make headlines. I've been very impressed to take on some of the conventional issues of our times from agricultural preservation, hospital care to the housing for mentally ill. You have taken on hard issues with a deliberate thoroughness. That, in and of itself, lends strength and credence to your findings.

On a personal level, having been a supervisor for less than a year, I've been educated on many issues thanks to our local grand jury. Some of the issues they have investigated have encouraged me to push for reforms. Statistics showing a third of women in county jails in the psychiatric ward are in housing for mentally ill is what led me to reform a hospital to treat our county. Equally motivating me for action was a grand jury report that showed potential gaps in fire service during my service as a member of site authority as well as the director of our county fire district.

When a grand jury report came out showing a lack of countywide audits due to a lack of staffing, I pushed for greater funds for our county audit. These and many issues that the grand jury has shined a light on are beginning to be addressed. We must continue to be diligent in resolving these critical issues, issues that may have not been acted on at all without the work of a grand jury, and because of the work of the grand jury, issues are given greater opportunity to be properly addressed.

I just want to welcome you to the County of Ventura if this is new to you and also to Ventura and The

Pierpont Inn here and just to express my appreciation for the time and the energy that you have given to really being what I call a super citizen, helping to protect our democracy and making our government even better. I think we're all very fortunate to have this in the system and also fortunate you can give your time. It's much appreciated. I don't know how you do it. Just looking at the amount of the reports that are churned out, I just don't know how you do it. It's an incredible amount of work. A lot of energy has to be put into that. I want to thank you and let you know you are definitely doing something to help government be better, and that's what we're all here for. So thank you very much and have a wonderful conference.

***Jerry Lewi, Conference Chair***

MR. LEWI: Thank you, Linda. We have time to go through some of the details about the meeting until our next speaker arrives so this is a good opportunity.

First of all, did you all get a copy of the booklet that describes the conference? We went to the loose-leaf booklet style in order to add any papers you might collect or make last minute changes to.

Let me, again, officially welcome you to the conference. Most of these conferences have had the benefit of being hosted by a local chapter or independent grand jury associations in the host county. I did not have that luxury. We have no chapter in Ventura County or even neighboring Santa Barbara County, which is just up the road. But we decided we wanted to hold it here in the south, and I agreed to be the chair since I lived the closest, living in Thousand Oaks as I do. So we had the idea of going out and recruiting some of our neighboring counties, and I must say the response has been absolutely great.

I want to specially thank people from the Los Angeles chapter, Audrey Lynberg and Rose Moreno from Orange County. This conference is being transcribed, and myself and other members of the San Luis Obispo association are going to take the transcript and work to put it together in a final document. You may or may not be aware that we have transcripts from the previous, I believe, five conferences on our website, and we'll do the same with the conference of this one. We think it's an important record for the association.

I also need to thank my local staff, three of my fellow grand jurors of '98 and '99, Lillian Goldstein. Where is Lillian? Lillian is -- I know the title is hotel liaison. Her own title is gopher. So, if you have any issues with the hotel or something that needs to be done, see if you can round her up in case I'm busy. Ira Grooms is sitting over there on my left, your right. Is Janice Kuzemko around? Everyone's scattered all over the place so you can't get a moving target. They've been very helpful in taking care of arrangements and associated duties in running the conference.

The conference theme is that "Today's Challenges to the California Grand Jury System." When we put this theme together, we knew of three challenges that we, as an association and a system, could be facing.

First, perhaps the most important might be the budgets. We are all well aware of the budget problem and the potential impact at both the county and city level. We were concerned that this would have a major impact on our training program, and I think the report is that, fortunately, it didn't have an impact this year. Sherry Chesny will probably tell us more about that later in her report, although what's going to happen with our new governor is interesting to speculate on that.

The next challenge we would refer to is legal. If you follow the journal and other articles, other correspondences we've had, you know that there have been a couple of bills in the legislature that could threaten some of the very core of values and attributes of the grand jury system. There will be a panel discussion tomorrow morning at 9:00 o'clock on that subject and other legal matters, and a pretty good program has been rounded up.

We have an internal challenge to be sure we are achieving our own goals which are basically communicate the grand jury to the average citizen as well as improving our internal operations.

So those were the challenges we thought about when we set the theme for the conference. And I think sort of a side issue in a way, but I suspect that most of our speakers may address this and that is the impact of the recall election. All of our speakers have some connection with state government, and I suspect they'll talk about it. It will be interesting to hear their views on that particular subject.

We're going to, as you can tell, be transcribing this meeting as we've done in the past. We've found this to be the most efficient way to report a conference of this nature. And it's important that during our question-and-answer periods, and we'll have them almost every session, that when you rise to speak, you wait to be recognized by the chair. One of our people will give you the roving microphone, and you need to speak into the microphone so it can be heard properly. Please identify your name and your county. We have the list of most of the registrants, so we're a little bit ahead on that, and those who registered late. So, we need to enforce that rule, and I'll come back to that when we start one of the sessions.

The program has been revised a little bit compared to what you saw in the preliminary announcement. I just want to call your attention to the fact that Michael Bradbury, former District Attorney, is our dinner speaker, and if, by any chance, you didn't sign up for dinner, hearing Mike Bradbury might change your mind, so let Lillian know and make sure we can make arrangements for you to attend the dinner. Of course, you've got to pay for it, but it will be like that. Mike should be interesting tonight because, of course, he's no longer a District Attorney. I'm hoping he'll be a little freer in his remarks as he would be if he were still District Attorney so I'm looking forward to that.

The rest of the program tomorrow is pretty much as originally advertised. Jim Mayer from the Little Hoover commission should be here sometime this afternoon. I know he's planning to attend the dinner, and then Neil McCormick from the California Special District Association. Interesting enough, Little Hoover wrote a report on special districts that echoes some comments of grand juries so it will be interesting to hear his remarks.

And with respect to that discussion, tomorrow afternoon will be the open forum following the chapter activity report. The standing committee chairs of the Association will be up here acting as kind of a panel to field your questions. The purpose of that forum, we did it several years ago and somehow it got dropped so we're reinstating it this year, is to allow any of you to make a comment, ask a question, state a concern, anything that comes to your mind. It is pretty much free and open. It may not require a response, and we'll hopefully have interchange going in that regard. Incidentally, I'd like to ask, how many are sitting grand jurors are here today? We have about five, six, seven, eight; good. Welcome. I attended my first conference as a sitting grand juror five years ago. That's how I got involved in the organization so I hope you may have the same experience and will continue to join us.

The dinner is going to be in what's called the Anacapa room. I think there are adequate signs around the hotel to help you. We'll start our cocktails and such at 6:30. The dinner will be at 7:30 followed by Mr. Bradbury's remarks. I would think we would be out of there probably around 9:00 o'clock, and the morning session reconvenes at 9:00 A.M. Let me also mention, those of you staying at the hotel, checkout time is noon, and that coincides with our lunch break so you should have time to have lunch and check out without missing anything. That was a problem at another conference I attended recently. Also, I want to be sure that you look at the evaluation form and fill it out and hopefully leave it behind. It's the last sheet in your booklet. It's the green sheet. We'd like you to leave it behind, but if for any

reason you feel you can't do that, mailing it back would be fine as indicated on the form. They're very important to us so we can plan the next year's conference. One final little remark in these opening remarks is when you leave the conference, and I'll remind you again, leave the badge holder behind because we use it from time to time. Use the badge, but leave the holder behind. That pretty much covers the opening.

Remember, we have some of our -- what would you call them? What's a good name for what we have over there? Momentos, that's maybe a good name, things with the Grand Jury Association logos on them, stickers, pins, hats, et cetera, that Lillian and Janet will be very happy to sell you if you'd like a memento of the Association and of this conference. We normally have publications available. Somehow, that fell through the cracks so we don't. We'll talk about that later on. We do have a lot of publications, and they are all listed on our website. Some of the important publications are the Compendium of grand jury law which is extremely valuable particularly to you as a sitting grand juror to help you get through the process of what law applies to the grand juries and what are some of the opinions that support that law, An excellent document.

We have another document, a syllabus. If you're involved with the grand jury that may not have a manual, I think it is really adequate. Our syllabus is kind of a generic manual that could guide you through the process of developing your own manual. We don't represent it to be a manual. Other pretty useful documents as well are transcripts of recent conferences, but they're about 100 pages. You may not want to print out 100 pages so if you want to buy a copy, we can make that available to you. On the website, it will tell you how to do that. Have I forgotten anything else that we need to talk about?

Yes, the Marin County manual is up there. This is a manual that Marin County sent out to all sitting grand juries in the state, and a lot of people think it's a pretty good reference document for grand juries. There's a sample of a license plate holder that Richard Ruth has from Santa Clara County, and they're using it as a fundraiser for chapters of the Grand Jury Association. So during a break, take your time.

There are also some brochures about the local area. I don't know if anyone's going to have some time to take advantage of it so the white booklet's over there on the far right of the table as well as supporting information. Anything else? Well, we're running ahead of schedule, isn't that amazing. Let me take this opportunity to mention something that has not been officially adopted by the board because it came to our attention yesterday. As some of you may know, the board holds a meeting prior to this conference. They get to meet face-to-face. We try to take advantage of it. We get more done because the rest of the board meetings, which is a workable, though awkward process, are telephone conferences. Of course, that's necessary when you consider we have representatives from all over the state who couldn't possibly get together more frequently. So anyway, it came to the board's attention yesterday without having time to officially adopt it that the most likely location for this conference next year will be Vacaville in Solano County. It's about halfway between San Francisco, and Clif agreed to be chair of this conference. And I, for one, am very happy to turn over a lot of information to Clif. Actually, Clif, it's been a fun year so don't be panicked, but it's certainly a busy year for a conference chair. It pretty much takes a year to put one of these together when you round up the speakers and the hotel and everything of that nature. I've been disappointed in the turnout for this conference. It's probably the lowest we've had in several years. I think it's partly location. I don't mean Ventura per se, but being on the southern part of the state and have no local chapter to provide not only support, but almost a guaranteed. But I'm sure what we lack in quantity will make up in quality, and we should have a good meeting. Does anybody have any questions while we are still marking time here? Yes, sir.

MR. ARMANDO: Gilbert Armando, San Jose. How many counties do we have in the state?

MR. LEWI: I'm glad you asked how many counties are here. I'm told 20. It's in the booklet, and there might be a couple more that showed up late so 20 counties represented here at the conference. I'm very pleased to hear that. San Diego to Hemet, so pretty much the length of the state. Elwood?

MR. MOGER: Elwood Moger. How many counties are there in the whole state?

MR. LEWI: 58, so almost half are represented, well, maybe 40 percent. Bob?

MR. ABELING: Do we have an approximate date for the 2004 conference? It's the Thursday, Friday, Saturday. I know October 14th is one of the dates. I can't remember.

MR. LEWI: The same weekend as this conference basically. Incidentally, Bob Abeling from Marin County, Bob was one of the late registrants. Bob chaired last year's meeting in San Rafael. I think he came to check up on me, actually, to see how we're doing. His vision was quite valuable in getting going in this thing so we have good process from transferring responsibility from one year to the next. Yes, Pat?

MS. YEOMANS: I'd like to make an announcement.

MR. LEWI: Patty Yeomans is from Los Angeles County, a long time member.

MS. YEOMANS: In fact, I go back to 1965, which is a long time. I was president in 1994 to '96, and right now I've been asked to be head of the law advocates of Los Angeles for the third time because nobody else wanted it. You know how difficult it is to get volunteers when you become a teen and have to deal with the laws for youth, and I have a whole stack full of them. For anybody who would like to start with jury service and things like credit cards, you don't have money in the bank, and how to get your pink slip, and it's a very interesting little booklet. The way I got hold of it, the California Judicial Counsel decided to publish another thing in kind of a newspaper format so we ended up with 10,000 copies, and I think these are wonderful little booklets. They're cute illustrations, and it covers housing, like you rent a house or apartment and you have two roommates and they move out, well, who's responsible for the rent; marriage and how to get a pink slip for your transportation and divorce, and we updated it recently because it was on child pornography on the internet and sexual harassment, and it's a very clever little book. I'll leave them over on the table for anyone who wants it.

Next year, the Olympics will be in Athens, which isn't very close, but I've published a booklet from the 1974 Olympics, and I brought a copy so if you're interested in the Olympics. We got it published at the Occidental College because they refurbished the track for my father, you're welcome to have them. And I've brought a whole lot of information about the history of this association. You always kind of think that everything just grew. Well, it didn't. It took about three years. We went to San Diego County, and we did the by-laws May 1st, 1982. We used to meet every quarter in Southern California because there were no other counties. I think one person from San Francisco used to come, but our Southern California counties were very active because we had meetings. Now, we don't have meetings because you have it all on the telephone, and we are not that active, but we appreciate all the work you do to get these together, and thank you. It looks like a wonderful conference.

MR. LEWI: Thank you, Pat. Do I remember correctly, Pat, that your father is Bill Henry from the L.A. Times? I used to read his column quite regularly. I'm old enough to remember that. Thank you. Anyone else have a comment while we're still marking time a little bit, otherwise I'll just step down for a few minutes? I was alerted she might be a few minutes late, but hopefully she will be here not too much longer.

Hannah-Beth Jackson, who is the assembly member from this district, with headquarters in Santa Barbara, but her area covers parts of the Ventura County. Her biography is in the back of the booklet. I was introduced to her by Linda Parks, and that gave me the bright idea she might be a good speaker for the meeting. Again, with the challenges facing the state, I'm sure she has quite a bit to say. I have no idea how Ms. Jackson feels about grand juries, but I told her office to present whatever she feels we need

to hear, and we don't necessarily need a pat on the back if we need to be, you know, brought to task or ways to improve what we do. We need to hear that. She is a member the judiciary committee so she should have info in that regard. We'll kind of stand in recess. Don't move too far away, and hopefully we'll get back on track very quickly.

(Recess taken.)

MR. LEWI: Ladies and gentlemen, would you take your seats please. Our guest speaker has arrived so we really should continue. Ms. Jackson's biography is in her booklet so we're not going to through the process of reading her background. You can read it yourself. Suffice it to say, she is the assemblymember from this district, and it's my pleasure to introduce Hannah-Beth Jackson.

***Hannah-Beth Jackson, Assembly Member***

MS. JACKSON: Well, thank you for inviting me to my district, it's a pleasure to be here. It's a lovely spot, and I'm glad they won't have too many windows out in this direction because it would be very difficult to concentrate and not look at the beach where it's such an exquisite day. I appreciate the fact that you're all here where you could be otherwise doing other things, and certainly your commitment to the grand jury and system and process is very well appreciated. What I would like to do is chat with you a little bit about what has been going on legislatively, give you a little overview and present my understanding is of where the grand jury system seems to be going today, but granted that with 58 counties, there are potentially 58 different systems being applied whether we're finding one grand jury in existence in some counties to do all the work or whether they're finding a civil grand jury being convened for criminal matters. Whatever it is, I know there's more than one model currently being used, and so I would like to speak for a little bit and then kind of open this up to some sort of a discussion as to what your vision is for what you think a grand jury should be in the years ahead.

I know you've had some ideas, you'd like to have a little more equipment and funding available, a telephone here, God forbid, a fax here, maybe something that will allow you to move into the 21st century rather than relying on the other agencies with whom you may share an office or room when you meet. I know there are some counties where that exists, but beyond that, I would like to here what you see is the future for grand juries because the grand jury has been, I don't have to tell you, really the subject of a lot of discussion in our system. We aren't seeing really the kind of representation of our society given the fact that the people who generally serve on grand juries tend to be people who have the time.

So we're not seeing a whole lot of young people coming in. We're not seeing a lot of people who are financially settled so that they can do this and not worry about whether or not they missed days of work. And the courts, of course, have ruled fairly consistent with that notion that grand juries, particularly in criminal cases, have to be a cross section of the community at large, and that's been somewhat difficult in some areas.

And then, of course, the other function of the criminal grand jury was to hold hearings in private and determine whether or not there would be an indictment. Whether or not you should move forward with an indictment, well, now, of course, the courts have held, even if you do that, the defendant is entitled to a preliminary hearing.

So a lot of counties are saying, well, why bother with the grand jury in the indictment process? Let's go and have a preliminary hearing and see if there's sufficient cause to hold them to answer. So that function has been somewhat removed, although there are some instances where holding a criminal grand

jury does have some compelling reasons, whether it's because some of the other information is of such a private and personal nature that it should not be open to the public and a variety of other strategies and other decisions.

But, you know, the legislature hasn't done a whole lot in this area over the past five years. There are a few things we've done, and would you like me to just kind of reiterate a little history of that? In 1999 a colleague of mine, that was my first year in the assembly, and now, I'm a senior member. You get six years and obviously you're not needed anymore. We want to start training people over and over between, but I won't discuss that. Obviously you can see I have a certain perspective on it. In 1999 a bill was introduced by a Republican legislator named Scott Baugh. Scott Baugh had been the subject of criminal investigations and an indictment and had been arrested and handcuffed and dragged to the police station and had a search warrant issued and really had seen the brunt of the criminal justice system. And subsequent to all this of this, he was acquitted and was a little bitter about the experience. And so he introduced a measure that actually went through the legislature on the consent calendar, pretty much meaning it had been through the various committees. There hadn't been any objection to it.

When it got to the floor, it was part of the consent calendar. I voted for it. The senate then passed it out on consent, and it came back with their amendments on it, and I voted for it then. It was vetoed by the governor. The bill had three important provisions. First, prosecutors would have to tell grand jury witnesses when the witness was also a target of investigation. Under current law or existing law, that was not required. This was supported by the American Bar Association. The second part of this measure was

the whole issue of whether or not an attorney would be entitled to be in the grand jury room and sit with the witness as the witness was testifying. Of course, currently that is not permitted, an attorney is outside the room, and if you want to go talk to your lawyer, you go out and come back in the room.

Now, many states, on the other hand, do allow attorneys in while the grand jury is examining a witness. The American Bar Association also supported that change. And the target witness, the third part of this, would also be entitled to disclose exculpatory evidence to the prosecutor during the whole process.

So this measure was supported by the Bar. It was opposed by the District Attorneys, the attorney general, and several different grand jury associations including this one. Now, the governor vetoed the bill on the grounds that he felt such big changes to a well-established hundred-year-old system should be done only after a thorough and complete consideration and debate within the legal community and among legal scholars. He also felt the bill would place a new burden on what he felt would be a reasonably effective grand jury system and really urged that there be further discussion and a more complete consideration of the process.

The notion that perhaps having defense counsel present could unduly delay the proceedings and interfere with the grand jury's fact-finding process was also cause for the veto. So what happened in response, was that a couple of law school professors, Clark Kelso and Mike Vitiello, came out of a list of recommendation in the year 2001. Among these, the chief recommendations were an attempt to move the statutes pertaining to the grand juries from the Penal Code to the Government Code because of the dual role of grand juries. The thinking was now, because of court rulings, most of these proceedings are civil because of the entitlement to the preliminary hearing. We weren't seeing grand juries used very much for criminal. It made sense to move it to the Government Code. And the second proposal was, rather than having a grand jury handle both criminal and civil matters, there should be the regular grand jury for civil matters, and only, if necessary, a special grand jury could be appointed or selected for

criminal matters.

The other option there would be to have a single grand jury whose members were chosen in a manner that meets the criteria to establish a criminal grand jury which is again is the cross section of the community. The third major recommendation was to provide substantial training in report writing and the authority and responsibilities that grand juries have. The fourth was to permit counsel for witnesses to be in the grand jury room and to provide counsel for indigent witnesses if they were otherwise not able to afford counsel.

So, of course, the CGJA responded opposing the transfer to the Government Code claiming, and I think probably fairly accurately, that many of the statutes in the Government Code are incomplete, inconsistent, contrary, confusing, and don't comfort with the effects of the Trial Court Funding Act or the decision in the daily journal versus superior court case. So the notion to simply readopt them to the Government Code would be simply to add more and more confusion, and of course there's the other, and I think the philosophical point that I would like to discuss with you, is the notion that grand juries really aren't part of the government.

The concept is that grand juries are not agencies of government, but rather they are the means of by which citizens have expressly retained the right to oversee government. Of course, that is a function that grand juries have been doing I think fairly successfully for many, many years. Therefore there is opposition to changing the way grand juries are constructed. There's a concern about the unconstitutional potential in the requirement that if there's only a grand jury in a county, that it would be a criminal grand jury.

So again, there are two questions about having a grand jury that are not necessarily required to be comprised of a cross section of the population to do civil matters versus in a criminal instance when they are required to be part of the cross section. And then there were the two issues or certainly the one issue which is the training component which I think everyone would agree, it's always helpful to know more and to be able to do your job better. And so that notion of doing more substantial training for grand jurors, better report writing, a greater understanding of what the responsibilities are, is something that was supported by the organization, of course, that prompts the next question. Who is going to pay for it?

I know that grand juries don't have a huge budget. In fact, I suspect some instances you have to bring your own pencil and paper and do most of the work through your own budgets. Sadly, a lot of our teachers do the same thing, but certainly it creates problems for us all when we're asked not only to donate our time, but to donate our financial resources. Again, I think that's an unreasonable demand and will limit who can and who is willing to serve.

The notion of having an attorney in the room creates a mini trial concept, which was one of the other objections. And I'd also like to have an opportunity to discuss that issue with you because my vision of this is that every question asked -- but the potential is a witness can say, excuse me, I want to consult counsel, come out, walk back in, walk out, come back.. I'm sure you've had witnesses who wanted to do that when you ask them their name and address. So it presents a very interesting question. Is the grand jury a dinosaur? Does the grand jury have appropriate functions in the world today? How do we function? How do we given the fact that the courts have really limited grand jury functions by allowing preliminary hearings and by requiring the criminal cases the cross section of community be adequately represented in the jury pool?

So you know, that being said, I think that at least in two counties in which I represent have certainly used the grand jury function. The one I'm most particularly familiar with is in Santa Barbara

County where there is a civil grand jury that sits for a year. Is that true for all counties, a one-year period?

Well, right then and there, I think you have a problem. A problem because it takes a while to identify the issues that you want to be addressing. It takes a while to put the plan together. It takes a while to interview the witnesses. It takes a while to analyze the data. It takes a while to write the report. By the time you've written the report, it's reviewed, you go out, and the next group comes, and they may not necessarily have the same priority or perspective. They might want to look at some other agency or some other issues. So you're left with a report that can be very valuable, but no one to really have the stature or the ability to ask the tough questions or to seek the changes that are recommended within the report. So you've got a nice report, congratulations, thanks for your work, goodbye, a little like the way it is in your six-year in the legislature.

But it's a real problem because you've done work, usually very good work. You know, the more opportunity we have to perform different tasks, the better we get at it. But you get a one-year crack, and the year is up, and often times you know if the agencies don't want to be cooperative, they can stonewall you pretty well. I'm sure you're all well aware of that, and usually that's because they have something they don't want you to know. And it makes your desire to get the work done even greater, and then you find that with all that hard work and energy and commitment that you made, that it doesn't necessarily bare fruit.

So there are concerns about whether or not the grand jury really does serve its purpose. One of the things we might want to discuss is whether you think that extending it for a year or two, from a one-year to a two-year would be helpful or whether you burn out and you don't want the spot for a two-year term or maybe there's something that requires that the second group continue the work of the first year. It's kind of like that in Sacramento. We have two-year sessions. Some bills that you want to get passed don't make it through the first year. It takes two years to make them happen, gives you an opportunity to have more dialogue and more discussion and hopefully frame a better bill. Perhaps that's something that could be considered.

There are a variety of different options. There were actually two bills submitted this year from our legislature, one from the Senate, one from the Assembly. Let me run those by you. Neither of them went to the issue of the grand jury has not been taken a front and center role in the legislature, but this year there was a bill by a new coalition of Assemblymember Spitzer from I think it's Orange County, but I'm not actually sure where in Orange County. Spitzer was a former deputy D.A., and he brought a bill that addressed the problem that was raised in this Kelso report, that grand juries often require public agencies to submit reports following grand jury investigations. And as I mentioned, generally, the reports come out, the grand jury is disbanded, and a new one empanelled. The report then is ignored. This bill attempted to extend the period that public agencies have access to information the grand jury used when it came to its conclusions regarding that agency.

In other words, we need to have that information available even though the time frame for that grand jury has elapsed. Apparently his experience on the Orange County Board of Supervisors is that the Supervisors who were asked a series of questions by the grand jury which the board did not have enough information to answer. Had the board had some of the information the grand jury had used, it was his feeling they would be able to respond to the grand jury's questions. But the fact that everybody kind of took their bats and balls and went home, at least from his perspective, really made the process less effective, and he felt it would be appropriate to at least extend that aspect.

Again, the bill did not get past its first committee, and I think it was the public safety committee, and I

don't serve on it. I'm on the judicial committee, but the bill probably went to local government first, and another committee never made it on the judiciary committee unless I was asleep. I'm usually not asleep during that committee or any committee, of course, but that's my favorite one. I do not recall having that bill come to judiciary, but it did not get out of If he seeks to reconsider it, there will be another chance this year.

Then there was a bill by Senator Ackerman so maybe this was just a big to do in Orange County that promulgated two bills when we hadn't really seen too many since Scott Baugh back in '99. Senator Ackerman thought from the report, one would be separating the criminal and civil functions and moving the grand jury statutes to the Government Code. Neither of those occurred. So I would be interested in your comments on that, and I'd also like to throw out a couple more questions to you. Apparently the CGJA had posed questions in the daily journal. Who has the authority to reform the grand jury system? And obviously the legislature can do part of it, but where should we be making, if we should be making changes, where should they be coming from and what should the duty be of the grand jury with respect to presenting exculpatory evidence?

This has always been a bit of a problem for them because there are instances where essentially you, the grand jury, aren't getting all the information. You're getting one side of the information that is designed to elicit your favorable response, and because it is only one side, sometimes you aren't given information that I suspect many of you would have wanted to hear before rendering your opinion whether to present the information for further action or in a civil side, getting complete information, you know, to what extent should we be opening this up for you to have the sunshine necessary to make the best decision and reach the best conclusions? How much of grand jury proceedings do you think should be public, the transcripts, any of the information, and should the judicial counsel be involved in this at all?

Should we ask the judicial counsel to bring all the stakeholders together and hear from you, as people who have been part of the grand jury process, and hear from those who advocate adjustments to it. Frankly the courts have really done more to impact the grand juries over the last several years than any other aspect of government or any other sector of our society. They've just simply said, you know what you can and can't do under various circumstances. So should we have them part of it? And, as well you know, again, resources in the smallest counties I suspect are not adequate to help you do your job better. And are these issues that actually affect the smaller counties' ability to function as grand juries?

So if you have any suggestions on funding mechanisms or where do you think we should be drawing the line or not drawing the line, I'd be very interested, and frankly at this point, I want to sharpen my pencil and open it up to any questions or comments.

Are there any?

MR. LEWI: Let me explain the ground rules. Just for your benefit, this whole thing is being transcribed by a court reporter that we're certainly all familiar with, and I'm sure you are too. What we'd like to do is I'll allow you to recognize the questioner, and we'll bring that person the microphone, and we will identify the name and county so we have that for the record. Let me make two other ground rules or guidance if you will, please try to keep your comments as short as possible, and I will allow the questioner one follow-up question after Ms. Jackson's response. That way, hopefully, we can get more people participating. But with those kinds of ground rules, why don't we have you recognize the questioner and Ira will take the microphone to them. Don't speak until the microphone's in your hand.

MS. JACKSON: By the way, before we start, I don't know if you're aware, I did practice law for years before I became a legislator so I do have some background in this, and of course I'm not sure whether that was a promotion. Most people think from going from a lawyer to politician is a lateral transfer, but in a prior life and frankly my husband used to be a consultant, was a judge, and now an attorney for 30 years so I do have some familiarity with this.

MS. JACKSON: Okay. The lady in the red.

MS. BROWN: Hi, my name is Carolyn Brown, Los Angeles County. You were talking about when the current grand jury is reviewing the recommendations that last year's grand jury did, they're supposed to come back to us within 60 or 90 days. , we're having difficulty obtaining some of them. Secondly, there is a commission called Economy and Efficiency Commission that the fore person sits on during the next year, and they follow through on the information that we weren't able to follow through on. Third, I'd like to see a bigger variety of people come and be on the grand jury because half of us can't hear, and the other ones, our knees are bad. So I'd like to see how we can get a wider range of ages on a grand jury.

MS. JACKSON: Could I just ask a couple questions? L.A. County Grand Jury, do you have resources set aside for your grand jury?

MS. BROWN: Yes.

MS. JACKSON: Is that a significant factor for other counties that don't? Do all of you have financial resources available that do help you do the job because I know L.A. County has done some very hard nose work probably when it comes to the police departments and some of those major agencies. And so I would assume in order to do your work, there has to be some kind of financial assistance involved. Do you know what the method of funding is, where it comes from?

MS. BROWN: I believe that our funding comes from the Board of Supervisors, and if you want to know how much they give us, I can tell you.

MS. JACKSON: Sure.

MS. BROWN: I think for this year it's about \$286,000, which includes the amount of money that the grand jurors receive and the auditing firms that we hire.

MS. JACKSON: I think that probably helps a little in doing the job, something tells me. Yes, sir?

MR. HORNE: Boyd Horne, San Luis Obispo County, served on the 1999-2000 jury. By the way, I appreciate very much your assessment of the grand jury. Clearly you've done your homework, and I appreciate all that. You've identified all the issues. I'd like to discuss one issue on resources. Personally, I start with a premise the grand jury is really part of the justice system, not the government system, not the legislative system, but the justice system, and they're supervised by the courts, and the judges. There's one aspect though on resources. They're funded by the county, and that's the same government agency that they exercise oversight on. There's a conflict there. My position is that the resources should be determined as part of the court system so that when there's a relationship between the jury and the judge, they're deciding the agenda for the jury and how to improve it, et cetera. Resources flow from that process, and that's my point.

MS. JACKSON: Thank you. Yes, sir?

MR. GEISS: I'm Bob Geiss from Orange County. We were involved with senate bill 307 conferring with Senator Ackerman and Professor Goodpaster of U.C. Davis. When it started, Professor Kelso chaired a large multi-functional group of people representing the various grand jury associations, and the like. From that meeting, we were assured that our concerns would be considered, and we spent incredible time, I know in our association, generating considered responsibilities to the responses of the professor. I don't know if you've been privy to our responses, but we'll be glad to share them with you because they're documented, and we can send them on to you.

We were told we would be involved in any subsequent potential legislation about grand juries. We were immediately blindsided early this year by Senator Ackerman bringing forth SB307. So we immediately then voiced our concerns, and I won't go into the details. But right now, that bill is tabled. It's a two-year bill, and we'll get back to you. And I'd like to offer the resources that we put on and generate like a two- or three-page report and send it to you just for your information to bring up what we were concerned about.

Now, I'd like to continue with the Spitzer thing. We also took issues with the proposal, some it

which -- and this is my personal opinion -- occurred because it was left with a response trying in some way to perhaps embarrass the sitting District Attorney in Orange County. That's hearsay, and I just want to clarify it. I think that perhaps Mr. Spitzer's concerns have been resolved with a passage of another assembly bill regarding the District Attorney has to report to the Board of Supervisors how he spent his -- I don't know what the exact term -- but his unspecified

MS. JACKSON: Discretionary indictment?

MR. GEISS: Yeah, discretionary fund. We also prepared a one- or two-page critique, if you will, of that legislation and sent it to him, which I'll be glad to send to you as well.

MS. JACKSON: Thank you very much. I suspect there was some personal experience that Mr. Spitzer had, but, again, both those bills really haven't gone very far so maybe the process does work, and we'll see. And I'd love to get the information that you have pulled together and certainly should be entitled to be part of whatever response there is especially since it was promised to you, but we just like to hear from people who have had that firsthand experience.

MR. GEISS: Just as a follow up, there are problems with the grand jury statutes in the Penal Code. There's inconsistencies and things like that that should be cleared up, but I don't think it should be done by legislative action. I think it should be done as I said before.

MS. JACKSON: Thank you.

MR. GEISS: Thank you.

MS. JACKSON: Yes, sir and then in the back.

MR. VAUGHN: I'm Jack Vaughn. I'm from San Diego County. I don't believe you're aware of the function that is carried on in San Diego of reviewing what has been put forth in the previous year's recommendations. We have what is called an implementation review committee that is authorized by statute of the county. We use past grand jurors to staff that board, and we look into every accepted recommendation that goes to the county. Unfortunately, we are not allowed to look outside the county or in the special districts, but we're working on that. That ordinance has been in effect now for at least 12 years in Iowa.

MS. JACKSON: Great. Are there any other counties that have a similar requirement? No, just San Diego. Well, that's one that maybe we should be looking at because then that allows some level of continuity with review of work of the prior grand jury. That's great.

MR. DAYE: Les Daye from Trinity County. I did serve on a Los Angeles County grand jury a number of years ago. I do appreciate your clarity in a lot of your comments. They are issues, which we have, as an organization, come across at least in the last four or five years, legislatively and at the local level for many juries. The actual bill that was alluded to by Bob Geiss was the District Attorney's special appropriation AB 1055, and was successful in getting that passed. It looks like a minor bill, and we're hoping that's the case. I believe I can say that.

I know you don't want to specifically talk about term limits, but I see it. You know, I've been willing to give it time, and I live in a county where we had a radical shift this year from being sort of in the central valley with assembly member and a senator rotated in a town about 35 miles away where they were always accessible to a delightful lady named Patty Burk on the coast. It's shifted our issues quite a bit. I've had a chance to speak with her. She is accessible. I'm very happy with that because with our assembly and senate hundreds of miles away, as it turns out where, that's where their main offices are. So the question is said you chair a committee now?

MS. JACKSON: Yes, well, actually I have chaired committees since I was elected. I've been very lucky, but actually I chair the committee on natural resources. I chair the committee on the environmental safety and toxins prior to that, but I have served every year on the judiciary committee so

I've been a member of that committee for five years now, going on six years.

MR. DAYE: I guess the question is I feel lucky I have somebody that is new because they obviously are learning the process just like you had done, and I'm sure others will. I'm the legal committee member that handles tracking of legislative issues. I want to know whether or not you're aware of the types of responses that are put forward to you generally at the last moment before a bill is going to be heard in committee and how it looks to us like we have to preempt, find the person who is going to write the nexus of the bill, where it's come from and whether or not it seems like everything in the legislature seems to be done that way.

In other words, can you tell me that your staff follows along and really is coming to grips with issues that are small like the grand jury and how much do you rely on those reports from the people that do the work for the assembly and the senate?

MS. JACKSON: Well, you rely on them a lot more when you're new than you do when you know what you're doing. There are so many issues. Patty Burk is a wonderful new colleague, very enthusiastic, brings a lot of experience in other issues. When the legislature is turning over so constantly is the problem. This year, I was in my 5th year. I had more experience than 70 percent of other people serving in my house in the assembly. We were dealing with a 38-billion-dollar budget deficit, so many issues. Even what you know when you come in is very little, but with experience like in anything else, you become more facile. You become more understanding, more nuanced in your views of things, more suspicious of bills that don't necessarily pass the smell test, may have another agenda to them, which is not uncommon. But more experience, you can make those big decisions and hopefully more effectively.

When you're new at this, I tell people the best way to describe the capital if you've ever been to Sacramento, there's the old building and what they call the Annex, which is old too, but not old. How I describe it is how you get from the third floor in the older building to the new end. You have to go down to go up. When you think about it, it doesn't make sense, and it takes a year to figure out where all the restrooms are. It's the kind of situation where I don't have any problem with terms, but I think they should be a little bit longer in scope. And that way you can, you know, retain people who have learned much and don't have to leave because of term limits.

There is also an inherent term limit called elections, but the people really think, the irony, term limits punish legislators by saying after six years, we're going to throw the bums out, but really when you are asking people to make decisions about an issue that you know a great deal about, you want them to be experienced. You want them to have good staff people that have worked with them that understand your priorities and values and can articulate them and get right to the heart of issues because they've worked with you for a while and know what's important to you. They're very critically important.

The other problem with term limits is that people, most of these folks, they start fairly idealistic. Many of them are lawyers for better or for worse, but we're writing laws, but we should have lawyers helping you because they want to make a career of it in the system.

But what kind of career do you have knowing you may be working for a legislator not more than six years. And in the 5th year, you might as well go to someone, to a new member, but it takes a while to learn about them. I represent a district here. You understand this. That has very high priorities to the environment, and they don't want oil drilling. So when we have bills like that, they're real clear. But when you come to Central Valley, there are other issues particularly around agriculture. You learn the different nuances by working with the people, the same people that, I will guarantee you, you worked with on the grand jury. You were able to be more efficient and more effective and more successful in month ten than you were in month two.

And now magnify that by the nature and the size of the state and the issues and challenges of the state, and you realize that term limits is good to the extent that it has allowed others not the opportunity to enter the political process, but at the end of the day with the term limits moving as quickly as they were, by next year, well, there's no one. When we had the energy crisis, there were no legislators who had voted on an energy deregulation so when you say what are you thinking, they'll say I don't know. I wasn't here. Maybe there was something good to it. And then most of the staff that had worked on it is looking for longevity. The opportunities are outside the building, outside the Capitol. When lobbyists are controlling the agenda of the legislature, we're in big trouble, and the public is not very happy.

Those are the special interests, and, you know, the inmates are running the asylum or maybe they're not, but the people aren't running the asylum.

MR. DAYE: Thanks for your comment.

MS. JACKSON: Sorry. Long answer, but you asked me.

MR. COLBERT: Orm Colbert, Riverside. I'm not sure you're aware that presiding judge can hold over as many as eight people. In our county about five people are held over. In theory at least, that would leave one on each of the five committees which would really solve the problem you're talking about. I don't see it as a problem under those conditions.

MS. JACKSON: Thank you, sir. I appreciate that.

MS. JAMESON: Marianne Jameson. He said exactly what I was going to say so I won't pursue it anymore. I would also like to add on term limits. There have been several studies in the legislature over time, and the conclusions are the first term, you're learning what to do. The second term, you're running for office so out of every legislator in the Assembly, we got one term of service. These are outside studies. This is not coming from the legislature.

MS. JACKSON: Well, I hate to think it's quite that bad, but I will tell you what is a problem, is that because of term limits, frequently people come into the legislature and start looking for their next job. How did they step up or step over? If we had my thinking, if we had three-, four-year terms in the Assembly, total of 12 years, and two six-year terms in the senate, I think you'd get your longevity. People would have some sense of stability, and frankly you wouldn't be running for election every other year. And when you think about the cost for running for political office, people spend way too much time, in my opinion, figuring out how they're going to raise money for their next election than they should, and that's the real problem. Yes, it does take time. Hopefully, you can still have on-the-job training and be effective, but I think the more you know, the more effective you can be.

MS. JAMESON: One other follow-up. To add to the previous comments, if the legislature could encourage the judges to carry over jurors; some counties do carry over, some counties the judges do not carry over or limit it to one or two, so you might look into maybe requiring a percentage.

MS. JACKSON: Right. That's a problem. You can't force them to do it, but if people want to, then certainly that's an option. Yes, sir in the back?

MR. HEADLAND: Bob Headland from City of San Diego. First off, I have to say the system works pretty well, and it's a shame that there's always people that want to change it. I look at it on the basis that the grand jury system is really the people's branch. So you really have four branches of government. It's the other three branches that want to try to get rid of it all the time. Also, we have only

county grand juries. We should have a state grand jury that should be able to investigate state government.

MS. JACKSON: Thank you. Yes?

MS. BARDELL: Serena Bardell, San Francisco. I don't know how many counties have a grand jury that is dual that does criminal and civil. I find that really baffling we don't have -- I think most of your comments seem to be for a criminal and indictment grand jury because the whole essence of the civil grand jury is promising an anonymity to witnesses, and some of the things that you mentioned before would strike at the heart of that. And you can't have an investigative group that is investigating local government without promising people they won't get into trouble or get fired or what have you for speaking up. So the idea of anybody having access to that type of information seems to me to run to destroy the civil grand jury function.

I don't know if this is a controversial issue, but I don't think there should be the same. I think that diversity is always a good thing in theory, but it's a better thing for indictment grand juries and to be a little less crucial for civil grand juries. The reality of it is that very few people who have to work for a living can take a year off. In San Francisco our meetings were mostly in the evening. We have time, where you have L.A. where it's a full-time job, clearly it becomes more difficult. So I'm sorry to go over the map here, but I do think the problem is there are different issues involved, and they should be separate, and I can't imagine why they would ever this day and age come together because of the basic conflict in their duties and in the kinds of values they should be representing.

MS. JACKSON: Again, it clearly has become a more evolving institution. Theoretically to try to be receptive to the changes that exist in a criminal grand jury, the courts have ruled that there has to be this cross section, although I don't believe that's the case in the civil. I could be wrong, but I don't believe that's the case. You sir?

MR. COLBERT: You mentioned that Scott Baugh was acquitted. Was he not fined severely for his indiscretions?

MS. JACKSON: Well, you know he's on the opposite party so I'm not going to sit here and try to protest. I honestly don't know. My recollection was that in the criminal matter maybe there was a plea bargain. I'm not sure what it was. I know he got up there. It was kind of interesting that we had a more conservative member of the legislature proposing legislation that would otherwise be viewed that screaming liberals would have done. I don't know. You could be right. I can't answer that for you, but now you've got my curiosity. Okay. Let's go with this gentleman in the back, and we'll just go over in that direction.

MR. HAXTON: Owen Haxton, Marin County. Budgeting for the grand jury is currently under the county and should it still be under the county because they use that perhaps as a weapon. Could it be under the courts? The other item I would like to surface is the question of legal advice, currently the task of the county counsel. I believe it's recognized county counsel has a master that's somewhat larger than the grand jury. It would seem to me we should be able to get legal advice from a source for which there is not even a perception of conflict.

MS. JACKSON: I know that's one of the concerns to be able to go out and hire independent counsel in order to avoid any question of the conflict. I will make a note of that. I can tell you in today's economic times, the courts are not going to jump for joy that the notion that the money and the

responsibility be transferred for them. They're all, I know, complaining that they don't have enough to funds there in order to avoid the conflict issues. I didn't want to just ignore the comment about investigating the states. It's difficult though given the limited resources that we need to really be able to make sure that we maximize the productivity, and so with minimum resources, you folks are really being asked to do some extraordinary tasks.

And sometimes, you know, given the limitations you have for county counsel now. It used to be that you would have a District Attorney, but perhaps that was, you know, before the procedures were somewhat separated by the court's rulings. Certainly, it's a worthy inquiry. I just don't know the answer, and I wouldn't be overly optimistic that we'd see the courts jumping on the band wagon today because, you know, everybody's kind of fighting for the same limited dollars.

MR. LORD: Yes, Royal Lord, Orange County. At first, I wanted to address one issue, but now two. The first issue was on Scott Baugh because issue of his proposing to have counsel in the grand jury chambers. I was on the grand jury that indicted him. I can understand why he would like that, but I'm definitely opposed to an indictment process. You're only really finding probable cause, and you don't also have all the facts. I was a police officer for many, many years also, and I know probable cause and the feel of what it is, and you don't always have all the facts. You have to go with what you have.

MS. JACKSON: And what was the point you were trying to make there? You said the point is that they're only finding probable cause, and that is what you were objecting to?

MR. LORD: Counsel in chambers.

MS. JACKSON: All right.

MR. LORD: Counsel in the grand jury chambers, I'm opposed to that. I don't think it's necessary, and I believe that it's required in law -- I'm not an attorney -- that the District Attorney is required if he has knowledge of the exculpatory evidence, he is supposed to present it at the time, and if he doesn't, then he's probably going to lose the indictment. The other issue was on the funds of private counsel. I was on the grand jury in Orange County when it went bankrupt.

MS. JACKSON: Boy, you've had an interesting go.

MR. LORD: Yeah, because of the conflict of interest both between the county counsel's office and the District Attorney's office, we did persuade the court to allow us additional funds, and we did hire private counsel for the bankruptcy proceedings which we had to do, oh, definitely a conflict of interest. It has been done. It is expensive, but it can be done.

MS. JACKSON: Okay. I just want to say Scott Baugh was a colleague, not a friend, just a colleague. Yes, sir?

MR. POOLE: Couple of things I'd like to bring forward. One, there is only one grand jury. It's not civil or criminal. There are two functions, civil and criminal so when the legislature starts looking at the law it looks at criminal. There is a current problem with criminal in the indictment process in representation of makeup of the jury that the courts have brought forward. When they start looking at the criminal aspect in order to fix it in their process and to do so, what they do is affect the civil portion of it, should they try to separate it? That is a gigantic concern. We speak of term limits, and I'm kind of going a little bit of everywhere at this point, but I don't think that the term limits in the legislature get compared to a one-year term of a grand jury system. To get people for more than one year is impossible because they donated. Their pay is between \$5 to \$20 per meeting at the most, contrary to a full-time job

in Sacramento. So they're not going to volunteer much time in that fashion. I described a grand jury to many that it is designed for failure, and I say that for a number of reasons. You bring nineteen strangers together, you put them in a room, you tell them, okay, now, you're the grand jury. They have no understanding of the law. These are average everyday citizens from doctor, lawyer, professor, to house wife, or bum on the street that votes, whoever. You put them in a room. You say, okay, now, you have to understand the law, but wait a second.

You, as a lawyer, have gone to school for years. You have got some training. You then tell them you have to understand procedures and how to write a report. Well, some may understand. Then tell them you have to learn how to investigate properly, and that they're not effective until the 11th month is generally correct. But in spite of that they come out and they file a report, I think they do pretty good jobs. I can only relate to a few where I have seen a number of public firms pay back city or county coffers due to inadvertent errors that they happen to make that the grand jury seemed to find.

And as the attorney, I'm sure you can realize you didn't have enough proof to prove they were damn crooks, but you caught them with the hands in the cookie jar.

So a grand jury is an outstanding system in my mind. That's the reason why you see everyone in this room here today. It's not perfect. There's no way you can make it perfect. The grand jury, they have very few rules. They set their own rules, and in spite of how things go, they reinvent themselves and they do a good job each year. To have the legislature monkey with the laws, without those people who it effects, the grand jury system, scares the living B'Jesus out of me. You have what, 400 people in the legislature up there?

MS. JACKSON: No, 80 in the assembly and 40 in the senate.

MR. POOLE: I look at nineteen people having a hard time making a decision, and you put that number in Sacramento to look at an issue, and another analogy I make is that a committee of 25 can never come out with two humps on a camel. It comes out with 13 humps, and I've seen some of the humps coming out of Sacramento, and it scares me.

MS. JACKSON: Me too. But I guess in response, and I'm not sure quite where to respond, let me just say I'm not attempting to suggest that you folks should give six years to the grand jury. I'm talking about term limits. It's really a question of talking about being asked to have an expertise in a short period of time, and that's really the only analogy. Of course, I appreciate that most grand jurors do sit for one year and do come together and again try to work out a process amongst them. For me, it's very interesting to have this discussion because obviously you feel passionately about the system, and yet, trust me, being the legislature now, I've finished five years. We usually introduce 1500 bills a year. Out of about 7500 bills, only about four or five have been about the grand jury.

So you folks are well below the radar but should be included, and I hope that you are and continue to be. And I think this report -- I want to see what the additional information these folks have to answer. You, sir, and then we'll come back to you.

MR. SINGER: Sheldon Singer from Orange County. Generally Orange County jurors are paid \$50 a day. The Board of Supervisors thought we were entitled to that and I was foreman of '98, '99 grand jury in Orange County. Criminal is only 15 percent of the deal so we have one grand jury that does both, 15 percent for criminal and 85 percent for political, but when we have someone in for criminal, we swear the witness in for confidentiality.

The members of the grand jury, when they're charged for the first of the fiscal year, they're sworn for confidentiality. When you bring an attorney in, he can say whatever he wants after that. So the confidentiality that you have is lost. And they can stay outside as much as they want to. As far as continuity and membership in the grand jury, after two years, you have to be off a year and then can go back a second time so that is really long enough I think.

MS. JACKSON: There was a point that's been made by a couple people. The civil grand jury is primarily for civil purposes, I'm told, in Santa Barbara. When they want a criminal grand jury, they will summon the grand jury from the list of regular panelists in order to create that. So it's usually a one-time deal versus a civil grand jury between a regular panel of jurors to meet that requirement, a cross section and blind cross section of the community because grand juries, of course, are selected usually by the presiding judge and other judges who frequently know the individuals, where this is a blind kind of diverse cross action. This woman here.

MS. CHESNY: Sherry Chesny. And I do agree with Clif that the system is not perfect, but what in life is perfect? I remember the words in a charge that the judge gave to a grand jury that I served on, and he said that the grand jury does a lot temporary amount of yes, sir by your mere existence. The grand jury does an awful lot of good as local government knows because they know a grand jury can come and look. As for being effective, it's amazing. They accomplish what they do, but they do it. It does happen, and there's been a lot good come out of grand jury reports. It's our democratic form of government, with checks and balances at all various levels. And I see the grand jury system as a check and balance.

I think it's a very interesting and a healthy concept to take a group of citizens randomly selected and say, okay, you represent the people of this county and for one year you have the power to investigate the people's government because it is the people's government.

MS. JACKSON: Thank you. Thank you very much.

MR. LEWI: Jerry Lewi, Ventura County. I want to speak to a point you made that one of the provisions in one of the bills that's being offered up is the idea of the government agency having all the background data that the grand jury uses. The issue is the provision in one of the bills that would require the grand jury to make all the evidence available that the grand jury used to write its report.

I know, as grand jurors, we tend to disagree with that. My contention is, if the report doesn't stand on its own, it's not a very good report. So I think the fact that we don't provide the information provides a challenge to the grand jurors themselves to write good self-supporting, self-sustaining reports that the agencies can deal with without further information.

MS. JACKSON: That certainly has been the subject of discussion.

MS. JAMESON: The key to a good grand jury is a good foreman. Unfortunately, if the foreman isn't good, the grand jury isn't going to be good. He needs to know what his powers are. He needs to know how to do the job. He needs to be dedicated to doing that job. If he's not going to do all of those things, then you're going to have a bad jury.

MS. JACKSON: Okay. Yes, sir?

MR. NICHOLS: Dick Nichols from El Dorado County. I'd like to follow up on what Jerry said about confidentiality. The state has a whistle blower protection statute, which is obviously valuable and

necessary. The very same concepts that are behind that statute are why grand juries ought to have confidentiality for their witnesses because the people that are going to blow the whistle on inappropriate counties in the country are not people who are going to put their jobs at risk criticizing their bosses unless they're going to have some confidentiality and not be blown. I don't see any difference between the two context.

MS. JACKSON: Good point. Yes?

MS. JAMESON: Marianne Jameson from Contra Costa. We have been very concerned about some proposed legislation, but there have been some good things that have come out of the legislature in recent years, some of it promoted by this organization. The provision that every county must have a room and, at a minimum, locked file cabinets, the provision that the agencies responding must make a real response instead of just saying no comment, and recommendations to raise the level of pay. There have been several pieces of legislation that I think have been very beneficial to the grand jury system, and again, much of it has been promoted and encouraged by this organization.

MS. JACKSON: Any other questions? Yes?

MS. DABUL: I'm Barbara Dabul, San Luis Obispo County. I just wanted to support your notion of the increased term limits not so much from the point of view of the legislators or people as the programs. I think the average voter does not realize how costly a change in a program can be. As an example, I was once in charge of clinic and hospital programs across the United States, and voters had just voted for a new program and they were supposed to put into place all the state liaison agencies for this new program. It was going to take us a year or two to do that. The program that the voters had voted out, never got a chance to prove itself worthy or unworthy. So I think continuity in legislature is a check and balance against the average voter realizing how costly it is to change a program.

MS. JACKSON: Interesting.

MS. DABUL: And we were talking awhile ago about the advice. We've always had advice from the District Attorney and the county counsel, depending on whether it has a criminal activity, whether it's a civil activity, we can get either one. I like it together because they were always available. The other thing is one of the charges we have when we became grand jury members was to recruit more grand jury members by going out to the fairs, going to all services, clubs, churches, and so on, which made the information available for the people to apply. From that, we've never had a question about having a representative jury, and it works well.

MS. JACKSON: Thank you. Yes, sir?

MR. HEADLAND: Bob Headland, San Diego. I had to come back to the issue of terming people out. No doubt we lose the benefit of people that are well trained and knowledgeable in the legislature. That's far outweighed by the people who have self interest. We have to suffer through those kinds of people in the legislature when you don't have term limits.

MS. JACKSON: Well, obviously that's a point of view that a lot of people have. I don't necessarily agree with it. There are some people who shouldn't have gotten elected in the first place, frankly, but we do have a normal set of checks and balances. If you got a bad person in there, we should be able to throw them out by elections. What I'm suggesting is a slightly longer period of time, if we can't throw the bums out in a regularly held election, if we have the 12 year period as the maximum you can

serve in one house and a second house, I think you get the longevity that you need. You get people with the expertise. As this woman mentioned, there is so much to learn.

Basically you use the years where you have the strongest personal interest and the strongest interest in terms of your constituency's interest, and those are the areas that you really become expert on.

It's very difficult to be an expert on anything. I don't know who is or can be. And by knowing who has that expertise, you can call upon that expertise to get an opinion on legislation from someone who has had a lifetime of experience. Whatever your profession, I bet you were better at it after five or ten years than you were after a year.

MR. HEADLAND: I think the City of San Diego was best off when I retired.

MS. JACKSON: I'm not going argue with you on that.

MR. HEADLAND: What I'm going to say on term limits is usually these people get entranced in some small segment of the state of the county or the city.

There's a small group of people that elect them, and if they got control of good money, they can keep going back and back and back. Now, I've been involved in a lot of organizations, and I found that common sense matters more than training and education. I've seen very many times when we had committees of different people working on the accounts. Sometimes the least trained people, in fact, I'd say just as often came up with the best solutions so I don't believe that you've got to have trained legislators.

MS. JACKSON: Well, obviously we disagree, although it is always helpful to get a fresh perspective. I have no problem with that, and, again, with a term limit of 12 years, which I think is a logical one, you will have turnover every few years and you will get those new people in. But, again, you obviously reflect the majority of public because they love the system, and I'm just here to say that I love the system and I think the public isn't as well served as it could be. Last question?

MR. POOLE: Clif Poole, Solano County again. One statement or question I guess. At the beginning you mentioned training. I don't know whether you knew that CGJA does offer the training, that law that requires training for grand juries only came into effect in the late '90's. That also was part of CGJA's question. Prior to that, grand juries were what I refer to as mushrooms, keep them in the dark, feed them the poo-poo by the D.A. and the county counsel. Every attorney seems to have a different interpretation of the law. You can have two District Attorney's in two separate counties, each one of them will interpret how they are going to apply the law a little differently, same thing with county counsels.

One of the biggest problems I found with the training is when we bring them together as a mass for training, and, yes, we tell them you can do this, here's the law and you can do that and so what. And I think that's great, but one of the biggest advantages is putting four people from different counties side by side and them understanding that what their county counsel is telling this one is not necessarily applicable over here and learning that they sometimes may need to ask somebody other than their county to form some opinions. Obviously county counsel are their advisors, but they may want to be able to question on occasions. Thank you.

MS. JACKSON: Reminds me, if you have two lawyers in the room, you have three opinions. I

want to thank you very much. This has been a very informational experience. I want to certainly thank you for all your experience and all of the time that you've given to really make this system, this extraordinary system that we call democracy work. So I'm very honored to have been part of this, and I hope that I can be able to use this information in the years to come. Thank you very much.

MR. LEWI: We'll take a 15-minute break, and reconvene at 3:45. Thank you.  
(Recess taken.)

### ***Annual Meeting, Elwood Moger, President***

MR. MOGER: I'd like to call the meeting to order, please. Thank you very much. First item on our agenda today is to approve the annual membership meeting agenda. Do I have a motion to approve the agenda?

Moved by Bob Abeling and seconded by Richard Ruth. Thank you. Any discussion on that motion? All in favor say "Aye."

THE ASSOCIATION: Aye.

MR. MOGER: Opposed? The next item is to approve the 2002 minutes. We'll have a motion to waive the reading of the minutes. Is there a motion to waive the reading of the minutes? Moved by Richard Nichols and seconded by Clif Poole. Any discussion on that motion? All in favor say "Aye."

THE ASSOCIATION: Aye.

MR. MOGER: Opposed? We'll take a motion to approve those things as you have them in your packets. Hopefully you've all read them. We have a motion to approve the 2002 minutes so moved by Jerry Lewi, seconded by Clif Poole. Any discussion on that motion? All in favor say "Aye."

THE ASSOCIATION: Aye.

MR. MOGER: Opposed? Stands approved. Are there any abstentions?

MS. BAKER: Linda Baker's obtaining.

MR. MOGER: Is there anyone else? Richard Ruth is abstaining. Thank you. That takes us to the president's report.

Today I have some good news to report to you, and I have some problems to report to you and some challenges. First, the good news. My name Elwood Moger, the president. And we have 350 members in the association, an all time high. Our financial position is healthy. We've had several years of very good training seminars that were well managed. We've had some very generous donations that have come to us, and we are probably at the most healthy financial position that we've had our history.

Our legal team has deferred some damaging legislation. We say deferred, maybe one of the bills is dead, but we expect to see some more action as we get into 2004. Our training team has delivered excellent seminars again. We've trained over 400 grand jurors, almost a record at three training seminars. The good part also is we're doubling our resources of instructors, which means expansion for the future. We were running with roughly five. Now we're going to be running with ten to 12 instructors, which means we can grow further. Also, we're going to be looking at our curriculum for the first time, and that's going to be healthy to review our training curriculums. Our operations team under Jerry Lewi has expanded the website. He will look to more sophisticated approaches as we go forward.

Les Daye has formed a GRIP committee. This is with new member resources, and it's bringing new blood into our association, which is good. And under Les' leadership, we're going to expand that project and make it an annual project and keep working it more. Of course, Jerry has the Operations Committee, and he is the conference chair of this year, and I'm sure he'll be delivering an excellent conference for the Association

Good news has not been achieved without problems. We were unable this year to get our public relations committee off the ground. Last year the board established a standing committee for public

relations. We had a director come on the board, and then because of family illness and problems could not lead that committee.. The committee is keeping that effort going in the next year. We set a goal last year to get into grand jury research and analysis, and one of our directors, Beverly Hill, is heading that topic area and functions, but she needs more member resources. And today I ran into an individual here that is interested in doing that, a new member resource. It's going to be healthy to put more people into that effort so that we can research grand jury practices throughout the state and start keeping track of them and publish them on our website and in publications.

The unexpected death of our late treasurer, Janet Praria has hit us exceedingly hard, I must share that with you as our president. Janet died shortly after our December board meeting. She came and proposed that we change our fiscal year to a calendar basis and change our budget. She passed away a few days later after. A board, with great respect to her, approved those motions. It took us a couple of months to find a new treasurer, and we found Marilyn Maxner who joined us in March. What we found is we picked up the pieces, as we don't have the software, the software's on Janet's personal program, and we had massive files. So we've had to go through a very, very difficult period making a whole new set of accounts, buying new software for our bookkeeping, and trying to reconstruct ten or 15 piles of financial records.

Thanks to the work of Roger Loper who became the acting treasurer and kept the operation going and then Jack Freisen, a director of ours who worked on reconstructing accounts for our financial reports, we closed our financial year on June 30th, and the results will be reported to you by Roger today. We had help from Marilyn and Kent Foster in trying, as a team, to put this thing back together. I must tell you, it is not totally together yet, but we are moving forward. We're going to go to our budgeting on a calendar year basis, and we're going to go to our fiscal year starting 2004 on a calendar basis. That's the way we'll be reporting to the IRS. This told us something as an association. Janet was a very good contributor to this association. We had no backup, not one person backing her up. We had no systems backed up. It's something that we have to address as an association as we grow our membership base and our programs. We have to get more successors and more backup up employees in place.

The issues that probably you've heard most about and the big problem for the board has been the board's struggle since June of this year with the issue of the production and the distribution of DVD's for our La Verne training program. This came to the attention of the board in June. There is a report that the board instructed to be passed out to you regarding their views, the chronology of events from the board's perspective on this entire matter. I must tell you this has fractured your board of directors. There is 75 percent of the board that want more formal governance of this association.

They don't want to ad hoc arrangements of the association. And 25 percent of the board wants to allow perhaps more informal, not as many rules, not as much structure to the association as we go forward. The issue has raised, and you must know, some serious legal problems for this association, and that is the concern of your board of directors. We have potential liability to people that were on the videos, and we are sorting through that process. And the individual involved retained a lawyer, and that lawyer has placed demands upon the board of directors. And I believe a letter was sent out to most of the members with a copy of that letter. That letter's going to be addressed by counsel that the board of directors was forced to retain. So we now have retained counsel in Sacramento to represent the association.

We had a Board of Directors meeting last Saturday and I'm hoping we've resolved the issue. But we'll wait to see if we have resolved the issue. It's been a very, very difficult time for your board of directors and all of the board of directors, not 75, 25. It's been difficult on them as well as the majority of you. So we need to work on directing that and putting that to bed so this association can grow. Our challenges ahead are to expand upon our successes, continue our membership drives, continue to expand upon our training, train more grand jurors, continue to improve upon our website and our forms of communication. But we must also address and resolve our problems. We cannot let them keep eating away at us.

We also have a challenge to expand our member resources. That's going to be the life blood of this association. It can't be people sitting around to lunch at a table saying, I'll do this, I'll do that. We have an awful lot of talent in this room.. We need to energize them into our committees and move forward. And we must continue this transition that's been very, very difficult for us of moving from informal to a formalized form of government.

Now, with that, I'm going to hold questions until the end of the program. There's going to be plenty of opportunity for everyone to comment and express themselves, but I'd like to get on with the reports and the rest of the agenda. So I'm going to now turn it over to Roger Loper who is going to report on behalf of the Finance Committee and the Treasurer. Roger is retiring as a director of our association and one of our vice presidents. With that, I'll turn it over for his report.

MR. LOPER: Roger. He's already told you that we're solvent, and I guess that's the key. Richard is passing out some documents because it's hard to talk about numbers unless you have them sitting in front of you so I'll wait until those are around. The first table is called "Statement of Net Assets," and it's a statement as of the end of June, and is reported as the final report of the fiscal year 2002-2003. This has appeared in the journal, and approved by the board.

We had \$35,000 in cash and some prepaid expenses and about \$6,000-worth of equipment. This is our PA system and our projector. So the actual cash is \$35,000 of which \$11,700 is designated and means to talk about that today. And that's all set up in a separate account.

Now, that's a far cry from where we were a year ago when Janet recorded a net balance of \$17,000. Under "Revenue Expenses," there's two of them. The one on the left is again fiscal year ending June 30th, and the one on the right is the calendar year 2003 because as El told you, we're going into a calendar year management system so the one on the right has budget estimates in it as well as some figures to date. And looking at that, you can see that on the left-hand side as of, I understand June, we had \$33,000 revenue for training, \$10,000 for the conference, \$7,000 for membership, and I might say that those are the three things that produce the money, the training, the conference, and the membership. And the objective is to break even on those things or preferably show a slight return.

Contributions in the calendar fiscal year 2002 to 2003 were very generous. We got about \$14,000. And you know where some of that came from already from what's being said, publications and other income. Total revenues is \$67,000. In a minute, we'll talk about expenditures. On the right-hand side it says estimated to the end of this year \$54,000. That's already a little out of date because I think El mentioned our training program has been more successful than we thought. We expected a rather quiet year on the training because of the budget conditions of the county, but actually we enjoyed a quite a good year.

Turning over to the other side, you've got the expenditures for the fiscal years on the left and the estimated budget and expenditures for the balance of the calendar year on the right. And as you can see, we ended up with \$19,291, more income than expenditure through the fiscal year. And we're estimating the very small \$43 excess at the end of this year in the calendar year. That will be better because of the training program.

So basically I think we're in very solvent position. We're stronger than we were a year ago substantially, and I think we owe a lot to those committees, the training committee, the operations committee, and the membership committee for bringing those monies in, and of course, to all of you who contribute to the welfare of this organization, we owe a lot of thanks because it comes from the heart.

Another thing I want to say is this is a totally volunteer organization. There's nobody on the payroll. Whatever's getting done gets done by the goodwill and the hard work by the people around you.

We have a program written up in the journal, but I'd like to remind you of the membership interest program. This is where we learn enough about what your interests are to help us guide you into the various committees and activities that run this thing. And over on the table there, there are some membership applications. You've seen them before, but I'd like to urge everybody here to give us an

interest summary. This helps us so much in putting together the human resources that we need to run our business, and this business doesn't run without human resources. That's the wheel that makes it go.

So with that, I'll accept any questions that you may have. That finishes what I have to say, then.

MS. JAMESON: Point of order here as to putting off the questions. We have this in front of us right now. This is the time to discuss the treasury, not after we've gone to something else, and Bob has some questions, and I have some questions.

MR. LEWI: Well, we had it set up for the comments and questions later. Well, we won't be able to call Roger up so maybe we should take questions because Roger is involved in another activity. So, Roger, would you please come back up here again, and we'll take those questions.

MR. LOPER: Yes, I have questions?

MR. HEADLAND: Bob Headland, San Diego County. Roger, on the report, it makes the one mention of the restrictive funds of \$11,700, and I think it would be -- it's important to the membership to realize that some of that money's really been in limbo for a while, and I had suggested at your board meeting, and I hope the board follows through, that we're going to develop better procedures to make them more useful, make them work more for the association.

MR. LOPER: I think the Finance Committee has already made a start on that, but we would like to see the board take interest and give us guidance. The \$11,700 represents four, I think, designated gifts of which the money that came for the DVD's is one, and the money that was given in memory of Janet is one. It totals \$11,700, and that money has been sequestered in a separate account. Yes?

MS. BROWN: I have a question. Carolyn Brown, L.A. County. I have a question regarding your expenditures. Do you have to pay for credit card processing if someone charges something for their organization?

MR. LOPER: We have a credit card that used for the organization and we pay some fees for that, yes.

MS. BROWN: Thank you.

MR. LOPER: That credit card is carried by the officers and used for purchases that make sense to buy off the credit card.

MS. BROWN: Is there another negative to make those payments without those fees?

MR. LOPER: We have a Visa card that's carried by the officers of the association for their convenience, and we have an account where we accept Visa and MasterCard charges through the Bank of America.

MS. BROWN: Thank you.

MR. LOPER: Does that answer the question?

MS. BROWN: I guess my real question is, is there another method to take care of that without having to pay the fees?

MR. LOPER: Well, I think it's a matter of custom almost that people want to be able to pay by credit card, and we're trying to accommodate the customer. I guess that's the way to say it. Any others?

MS. JAMESON: Marianne Jameson, Contra Costa County. Where are all the expenditures? I see nothing about attorneys' fees and the cost of the DVD's. Shouldn't this be listed? I recognize there is this contest, but this is a legal obligation that at least at this point should be noted on here whether it goes to arbitration or whatever's decided, thank you. By the way, we pay no fees on the credit cards we carried. There are a lot of places that give you credit cards without charging fees.

MR. LOPER: Yeah, this statement closed as of June 30th.

MS. JAMESON: I'm sorry. I didn't hear you.

MR. LOPER: It's the fiscal year 2002.

MS. JAMESON: It says calendar year ending December 31st, 2003, what I'm looking at.

MR. LOPER: Well, that's part of the budget.

MS. JAMESON: This is the estimated. Why are the estimated -- it's not listed on the estimated expenses.

MR. LOPER: Well, the estimate's not there. That's what this is it's the expended through the first half, plus an estimate to complete. It's a calendar year.

MS. JAMESON: Nonetheless, this is on B, calendar year ending December 31st, budgeted, estimated revenue budget expenditures. Why aren't these anticipated and besides which the DVD's, that's already been cost, and I suspect the attorneys' fee is -- part of them have already been paid.

MR. MOGER: None of the attorney fees have been paid period.

MS. JAMESON: But we are --

MR. MOGER: We're obligated, but we haven't even billed yet.

MS. JAMESON: Win, lose, or draw.

MR. MOGER: We haven't even billed yet.

MR. LOPER: Just as the income. Any other questions?

MS. JAMESON: Well, why wasn't it budgeted for is what I'm asking?

MR. MOGER: Because the budget was created, ma'am, in January. It started to get created because of Janet's desire to move it to a calendar year basis. It really got created in March. We didn't know about the DVD's until June.

MR. LOPER: We're starting again with a real one now.

MS. JAMESON: This really isn't much use to us then.

MR. LOPER: Well, it is what it is. It represents our current situation.

MR. MOGER: There's a question in the back.

MR. BLISS: Andrew Bliss, Los Angeles, I don't quite understand the first statement of assets. Shouldn't that be gross, and doesn't it come out that you have a net cash of somewhere around \$25,500?

MR. LOPER: I'm not sure I follow what you're saying. It's \$35,000 in cash deposits. There was \$1800 of prepaid expenses which partly were for this conference and probably some training expenses and then which is not cash but an asset.

MR. BLISS: That's why I took it out.

MR. LOPER: That represents the PA system and the projector system we bought, and it's been depreciated as you see. So the \$43,000 in terms of cash is really about \$35,000 and --

MR. BLISS: But you have restricted funds in amount of \$11,700.

MR. LOPER: The \$35,000 is designated funds.

MR. BLISS: So the best operating, you have it \$35,000 --

MR. MOGER: Undesignated

MR. BLISS: Well, \$25,000 in order to spend over the next whatever period of time, shouldn't that more clearly stated here?

MR. LOPER: Looking at the year that went by since we last sat together and talked, we've gained about \$20,000, not quite \$18,000.

MR. BLISS: I guess with that review to me is leading me to the next question. Do we have enough money to do all this legal --

MR. LOPER: Yes.

MR. BLISS: -- work?

MR. LOPER: I hope it won't be much, but the answer is yes, we do.

MR. BLISS: I would think we would need to have an estimate of what that might cost us.

MR. LOPER: I'm not in a position to give that. I'm sorry.

MR. HAXTON: Owen Haxton, Marin County. In the event that you don't have the figures of estimated costs, did the board at its recent meeting consider establishing a reserve fund to meet the cost of this potential litigation?

MR. MOGER: I can answer that. We did not at this point. We're still in the process of just having retained legal counsel, getting the first letter. And you've got a good point, for bookkeeping purposes, we should start establishing a reserve, an excellent point.

MR. HAXTON: Thank you.

MS. LYNBERG: My name's Audrey Lynberg, Los Angeles County. On your year change and the many non profits that I've worked with, only a few have changed the year. Janet was a highly credible person, but what I found over the years in reviewing non-profits, you can hide money. Your actual year used to be June 1st to May 31st and so part of your money comes in this year, part of your money comes next year. It's really an accounting headache as far as I'm concerned unless you have a full-time accountant so I would not recommend the date. That's all I'm saying.

MR. MOGER: I'd like to answer that if I could. The reason was, that we were moving all of our planning to a calendar year basis and before we had expenses switching back and forth to the June 30th for training and revenue flows, so Janet felt, and the board respected her a lot, that it was the proper way to go and the board adopted that.

MS. LYNBERG: Well, that's exactly what I'm talking about, is that part of this will fall into the wrong year, and I always considered hiding of funds as she really had to sit down and answer how these

funds were flexible. So it's really much easier for a non-profit in particular if you're going to get in grants or any funding, they will not be on the yearly basis. They will be from July 1 because all corporations, if they're going to give you money, it's in their corporate year and it's highly more successful. But I'm just giving you my input and my experience over 25 years of experience of non profits.

MR. LOPER: I appreciate that. Let me say one thing, we've got two fellas on that, who spent their whole life in financial management. I think we are much stronger than we were a couple years ago, and I think we're well-guided on how to handle this money. That's one reason why donations have been set aside in separate accounts.

MR. HEADLAND: Bob Headland again. Relative to this fiscal year and calendar year, I think what I was saying was Janet thought that because of the flow of money on our conferences and such sort of went back and forth over the June 30th, it made sense to have a calendar year put in because then all of our conferences would be included within that 12-month period.

MR. MOGER: And also we were getting revenue registrations before the close of the year in anticipation of training and it was revenue coming in after training, so Janet felt it would better putting it into the calendar basis.

MR. HEADLAND: So after a full year of the change, we ought to have very good comparable.

MR. MOGER: I think we should yes.

MR. LOPER: As far as the years this money was given, it's all right. We have records of all that.

MR. MOGER: Okay. Are we all set?

MS. DABUL: Barbara Dabul, San Luis County. I'm just noticing on the expenditures that there are two line items, recognition and fundraising, that occur in the June listing and not in the December listing. Have these line items been removed in the budget?

MR. LOPER: This is on expenditure?

MS. DABUL: Under publications as recognition and then there's fundraising. I don't see those two on the other side.

MR. LOPER: Recognition was two things. It's the program that we had, cost of the program we had called election and reporting. There was a lot of mailings and phone work to line up the people who were going to participate in, and also the recognition includes the plaque that was given for award, and I think a gift was given. Fundraising, I have a breakdown of that. I think it was expenses of the financial development committee, and there was some training involved in that and writing and related expenditures. That's what those are.

MS. DEBUL: Yeah, my question is, have those line items been removed because I don't see them on the December list?

MR. LOPER: We don't expect those to repeat to that degree.

MS. DABUL: Oh, well. Okay. For one, I am personally hoping that we'll continue to have a recognition program.

MR. LOPER: We will, but there's another item on the budget which will cover those things.

MS. DABUL: What will that be? Oh, other?

MR. LOPER: Yeah. We don't have any major fundraising program this year. Costs you more money so it's separately listed.

MR. MOGER: Al. Are we settled on that report? Okay. That takes us onto the presentation of ballots, and I'd like to call upon Clif Poole who is the chair of nomination to come up and report upon that. And then after that, appointing the tellers.

MR. POOLE: First off, I think I'd like to say a little something about our Board of Directors nomination this year and our ballot procedures, but right from the get go, I think I have to say thank you to an extremely efficient and wonderful committee to work with from the board of directors. We have Sherry Chesny, Joann Landi, and Jerry Lewi. One from north, one from central, one from south. From the membership we had Tally Wade, Al Arman, and Boyd Horne, north, central, and south again.

In the past, each year we elect half of our board of directors for a two-year term. Most of us

know we further break it down to four directors per region - north, central, south. We do that so we can maintain representation and knowledge from all parts of the state. In years gone by, we've been very hard pressed to find even the fourth person for region in order to put them on the ballot. There's been a lot of questions, you know, is it a close society? What is it? This year this committee beat the bushes. Went through these member resource cards, asked people, went to chapters, and we found more than what was running for the board directors. We found six to run in the south, six in the central for four openings. We only found six from north, six from south, and the central region only at four. Evidently we haven't got the volunteers in our area, but we're going to go have to get on that.

This year, the committee changed the ballot to allow for a brief statement from each candidate. We told them 25 words or less. Then we told them that's too many words because it doesn't fit in the box we've got for you. And then back and forth we tried to come out with a nice ballot. This was done because you had a choice of who to check, and with those changes, it wasn't flawless. We ran into a few problems. Our policy and procedures require us to find the candidates, recruit the ballots, mail the ballots, provide some degree of security for the ballots. We reviewed it, and reviewed it, and reviewed it, and reviewed, and sent it off to the nominees to review it.

We thought we'd covered everything, but one little simple detail wasn't on there, the "return by" date. We had it printed on pink paper because pink is hard to copy. Then we found out, but it's sure as heck easy to buy, so why worry about copying if you can go down and buy it? We placed a security number so we wouldn't find duplicates. We're trying to follow the by-laws. Then we were told by our members, oh, you now traced it way back to the way I voted. That's not the purpose, but we tried. Again, this was our first year on it, and I think our committee did an absolutely excellent job.

A few of our members called to point that "draft sample" was left on the instruction side of the ballot. I inadvertently left that on there when I took it to the printer; Guilty. So what we decided was to send out a second notice to every member we sent a ballot out to. We sent out a little postcard saying that we made a mistake, this is your ballot, please vote, do what you're supposed to do. As to our members, we mailed out 263 ballots. We had 150 returned on time and two returned late. That's a total return of about 57 percent of what we mailed out. It is, from what I understand, the highest return rate we have ever had, and I am just extremely thankful for it.

With that, Mr. President, take your ballots. I don't want them.

MR. MOGER: Thank you, Clif. Thank you for all your good work. It's now appropriate for the president to delegate the tellers for counting of the ballots, and my delegation is Roger Loper who is a retiring director of the board, Dian Picone, who is a current active member of the board of directors, and Jack Vaughn, who is the president of the San Diego association and a member of the association. So will they still come forward now, and they're going to count the ballots in a room right behind us and hopefully they will have them counted by the end of the meeting. If they do not, then we will announce it at dinner tonight. Thank you very much. Good look.

That takes us into now our committee reports to the membership, and the first committee to report is our legal committee and that will be Jack Zepp.

MR. ZEPP: Hi. I'll make this fairly brief, in part because you're going to hear a fair amount of the status of various legal developments tomorrow. There's a panel on it, but let me just recap the year for you, most of which you probably know about. The committee, which consists of Les Daye, Dick Nichols, Diane Picone, myself, Mike Casey, who is a new member and not here and just joined the committee as well. When I say new member, I mean of the committee, and Bob Geiss, Orange County.

The committee was very busy this year, much busier than I think any of us could reasonably have expected primarily because of some legislative developments. But let me just explain how the committee is structured. It has four main tasks that are performed. One is to monitor and deal with -- I don't

want to use the word lobby -- but educate legislators about legislation. Another is to keep our

membership informed of non-legislative developments, court decisions, and attorney general decisions preliminarily. Another to prepare the distribution of the compendium which is the annual compilation of all the law in California pertaining to grand juries that we develop internally and make available primarily at our training programs, but throughout the year as well, to anyone who's interested. Lastly we handle an increasing number of inquiries from around the state coming out of the training programs that they know about us and any relatively basic questions that they may have.

The year, as I say, has been particularly busy, and that's predominantly because of AB312 and SB307 bill. That's possibly some similarity that the speaker was talking about, but he seems to have maybe a mirror image of the bills and the real AB312 and the SB307 are real, real bad bills, and we busted hump this year to make sure that they didn't get to the floor.

Amazingly as busy as they are, they find time to produce stuff like this, and we have to find some time to prevent it from going anyplace. We were successful in getting AB312 off calendar until this coming legislative session, and we were successful in doing the same with the SB307. AB312 is the one that is current that would either permit grand juries to disclose the identity in connection with a report or if they don't say that, the government agency doesn't have to respond to the report. SB307 is the one that would completely flop the grand jury system and make the grand jury the civil oversight function, the jurisdiction of the so-called representative grand jury, that is people who are not interested in doing that, who have been summoned to serve up to a year on a project they have no interest in. Those two bills took a tremendous amount of time, and I want to thank everybody in the committee, the board and the membership, for the support that you have given, The committee in trying to make the case to our legislators that these are bills that are bad in the inception and potentially deadly to the grand jury system. We also had a number of non-legal developments which are the primary responsibility of Dick Nichols. There have been attorney general opinions. There have been new court cases. In each case to do, we post those analysis on the website if we think they're pertinent to put in the journal and generally try to keep the membership and the chapters aware of those points.

Those are not fronts in which we can realistically have much input. It's technically possible, but it's hard for us to do because of timing issues. We have never done it, but we may someday do it but with the attorney general. We have I think one, maybe two occasions we've been asked for an opinion and they have asked for our intervention, and we have done that. I don't think either of them has resulted in an opinion as yet. I think maybe in one of these cases, the attorney general declined. The other one's still out there.

In addition to that we, primarily through the efforts of Dian Picone, spent a lot of time this year coming up with the first new iteration of a compendium. It's basically had three iterations now. The original compendium didn't have case law in it. It was just statutes, and there was the one that had all of the case law and the attorney general opinions as of, I'm going to guess, 2000. And then there have been some interim additions, but this year we came out with a brand-new fully updated version which is a substantial document. You don't have to go to this, then 2001, 2002 updates and so forth.

One other thing we dealt with without any resolution, indeed, without any success at all was the Trial Court Funding Act. That is an ongoing problem. In my personal opinion, it's the overriding problem the grand juries are going to face in the next decade. Until that gets sorted out, nobody is responsible for the grand jury. There is nobody to go to. The courts by law are prohibited from including grand jury matters in their budgets. They don't want to be the fathers of the grand juries anymore.

Counties, of course, have no particular interest to look out for the grand juries, and the legislature is an unlikely source of government support for grand juries so we continue to work on that. I expect AB312 to come back briefly. I've been told they're setting up a hearing for it. I expect SB307 may come back briefly. So we may have a very busy year, and if we get legislation, I want to ask you all now, please, you have no idea how important it is to get in there for a hearing and look at that file and see 18 letters compared to a file that's got one and that's from us.

You may want one of the letters, but it makes a hell of a lot of impact with 40 letters than when they look at one with one letter. So please keep your eye on the website, watch the journal. If you hear us saying we are going to be opposing or possibly even supporting legislation, please support us in our effort. Thank you.

MR. MOGER: Okay. Our next report is going to be from Clif Poole on membership.

MR. POOLE: As CGJA continues to grow we seem to be very fortunate. Last year's conference, I think it was reported that for the first time that we had passed the 300 mark in our history. We ended out the year with about 350. By law, a member is still a member for 60 days. I think it's up to October 1st or something. At one time, on October 1st, which is kind of funny, we had 425 or 430 people. I thought it was very nice at the time. Over the years, membership counts have been taken at different times. Whenever our listing was taken, you really have a hard time comparing apples to apples. So this year what we've done is change the reporting format a little bit in order to create a constant report this year to last year, and we've broken down to a few more facts.

We've added a little bit more information so that numbers can be more effectively used. What we've done so far to date this year, we have 272 members, and I know there's more at the house now, but that was when I printed this thing up. Then I broke it down into how many of them are voting members versus associates. We have 262 voting members and ten associates as of that time. And I think that's an important number because it is a very large untapped support for our grand jury system. Just because they haven't served one, doesn't mean someone can't be an associate and support us. I then broke it down because there was a question whether we were offering free memberships to current forepersons, past forepersons, et cetera, so I broke it down by paid versus free.

This year we've got 271 paid, and then there's a figure I've been kind of watching a couple years. And one of the directors has been around far longer than I. He says, oh, yeah, that's the way it's always been, but it's how many renewals versus how many we lose each year. As an example, this year we've had 192 renewals so far out of 346. We've had 79 new members so far this year. Now, last year we had 190 renewals so we're ahead last year. And our new number was 156, we are hoping that we have pretty close to 400 by the end of this year. We're hoping we'll break where we were last year and go above and beyond that. We need your help to do that. We believe the only way we can do it is with the help of the individual members out there.

As to chapters, we currently have nine chapters, and we're going through the process of working with them on meeting the changes that were required by CGJA last year which required mandatory membership for the voting members of that chapter. Part of the reason for those changes was as much, if not more so, the requirements of a 501(c)3 require that you are a charitable organization and certain wording be in your by-laws. We had discussions with some tax agents, found out there were a few things that we may have been lacking in our by-laws. We changed ours, and we asked the chapters to change theirs and there won't be a question of 501(c)3. So far, we have two of the chapters that have approved their by-laws. They've changed their by-laws. They completely comply.

We have three chapters that have submitted their new by-laws that we are currently working on. One of those chapters isn't sure what they're going to do even though they've submitted their by-laws, and I guess that will be worked out at some point in time. We have been informed by two other chapters that they are working on their by-laws. They will get them to us shortly. We have not heard from three chapters. They have not contacted us nor returned our call. And some of them are small chapters, that they were having some problems last year. They may or may not have a quorum this year enough to make a chapter. I don't know. So until we get through to them, we really don't know what the deal is, but that's the status on our chapters.

Now, we have six counties that are trying to establish a chapter, Lake County, Nevada County, Sacramento, San Francisco, Santa Barbara, and Santa Cruz, so we're growing. There's no question. We've got some hang-ups along the way trying to get everything in order, trying to get people to agree. Richard Ruth has been appointed the chapter relations conduit from our membership committee. He has

been contacting different chapters. Hopefully what we can get is a conversation going back and forth to find out how we may better help some of the chapters, how they can help us, and to try to get more open communications so that we can create the thing for our members and our chapters and make this operation strong. With that, basically, thank you.

MR. MOGER: Thank you, Clif. I'd like to have Richard Ruth stand up just so you all see him. He is the coordinator for the chapter relation if you have any interest in forming a chapter or want to talk about chapters, either see Richard or Clif any time during the conference, and Richard has been good enough to spend a lot on this.

MR. RUTH: I've put together a nice form package which contains all of the information that you need to at least get started, forms, sample by-laws, and things of that nature. So just get a hold of me, send me a letter, send me an e-mail, and I'll get that to you.

MR. MOGER: The next report's going to be from Operations. That's one of our larger committees. It's chaired by Jerry Lewi, and I'm very happy to announce that Jerry is going to be vice president going into 2004 for the association. He was just elected by the board of directors, so Jerry.

MR. LEWI: Thank you. I sometimes characterize the Operations Committee as the committee in charge of everything no one else wants to do. That's probably overstating the case a little, because we do some high-profile things for the association. I'm going to go through the functions kind of in decreasing order of the visibility in the outside world. Obviously the most visible product of our committee is our journal.

Under Ourania Riddle, our editor who could not be here and Bob deQuattro, whom you see snapping pictures, and who handles the nuts and bolts of preparing the final copy, we have set a goal of eight issues a year and have also added some new features such as photos and director profiles. We distribute the journal to other interested organizations and see it as a major outreach for CGJA goals.

I have the honor of being the webmaster for our website, [www.cgja.org](http://www.cgja.org), learning the intricacies of making changes. With the help of other committee chairs, we do our best to keep the site updated. Contents of the Journals are posted shortly after they are mailed and we use it to notify membership of such events as this conference and the annual training seminars.

I first became acquainted with the site as a sitting Grand Juror in 1998, never dreaming I would one day be in charge. To all you new sitting jurors, I can recommend our site as a very useful tool for its links to all sorts of related information.

Our site is recognized by major search engines, so you can do some pretty interesting searches to support investigative activities. Since the first of this year, there have been over 7000 hits on our site.

Les Daye and his committee are responsible for the annual index of Grand Jury reports throughout the state. We call this GRIP. His committee is working on reports going back to 1950 and is also working on indexing responses to reports. We feel strongly that publicizing responses is as important as the reports, because it is the response activity that ultimately determines the effectiveness of Grand Juries.

Dan Taranto has been in charge of Publications where we offer valuable documents for you use. Many of these are also on the website and we see no conflict in offering them both ways.

Beverly Hill is in charge of a new activity that we call Research and Analysis, started this past year. She is working to establish Grand Jury reports as an archival resource and works closely with Les Daye's GRIP Committee. Beverly posted an article in the Journal calling attention to the fact that many

counties were not meeting their statutory requirement to file reports with the State Archivist. As a result of the article, several counties started to comply with this requirement. You might check how your county is doing.

Policies and Procedures is strictly an internal activity and Roger Loper has spend countless hours keeping this document up to date. It is the nuts and bolts that makes the organization run as smoothly as possible. We are always finding better ways to do things, especially for an organization that is state-wide and only meets face-to-face once a year. Anytime we change our procedure, it has been Roger's job to document and distribute the changes. Roger is stepping down form this duty and it will be my challenge to find a replacement.

Because it is impractical to meet more often than once a year, we hold all Board and Committee meetings via teleconference. Dan Taranto managed to find us a low-cost provider and El Moger found an alternate, so we are in good shape on this.

Clif Poole maintains a database of all possible people interested in our Grand Juries. Be assured we do not provide this list to anyone except for our own purposes.

And the final responsibility is running this conference so it has been a pleasure, though a lot of hard work. And I know Clif will do a fine job next year.

I hope you can see the breadth of our committee activities and the interrelationships between them. We will be setting new goals for this year. If anyone is interested in joining us, please contact me.

MR. MOGER: Okay. Our last committee report is from one of our substantial committees, Training and it's been under the leadership of Sherry Chesny. I'm asking her to come up and report.

MS. CHESNY: Well, the training committee had another busy year, but every year is busy, and they get a little busier each time. I'm not going to go over a lot of details because the last issue of the journal has a three-page spread with pictures taken at the seminar. It tells a lot about this component. I suspect many of you have read this already so I don't want to be redundant. I want to thank Bob for putting this together too. He spent a lot of time getting those pictures.

What we do in the training committee is every year we adopt goals for our training committee, and I'm going to go back through our goals for 2003. We had six, and we've completed five of them. Four of the five were what we call priority one. Those are the top priority. One is priority three, we did not get to. The first goal was to conduct three training seminars for the jurors in 2003. We did this. We had our first seminar in Visalia. It was the end of July. We had 68 jurors in nine counties there. That is our smallest seminar.

The next seminar was a week later in Sacramento, and we had 216 jurors from 20 counties. 216 jurors is the all time highest attendance for any of our training seminars.

The third one was at Concord the following week after Sacramento, and this was 124 jurors from different counties so altogether we trained over 400 or 408 in comparison to last year to 436 so we did have a slight drop. We had anticipated, because of budget cuts, that we would have -- and we based our budget on a 25 percent drop in attendance so we were budgeted for the drop. We actually only had a six percent drop so we were relieved that it wasn't as bad as we thought.

However, I believe the budget problems are going to go on for several years, The drop mainly occurred because of two counties that previously sent high numbers of people. One of those counties sent two jurors so they did get some training.

Goal two was to increase the number of presenters that we have for our core workshops. We did. We used to have five originally as El said. We went to nine. Last year, this year we went from nine to 19 so we now have 19 people that can conduct the workshops at these training seminars. These are

people from throughout the state, lot of different counties.

Goal three was to review and update our seminar training manual. Every trainee that comes to our two days of training program gets a thick binder, over 200 pages I think altogether. That is completely filled in, not just outlining what a speaker's going to talk about. They are completely filled in with information. We do this because it then gives the juror a reference book that they can refer to all year long. If they have a question about interviewing, then go to that chapter. It will be there. Every year our training committee reviews that manual, updates it before it's printed, so it's updated every year. We got that done.

Our fourth goal was a new goal this year. That was to establish a curriculum sub committee. We wanted to bring in people that had some expertise in curriculum and development. We did do this. We established a committee of five. Unfortunately the chairman had a health problem and had to drop off. We went down to four, but we used our new member resource list as some of the new people and we do have new training members on the committee. The majority were made of new people brought in. One is a professor of education and other people like him have curriculum type experience, and that's been a help.

Goal five was to purchase a power point projector so we could professionalize our presentations, and thanks to a generous donation from Audrey Lynberg in memory of her sister, we did get to the board so we could ask for the laptop. And we use that laptop and projector both days at all three seminars. Hotels charge approximately \$650 a day to rent a power point setup so by using it six days, we paid for it in total the first year. So that's been great.

There's an upcoming event that we have, a training event that's a little bit different. We have a one-day report writing workshop just one day. It's limited to 36 people. It's held up in the Sacramento area. We invite just the neighboring counties. We would like to expand it further, but we have not done so at this point, and it's small group instruction. They're divided into small work groups. They work at a table with five other people, and it's more hands-on. They analyze reports for criteria and essential elements of the report. We also give them things, like we give them a mock investigation, a case study. Okay, here's a mock investigation, these are the facts, now you write the report. So they have to develop their own findings and the recommendations.

We mix people up from different counties as they're working. It's a very realistic experience for them to find out what it's going to be like at the end of their grand jury work when they're working on a committee and work on the editorial committee and the final draft so that's been very popular. We've done it, you know, for two years now, and it's been rated very highly and the people really like that hands-on small group instruction.

On our training seminars, I think it is all volunteer. We don't have any paid staff anywhere, and that's one thing about CGJA, it's a volunteer organization. The comments that you get back at the end of the year or at the end of the seminars are rewarding. We have written evaluation forms, and people have a space where they can write in additional comments. Let me just share a little of them.

"Overwhelming amount of excellent material. Thanks for the handouts and material to review and keep as reference. Good job. Overall very beneficial, the fog was lifted." A lot of times the fog was lifted, and I think all of us remember when you were first as a member feeling that fog.

"Invaluable conversations with other grand jurors from other counties. Well done training book. I felt each and every one of the workshops were well done, some exceptional. This seminar was very well planned."

Another man said, "I served on a grand jury years ago and wish I had this training earlier. And if we can help in any way to get the jurors off to a good start, that's great."

That's what this organization's all about, is assisting the grand jury and in improving the grand jury system so with that, the only other question I have is I am trying to create a list of potential speakers in different areas of the state. So if you served with a grand juror who has an expertise in a particular field

such as a committee of a grand jury, or someone that you feel would be a good speaker, I would appreciate you contacting me and giving me a name and a contact, e-mail or phone number, and I'll give you an example. If Dick Rutherford's sitting here, his name was given to me by another juror in Kern County when we had our seminar in Visalia. Dick is a former juror, but he is also a school administrator. Having people with expertise that have also had the experience of serving on a grand jury make for a very good speaker because they know how to relate that topic to grand jury work. So if anybody knows anyone, let me know. It's in the journal, my website and my phone number. Thank you.

MR. MOGER: Thank you, Sherry. That now takes us to the comments to the Board of Directors, and if you are making comments, we'd like to get them down on the record so please use the mike if someone can handle that for us. Try and keep your comments to one or two minutes so that everyone can talk on the subject. I would appreciate if there are a lot of people talking on a subject that we try and get everyone covered first before we take seconds.

MS. MORENO: Rose Moreno from Orange County. I have some requests to make of the board, and I wrote them down so we can take them in two minutes. First of all, that the association assume an attitude of inclusion, not exclusion and be open to having members at board meetings. We're not spies. We're members.

Second one, make every effort to resolve the DVD debacle preferably without attorneys and attorney fees, apply common sense instead.

Third one, consider adopting a policy of using mediators in any future board disputes before resorting to hiring attorneys. I know there are mediators that do it for free.

The last one is name members who have died during the year who contributed more than their \$25 dues. Last year when I asked if Jody Harrod's was going to be announced because people were coming up to me and asking about her, I was told, no, that her name had been mentioned at the board meeting and a moment of silence had been taken there, but it was not going to be mentioned at the general meeting because then every other person who contributed would have to be named. And I see no fault with that.

I mean, how many people have died and you can't even mention their name. Jody actually had been chair of the previous year's conference and we couldn't even mention her name at the following conference, I found that really strange. Thank you.

MR. MOGER: Thank you for your comment.

MR. HEADLAND: Bob Headland. First I would like to say that I think the board this year has got a lot of input, and I look forward to them following through on a lot of these things. Second, this is I think my tenth conference, and likewise tenth annual meeting, and other than the bumps in the road that we've already heard the details, I think the reports today were probably better organized and covered our operation the best that I have heard over the past ten years.

MR. MOGER: Thank you very much for the comment. Are there more comments on the board of directors? In the back.

MS. LYNBERG: Audrey Lynberg, Los Angeles. I have a listing of all the people that have participated today or enrolled and registered, and one thing I notice that you don't have on the agenda, it's really important, is the quorum. And I don't know what the percentage is. I think it was ten percent so if somebody can tell me, I can do calculations of my own. It's very important that on the annual membership that you have a quorum for your meetings.

I'm going to just make one comment. I'm the person that made the donation that's created a lot of problems. It should not have created a problem. There should be, in place, policies and procedures for this. I have spent ten years on finances at a church where we've given a lot of donations all the time. We have endowments. We have three endowments, over \$100,000 in one, \$20,000 in each of the others. We handle the finances and report monthly on them. We show what's expended on them, what the balance is. And it's a simple financial process. I don't know what to say to this organization over what's happened.

It should never have happened, and all I can say is I wish I almost had not given you the money. Thank you.

MR. MOGER: Thank you for your comments. Thank you for your donation very much, and we'll certainly look into the fact of having better procedures. I think this association is growing, and as I told you in my report, we were hit exceedingly hard with the death of a treasurer. We had no backup, and we're picking up the pieces. And perhaps there have been a lot of miscommunications. We need to bring the full board together again, and we thank you for your generous donation. Are there any more comments?

MS. JAMESON: Marianne Jameson, Contra Costa County. I would like to make some comments about the journal. It seems to me that recently it has turned to a corporate report rather than a forum for discussing problems or issues that face grand juries and grand jurors. It used to include lots of controversial issues and things that were going on around the counties of the state. And now it seems to me rather than something that's interesting to read, it's something that you just toss away like you do when you get a report from a corporation. And I would like to see us put more things about issues that face our grand juries. Thank you.

MR. MOGER: That's an interesting comment, Marianne, and I'd like to address that because we have had numerous people say they liked the journal the way it's being presented. Actually, one person in Roseville gave us \$250 donation because of the improvement to the journal. The board at this last meeting just before the start of this conference talked about the purpose of the journal. The board examined the possibility of a newsletter that just goes to members or a combination publication that goes to both members and many outside public right now with the finances we have. For example, we have this going to judges around the state. It actually goes up to the Chief Justice of the California Supreme Court, and we're attempting to have it as an outreach of this association. It may come that we will have an internal house organization for only the eyes of membership and again anything can go into it perhaps. But we are attempting, Marianne, to grow, and that's why you see the journal the way it is.

MS. JAMESON: And if I may have just a moment to follow up. Since this is the only contact for most of our membership, this is why I object. I understand what you're trying to do in sending it to all of these other organizations and people around the state. But why not something separate for that kind of purpose? Why not something for the membership, particularly since you have grown to the size of the numbers of issues and maybe separate the two?

MR. MOGER: And I think that's a good suggestion. We'll put it into the records, and I'll make sure the board reviews that.

MS. BROWN: Carolyn Brown, Los Angeles County. I'd like to ask the general membership a question. Last year our grand jury put a CD in the back of their final report, and it wasn't received very well. We have a lot of them left.

MR. MOGER: Yeah, maybe that is a question really --

MR. LEWI: Right, we're going to have an open forum tomorrow, ma'am, that you can maybe have a good exchange of information.

MR. MOGER: Okay. With that, there's a motion to adjourn. The motion is seconded. All in favor of adjourning say "Aye."

THE ASSOCIATION: Aye.

(Whereupon at 5:16 P.M. the proceedings were adjourned.)

### ***Michael Bradbury, Former District Attorney of Ventura County***

Mr. Bradbury spoke at our Annual Dinner, Friday evening. His remarks have been printed in two parts in the December 2003 and February 2004 Grand Jurors' Journal, available in printed form or on our website.

CGJA 2003 Annual Conference  
VENTURA, CALIFORNIA  
SATURDAY, OCTOBER 18, 2003, 9:00 A.M.

MR. LEWI: Good morning everyone. We're back in session for our Saturday program, and before I turn the first session over to Jack Zepp, the chair of the panel on the legal issues, there are, if you will, administrative announcements. I also see I need to acknowledge a couple people that have been helping you. Pat Yeoman is helping with the registration on the committee.

Something else we're not doing, in your pamphlet, page 11, you have the list of all past associations. Pat spoke to you yesterday morning as she kind of announced that she was one of the past presidents. We should acknowledge her as a past president of the organization. Dan Taranto just snuck out of the room. He's a the past president. Les Daye to my right, past president, and Jack Zepp to his immediate right. These people have all served the organization well, and it's appropriate we acknowledge them well.

Finally, let me just remind you that please turn in your evaluation forms in the box on the registration table. If you can't get it done today, please mail it. The address is on the form. I think it's my address actually. They're very important to us particularly for planning future conferences like that. Don't be shy about offering as many comments as you can, just please be as constructive as possible. Please remember to turn in your badge holders also at the end of the day so we don't have to buy more. One thing I want to point out particularly for our afternoon session, we must end the conference at 4:00 P.M. because we lose our lease on the hall here so we will close the meeting at 4:00 P.M. promptly.

With that, I'll turn it over to Jack to conduct our legal affairs panel.

***Legislative Update, Jack Zepp, Chair, Legal Committee***

MR. ZEPP: The program you have I believe would have first legislative developments, but we want to be broader than that so we're going to try to cover the generally legal developments. Let me introduce the panel. I'm Jack Zepp. To my left is Les Daye. To my right is Bob Geiss, and to his right is Dick Nichols.

The composition of the panel in what we're going to discuss is essentially as follows. Les is going to start us off with the area that to which he devotes primary activity on the panel on the committee, and that is the general monitoring of legislation, not specifically running individual bills, but keeping us aware of what's in the hopper, what's calling, where it is in the process, and raising red flags, things that we need to be concerned about.

I'm going to then talk about several pieces of legislation and a concept that have been of great concern to us in the last year and will be a concern to us in 2004. Those specific four areas I have kind of lead responsibility for. Bob is going to talk about how to be an effective constituent and deal with your representatives so that you are more adequately represented. Dick has responsibility and is going to report on law, legislative local developments. Those are principally court activities, pending court matters, attorney general's opinions which affect grand juries.

Diane Picone was going to speak to us about the current state of the compendium which is a document created within the legal committee, but she was unfortunately called away last night with a family emergency so I'll close with that. Incidentally, it's a business emergency, not something involving children or what have you. It was important, and she had to leave. I'll say a few words at the end about the compendium. Les, will you lead us off?

MR. DAYE: Thanks. Each month during the legislative session which runs almost three months, it's mostly from January to October. We've just completed the period of time where all legislation that was introduced in the first year of the legislature's two-year session. The bills have now been either allowed to be signed in the law, signed by the governor, or vetoed by the governor. As of the 14th, I

have not received any additional alerts that the governor has not allowed those actions to take effect so that part of the legislative session is over. We believe that at the beginning of December bills, that will be considered in the second half of the two-year session will begin to take shape, and we'll speak more to that later.

In monitoring legislative actions, as I say, I turn the report into the board each month for the board packet. Our committee is responsible for making sure the website has anything of note that needs to be followed on behalf of the association. So when there were specific bills relative to the grand jury, we had alerts posted on our website, and I know people were hitting it because that's something we can follow.

You're probably wondering, well, how do we do tracking? The legislative site itself is very easy. It's called [www.leginfo.ca.gov](http://www.leginfo.ca.gov). It's the overall legislative site. What we do, however, is we institute a search so that we cover the broadest possible number of bills that either have direct effect on the grand jury, touch on bills which could affect the grand jury, or touch on bills that typically grand juries investigate. I'll just pick a few off the list so you can get an idea. When we do a search, you have to take your site into account. The legislative info site is not Google so if you put in grand jury, you're going to get a certain number of bills. If you were to look at the highlighted words in those bills, you probably will find grand. You may find grand jury together, but it's the type of search where you have to be as inclusive as you can so I try "grand" and "jury." I try "grand jury". I try "jury," and then some of the agencies which the grand jury has contact with, such as the California Law Revision Commission, the judicial counsel, the trial courts, and general peace officer and criminal procedure bills, those are all bills which we put key words in on. And generally that will cover every bill that we need to follow. The codes are another area. You know, the grand jury is mostly contained in the Penal Code and the Government Code, but also the Welfare and Institution Code, the Health and Welfare Code. So sometimes if you're looking for a specific part of a bill, you can try to do your search there. So as I say, I turn this report in, and it's part of the board packet so that this committee is constantly, during the legislative year, reporting to the board on such activities. We had a very active year this year, and we don't know whether it will turn out that way. Do you have any quick questions about searching?

That site again is <http://www.leginfo.ca.gov>. And then if you put forward slash, pub, and forward slash bill, that will take you to the site that will allow you to search during the current or previous sessions for any bill by number, by topic, or by key word. I would say typically if we put something in the journal, this site and any key words would be listed there. Otherwise, you're welcome to take a look at this document to see how we search bills.

MR. POOLE: This isn't a question about the searching. And maybe it's not an appropriate time to bring it up, but I'd like to inquire about the functioning of the committee. May I do so?

MR. DAYE: You can. I was going to ask that we hold questions do the end if you don't mind.

MR. POOLE: That's the reason I posed it the way I did. I'm more than happy to wait.

MR. DAYE: Thanks. Before I start talking about the bills, let me just say if you go to the same website, before you do the pub-bills to that site, the broader sites will also take you to all of California codes so if you want to know what the California Law is, that's, in my opinion, the handiest website that there is to get immediately into the California codes.

Let me talk about legislative developments and status. We'll talk about three bills and a concept. The three bills are AB312. That's an assembly bill by Spitzer. SB307 which is the senate bill by Senator Ackerman of Orange County, and SCA1, a senate resolution which is effective when it causes the initiative to be put on the ballot for the people who amend the constitution, that bill is nominally offered by Senator Burton, but I think it's fair to say it's a multi-sponsored bill.

And the concept I want to talk about briefly about is the Trail Court Funding Act which is existing legislation that gets amended every year and built into that legislation is some very, very unfortunate legislation about grand juries on an ongoing basis. We keep trying to find the opportunity to take that

out.

AB312 is the bill that in one form or another has its essential feature, the proposition that agencies who are officials should not have to respond to the grand jury reports if the grand jury doesn't give the agency or official all of the "written relevant documents and written materials on which the grand jury based its finding and recommendations." That is so central to the author that based on numerous conversations with the staff, we have determined we cannot amend around that core proposition. So we didn't find a way to work with the author or the staff on that. Arguably, it has to do with politics, but it arises out of the grand jury report, which representatives of District Attorney's office, and board of supervisors have asked to comment on.

The board of supervisors representative properly responded they don't have jurisdiction over the issue and therefore weren't going to comment on it and then went on to say if they did, they didn't know what they were going to talk about. They determined that the grand jury was relying on confidential records that, by law, cannot be made available to a supervisor. The reason is, they are records relating to investigation of a board of supervisors. District Attorneys have to investigate local politicians, by law, they're off limits to the local politics. So the grand jury was kind of caught between a rock and a hard place, and at that time, it basically said these things are confidential, we can't give them to you. We opposed it vigorously. It was removed from the one-year calendar and placed on the two-year calendar just before the summer of that time.

The author told me that his intention was to use the summer to hold hearings. He didn't do that. We have now just learned, just two days ago I got a call from an legislative saying they're working on holding hearings on December 3rd, and they were asking to see if I would come and testify. And I will say in that conversation, I basically expressed a surprise of dismay, and they said they were doing it as a courtesy to the assemblymen. They didn't think it had any life, but they were going to hold the hearing anyway. So I don't know what's going to happen, but it seems to be back. The key thing about it, I think, is that there was no way to work with the author on it because what he wants is something that we just can't possibly find a way to support, and that's to change the law so that grand juries reveal the identity of witnesses, whistle blowers, documented evidence, anything that's in writing which includes the transcripts of the investigatory hearings, by the way, have to be turned over to public agencies. So effectively it's a repeal of 933.05.

The next one is senate bill 307. That's a bill more complex in that I think the author at least has good intentions. That bill has its genesis in a concept that Senator Kopp, who has been a supporter of the grand juries as far as I know, back to when he was a supervisor in San Francisco and who carried the program to legislation 933.05 in . Well, at some point, I guess he decided it would be kind of fun to move the grand jury laws out of the Penal Code and into the Government Code by itself. That's, you know, simply a waste of money, and it doesn't do any bit of harm because in California Law, it doesn't matter where a code division is contained in terms of interpreting what it means so it's just an exercise for the sake of the exercise. Unfortunately that got picked up by Professor Kelso as part of his proposals.

Around that, they built a whole bunch of ideas about the grand jury. Those of you that have been around the organization know that in '99 and end of 2000 we spent most of this organization resources in energy and time coming up with responses to the Kelso proposals. And alternatives I should say, were stuck in the law review article so our position is pretty well documented out there. Kopp is best friends with Ackerman. Kopp, as Ackerman, tells the story, got Ackerman to introduce SB307 to clean up the location of the grand jury laws. At that time, Ackerman's staff determined they were going to adopt a couple of the Kelso proposals as well, not including the three, you know, that everybody had trouble with including the right to counsel and a grand jury hearing even if it's a civil investigatory hearing.

They left them out, but they did include in the revision the concept that the fundamental role of the grand jury would be changed.

And the situation we've had in this state since 1872 and in England et cetera, since 1160 has been that the government oversight was by people that knew something about government and cared about

government oversight issues. The Kelso proposal, which is built into SB307, says that you must have a criminal grand jury composed with randomly selected people, and that group has to be the civil oversight grand jury unless the county is willing to have two grand juries. Now, you can imagine the current economic climate. If they're being mandated by law to have one that will do both criminal and civil oversight functions among a lot of other things, we think that's probably unconstitutional. It's clear the grand jury would be a randomly selected group like a trial jury is, but specifically in California in 1973, I think, there was a constitutional provision to permit the addition of a criminal grand jury, which counties have the ability to do.

The authors expressly said that they were proposing the creation of the ability to have a second randomly selected grand jury so as to leave to the non-randomly selected interested citizen panel for the civil oversight function. That was adopted by the people as an initiative amending the constitution. The argument is they meant the civil oversight function should reside with grand jury and not randomly selected panelists. The debate on that has been extremely complicated. We're going to take certain divisions out of the Penal Code, and they'll go into the Government Code because that's where it belongs, they say. Well, we say that's nice, but that's not what's happening. You're also bringing in a complete change of the jury system then. They say we can work that out.

We tend to use words like "cut" and "amend" which is what happens to these bills in the 23rd hour of the last day so we've been trying to keep this off the floor or at least put it on two-year status.

Again, it was near the end of the 2003 session with an express promise to us that it would not resurrect without prior communication to CGJA and Orange County constituents group. However, I have seen, over the course of the summer, a couple of letters that he has written to some of you who have written in opposition, to SB307, basically saying thank you so much, we're going to consider it, and we're thinking about bringing the bill back in 2004. So I don't know what's going to happen to that one because of Senator Ackerman's status because there are features of the bill that sound nice. I think this one is more worrisome than AB312, but we'll keep you posted. Neither of them is dead. Both of them sound like they may reappear, however, briefly, at the beginning of the next session which will be in January. SCA1- we haven't talked to you a lot about. SCA1 is a senate constitutional amendment with all the big guns behind it from Burton on down essentially sponsored by the media and the California First Amendment Coalition which is an organization for whom we have very good relations and ties, an open government group. The purpose of SCA1 is essentially to strengthen open government laws by stopping the ability of the legislature to keep amending away portions of, say the Brown Act, and accepting bits and pieces here and there. We would have I think as a board without hesitation to vote to support.

Except that it doesn't exclude grand juries from its provisions that would insist on open access to government information. They tell us that they don't intend that bill without -- more arguably, grand juries can maintain confidentiality to the records more. They tell us they don't intend that, and I believe them. They had a long fight with the courts.

The reason that thing didn't get out of the legislature this year basically is the courts wouldn't agree to it because it covered their reports, and they insist on the right to have confidential records. We tried to piggyback the grand jury with the. That runs into the Trial Court Funding Act which says grand juries can't be part of the courts. The bottom line was since they made the decision, they would not amend the bills to accommodate the our concerns, it was better not to go on the record with the concerns on that. If the bill passes, it would be legislative history that the grand jury had surfaced its concerns, and its confidentiality was going to be affected by the bill, and the authorities had determined to go forward anyway.

So where it stands now is that it couldn't have gotten out because Burton's behind it so it's not subject to any normal rules. Assuming it's not yet out, I think it will get out earlier in the next legislative session probably without any amendments to accommodate the interest of the grand jury, and therefore, probably CGJA will take no position on it. If they will accommodate our concerns, I think there's no question in my mind we will support it because it is an open government bill, and we tend to favor open

government.

That leads me to the Trial Court Funding Act. In a nutshell, the problem here is that probably unintentionally back in I think it was the late '80's -- no, '90 I think is the key date, but the legislative provisions by which the courts received their funding have been in flux for some time to the end that there are no county courts. You all know that. All court funding is by the state.

Right now we're in an interim period where the state and the judicial court on behalf of the court are negotiating on what's doing what. The goal is no county money will be spent on courts. As part of that reallocation of responsibility, there were amendments made to what the courts could spend their money on and the Trial Court Funding Act which is the principal legislation that says what courts can spend their money on. It expressly says they cannot spend their money on grand juries. So they are prohibited from including in their budgets or using finances for grand jury expenses. Because we're such a little nit in the state funding, nobody's concerned from our perspective. This has thrown the grand jury into orphan status because as everybody in this room probably knows, there's a long line of cases that talk about the grand jury, an internal part of the court, enforcement part of the court, well, not anymore according to the Trial Court Funding Act.

Without any reference to the Trial Court Funding Act, the California Supreme Court in 1999, without addressing the question head on, managed to say in a decision that courts have no apparent authority for the grand juries which is contrary to a hundred and some odd years of what people thought grand juries were, which was an arm of the court and the court had something to do with what they could and couldn't do. Well, the Supreme Court has said unless the legislature says they can and can't do this, they didn't do that. Just by way of example, it's still widely assumed the court has said they can do that. So under that Supreme Court decision, if anybody wanted to get technical about it, they can't do that.

MR. ZEPP: Daily Journal versus Orange County or the other way around, yeah, Daily Journal versus Superior Court, and I can get you the cite.

MR. GEISS: It's in 20Cal4, Volume 20 --

MR. DAYE: It's all over our literature so if you go to our website, you'll find it. The bottom line is that we have tried to for a couple years now to get the judicial counsel, which runs the courts, to focus on the fact that grand juries are getting cut out of the game. And, in my opinion, because the judicial counsel has a number of issues, considered to be much greater than grand jury issues, they are unwilling to take on our cause so we are sort of hanging out there. We have not made any attempt to get a legislator. The last time I talked with the chief justice, who heads the judicial counsel, said to me, and he is always very friendly to me, "Get yourself a legislator. Introduce legislation, and we'll see if we'll back it." Well, we are not going to do that. It's bad enough other people have legislation pending out there that could be gutted and amended and kill us. We don't want to hand them our own sword. Until we have some expectations, we have the support of judicial counsel and legislators of the bill. Any bill that affects funding is a difficult bill. We are not going to set ourselves up as a sacrificial lamb. So that is going to hang around until either the judicial counsel decides itself that it should care about grand juries and take it on as one of its projects.

Before I turn this over to Bob, just to repeat, any comments, if we could hold general comments until the end.

MR. ZEPP: On the open government bill SCA1 because Senator Burton introduced it, and he's so influential, the bill did have an assembly third reading and the Thursday is the key date on that bill. If he can get it cleared with the secretary of state, I think that's how we're going to handle it. It will appear on the March 2, '04 bill as an amendment. So if it happens by Thursday, that will happen.

MR. GEISS: Thanks, Les. All right. That was the bad news. I'm going to chat with you briefly about what you can do about it. The main avenue that we have is to get into our local legislators, know them, know their staff, know their telephone numbers, know their fax numbers, know their e-mail. Once you get to know them, then you have to voice your personal opinion and your interest and any concern about issues that pertain to the grand jury. (Holding up book)It's an invaluable tool that is put out by the

California journal, and I'll give you the citation, but they publish annually a roster of all your legislators, all their offices, all the telephone numbers, all their fax numbers, all their e-mail numbers, and their staff. They also published committees and sub committees.

These bills went their merry way. When they try to be law, they have to have hearings in front of the appropriate sub committees. It's always been important to contact the sub committees to voice your opinion to particularly bad pieces of legislation like bad SB307. This is called the California Journal and State Net Roster and Government Guide. They have two versions of it. They have this version, and they have a pocket version which is a little more expensive but a lot handier. Let me give you the website. It's [www.Californiajournal.com](http://www.Californiajournal.com). They also have a telephone number, and you can order them if you want. These things are reasonably priced. This annual thing cost \$3.50 plus tax and shipping. Their number is (800)764-5666, and they do entertain telephone orders and that's how I got this one. It's an invaluable tool, and it's reasonably priced.

Another suggestion I have is to you and your friends, make up a list of your local legislators particularly in the counties in which you reside or have resided in the past. It's a handy tool. Pass it around to all the people that are involved in your California grand jury activities or grand jury association activities. Get them involved and started.

Since we are to blame in Orange County for Senator Dick Ackerman, we took it upon ourselves to become very active in voicing our concerns and our dismay and our opposition to those bills that were so clearly going to forward. We even visited some of the preliminary hearings and voiced our concern in person in the presence of the assemblymen and Todd Spitzer last spring. I don't have any more pertinent details, but you can't just sit back as a silent majority and hope that they do the right thing. You have to talk to them, and you've got to talk to their staff. And you'll find them most approachable. They won't always do what you want, but at least they're approachable. And it always helps to write your concerns as well. If you want to coordinate your position with the grand jury association, we can help you with that. That's all I have.

MR. ZEPP: Thanks, Bob. I would just like to add what Bob's involvement is. I think that the greatest help the Orange County organization was to the state organization was that Bob set up, which we couldn't do, Bob set up personal meetings in the offices with Senator Ackerman and I think one meeting with Todd Spitzer. I'm not sure who set it up, but the point is, we as a state organization may not have anybody in the county, and I know that Todd Spitzer, for example, on his website says if you're not from my district, don't talk to me basically. And that's what the attitude is that people are just not interested in hearing.

What Orange County did was to get to legislators who are on that committee. Please work with us to try so we can go and talk to them. The other thing is, that e-mail, that's a real last resort. Most of the staff do not want to receive e-mail, and some legislators will not pay attention to it. Mail or fax if you do want to send it.

Dick, can you tell us about the good news on the non-legislative front?

MR. NICHOLS: Well, there is good news and bad news. I'm going to talk to you about four things. Two of them you may already have read about in previous issues of the journal. So I'll be a little shorter on them.

The first one involved a proceeding that arose out of Tulare County. There was a grand jury investigation by the Tulare County Grand Jury concerning the child protective services operations. The grand jury sought to acquire some information from juvenile court records, and the agency declined to respond to that request. Things degenerated into a legal proceeding as a result of which an order came out from the superior court and went up to the 5th district court of appeal in Fresno with a ruling that the confidentiality provisions applicable to juvenile court records have very limited exceptions that are set forth in the statute, and the grand jury is not named as one of the accepted units.

Therefore, the grand jury was not entitled to get these juvenile court records in support of its

investigation in CPS. That caused no little consternation as a result of which assemblymen Dean

Flores from Shafter introduced a bill late in the session, and I'm sorry I don't have the number of the bill off-hand. Oh, thank you, Bob. It was senate bill 653, and it was amended late in the session, but did not make it through as a one-year bill. I'm given to understand that it is going to be pursued in the upcoming session so that's a matter that started out as a non-legislative matter and has proved into a legislation.

The second matter that you may already have heard a little bit about is an attorney general's opinion that came out six months ago or so to the effect that grand juries watched all grand juries have the authority to administer oaths to their witnesses and to impose confidentiality obligation on those witnesses. That this is not a court decision. This is an opinion of the office of the California attorney general. Lawyer's opinions are whatever lawyer's opinions are. They are not binding on anybody. And in line with the old expression that if you get two lawyers together, you'll have three opinions, on this panel, there is disagreement as to the validity of that attorney general's opinion.

My view is that it is an opinion that is useful to grand juries and that they now have the imprimatur of the California department of justice to go ahead and put confidentiality obligations on their witnesses. The chairman of this committee disagrees with that view, and I'll let him speak for himself as to why when it gets to be his turn.

Two things that you have not heard about, the most recent of which is that in Kern County there is a proceeding that is in the initial stages right now. It seems that the Kern County grand jury or some members of the Kern County grand jury had initiated an investigation concerning the operation of the City of Arvin. And supposedly there were bad things happening in the administration of the city, and these three individuals allegedly went off on their own, conducted their own investigation, presented a report to the grand jury as a whole. The grand jury as a whole declined to pursue the matter, and so these three grand jurors made contact with the Bakersfield newspaper and presented all the information that they had acquired in their hat as grand jurors to California whereupon it was all published.

The end result of all of this has been that the Kern County District Attorney has filed an indictment against these grand jurors. They were arraigned yesterday. The charges are misdemeanor charges, but they can carry jail time depending on the sentence that the judge may elect to impose if these three gentleman are found to have been guilty of what is being charged. So this just underscores the confidentiality obligations that grand jurors have. This is not something to joke around about. This is serious business.

Naturally, the Bakersfield newspaper is waiving the first amendment banner, and, in fact, I think the law is that a group does have a constitutional right to present whatever it acquires even if that information was acquired by a violation of the law as long as the paper itself was not involved in violating the law. Back 30 years ago, the Washington Post was able to print material that had been stolen out of the files with connection of the Watergate proceedings. In any event, that is an ongoing matter that we will be keeping track of.

The Kern County Grand Jury Association advised us of its existence, and we are assisting that organization in its positions, defending the grand jury's interest and the interest of the institution of grand juries generally as they are impacted by that Kern County proceeding.

The fourth thing that I want to talk to you about is I'm from El Dorado County, and El Dorado County has been referred to as a small, but war-like county. And a couple of years ago, I think I spoke to some of you about litigation that my grand jury had engaged in with the county counsel concerning the county's privilege against the grand jury. Well, this year, county counsel and we are on the same side in litigation. The litigation this time involved a situation where a citizen was upset with the manner in which medical experts were being hired to conduct psychiatric investigations by the human resources department. Apparently the complainant was a doctor, and he didn't think he was getting enough referrals for those purposes so he complained at the county.

He complained at the grand jury. He complained at the court. He complained to everybody in

sight and didn't get satisfaction so he sued everybody in sight, the court, the court's secretary, the grand jury, HRD, you name it. County counsel defended all of the county officials as they are obligated to do. County counsel also defended the grand jury under what would normally be referred to as a reservation of rights. The question is, who pays for the defense of the grand jury in that lawsuit? And the lawsuit was pretty much resolved. The claims of the doctor were really fairly bogus and were thrown out earlier on, but now, the county has filed a lawsuit against the state seeking a declaratory relief and indemnification for the cost that the county incurred in defending the grand jury in that lawsuit. And the results of this lawsuit may go some part of the way to giving us some information on the Trial Court Funding Act implications that Jack had been referring to earlier in his presentation.

This lawsuit is in the initial stages, and we probably won't have any information on it for several months, but it is in the hopper. So with that, I'll pass it on back to you, Jack.

MR. ZEPP: Well, since you've challenged me to express my views, I'll just say two things. The opinion said, one, the grand jury's going to pose the obligation of confidentiality on witnesses, and, two, that obligation can be enforced by contempt of court.

The reason I don't think that opinion is worth much is because the California supreme court has said that grand juries have only the ability to do that which the legislature says they can do, and the legislature has not given them that. And secondly, contempt of court, you have to have an act that occurs in the act of the court, and the Trial Court Funding Act issued a portion of the daily journal whether the grand jury is a part of the court. So do we have any questions from the audience on the presentation?

MS. BARDELL: Serena Bardell, San Francisco. You used the phrase early on damaging legislative history. Could you explain that, please? It was in reference to our not taking a position on I think it was SCA1 if my notes are clear here.

MR. ZEPP: Right. What was the phrase I used?

MS. BARDELL: Damaging legislative history.

MR. ZEPP: Yeah, what I meant by that one of the things courts do is look to determine what a piece of legislation was intended to mean is what was said about them and went through the legislative process. So you've tried to build a legislative file to support whatever it is you wanted, but it can also happen that inadvertently the file will indicate that someone, like in our case, will question that you want to change the legislation. So that if making the grand juries' work not confidential, it is not intended to be affected by this constitutional amendment. If they don't do that, the argument that they knew of our concern, and they didn't agree with us, therefore their intent was to impact the grand jury.

MS. BARDELL: Thank you.

MR. ABELING: Bob Abeling, Marin County. It's a small technical point, but under the Trial Funding Act with the counties paying the grand jury fees, is there a back charge for the presiding judge's cost and the executive officer? Do they bill the county for their services? Sometimes the PJ is using a lot of that person's time supervising the existing grand jury.

MR. DAYE: That will depend on negotiation that is going on in each county but typically, yes. Typically, this is not true in any given county. Typically, for example, if the court is currently providing the grand jury a court secretary who is on the state payroll, they are charging. They are charging the county for that. That happens in the county that Bob and I are referring to, but it's all very fluid because there is another thing going on because of the ownership of the courthouse that is being transferred. And that's a hell of a lot bigger dollar thing so the negotiations have to do with everything from the timing of the transfer of the real estate and what you do with the fact that the health and human services happens to be located in the courthouse and whose going to pay for the room and the janitor. And part of that negotiation is how much he back charged for grand jury administrative expenses if the court is still incurring them all.

MR. NICHOLS: And in my county, the grand jury secretary used to be, pursuant to a contract between the county and the court, devoting half of their time to the grand jury. With the court's own funding having been cut down, the court has pulled that secretary back, and so our county no longer has a

grand jury secretary.

MR. HAXTON: Owen Haxton from Marin County. I want to refer back to Les Daye's presentation with regard to legal matters that's before the legislature, and then I believe Bob Geiss addressed what we should be doing about it. For a year now I've been trying to figure out how to bring my concern to someone's attention. I was on a grand jury last year, and during that period of time these bills came to the attention of the legislature, the McGeorge study was published. Our jury did not receive any information from anyone on those two or three subjects except for the fact that one of our jurors happened to be interested in that area and worried about legislature and what they were doing on other subjects.

It would seem to me that with 500 statewide grand jurors and grand juror association members that we would be able to have some impact in what the legislature does. And Mr. Geiss gave us very good advice on how to do that, but we can't do it if nobody tells us about the bills that are being considered. And if that information is available to the board, it would seem to me that that information should be available to each chapter and each chapter should inform those jurors who are then serving on the then current grand jury so that we can have an impact through individual effort. And I would like to see some greater activity in that type of support toward the individuals of this organization. Thank you.

MR. DAYE: I'll respond to that. There is a specific section of the website which carries legislative alerts, and on these particular topics you're referring to, it's probably still on there. We reiterate that in our journal every time it's sent to you and to sitting grand juries, that legislative alert information is available. We do have it out there. Sometimes we do take steps to actually contact people on the local grand jury if we have a specific contact. Otherwise, we have to use the journal and our website.

MR. ZEPP: Let me go a little bit further on that. I'm a member of the Marin chapter, and I was reporting to them at each meeting what the status of these bills were. We send the journal to every sitting grand jury unless someone's intercepting it. Marin has a chapter which links to our website which is where we post our most current information which is more that has to be out there. And I think in the case of AB312 and SB 307, we also did a special mailing to all the forepersons to all the grand juries. So from our aspect, we've made every effort we can to get out there. I will tell you I didn't think this was the case. In Marin there has historically been a problem of our ability to reach sitting grand juries because in some counties, all our communications are put in the wastebasket by someone in the administrative staff.

We can't get through. I appreciate you're saying this there a horrible problem someplace because we made a major effort to communicate on this to all of the chapters because Marin is a very active chapter.

MR. ABELING: Bob Abeling. I'd like to defend the position of the chapter. The foreperson of last year's grand jury in Marin County wasn't there. It was a standing invitation to have either him attend our chapter meetings or a representative of the sitting jury, and I hate to say it, but last year there was much inactivity and we did not forward ourselves to them. We were asking them to come forward, and that's where the miscommunication did arise in this particular subject. Since then, the sitting jury currently now has an excellent relationship with the chapter, and we do have a lot of interfacing so that's in defense of our chapter.

Thanks.

MR. HORNE: I would like to follow on withdrawing your attention to the recall and how it was processed. The advocates for and against the recall didn't wait for the citizens to come to them and find out what the information was. The advocates, as in any political race, go out to the voters. They don't wait for the voters to come into the office and find out, and that's what this organization, in my personal opinion, should be doing is getting out, getting the information, not on your website, but getting it out to our members so our members can write a letter. It's very easy to develop a position paper, and I realize that you're doing a whole bunch of stuff, and believe me, I go to your website. I go to the Marin website, and I go to the code website.

I mean, this is not difficult, but that doesn't get the information out to the masses where the masses can have it, and 1500 isn't really a mass, but it's the best we can do I guess. And they can have an impact because every legislature from every county would then be contacted. Thank you.

MR. DAYE: Okay. I think Clif has been trying to do that. Clif, you want to take this next?

MR. POOLE: To clarify what we did, there was a special mailing to every individual that we have ever trained, ever talked to or ever dealt with in the grand jury system. That amounts to about 1800 individuals explaining AB 312 and SB 307 and what we were doing. There was another mailing that went to every grand jury explaining what we were doing. Now, the reason I know what happened is because I print up all the labels for everything. There was also an e-mail my wife -- since my typing is single finger hunt and pick, my wife has done the typing for me. I had e-mail ads to every e-mail address we had access to.

We then e-mailed our position papers out to everybody. Other than taking out ads in the newspaper for people we don't know, I don't know what more we could have done. Now, does that mean that everybody is going to read it and pay attention to it, no. But we tried to contact everybody. We went through the chapters. We went to the associations, Orange County Association, Riverside, we went everywhere with this information. And that's the reason that those bills were held over into two-year bills. They're not gone. They're not going to go away. People don't lay down and die.

Bob, what your legal panel had said and tried to say is, please pay attention. We'll let you know as best we can and contact somebody. But we, as an association, do not have the ability to stop measures. We as people in 58 counties do have representatives in your county. We have citizens in every district somewhere along the line. That is our strength. That's why I'm on the membership committee, and that's why if you can find an association and make an appeal -- now I'm stealing his thunder. If you can find who is not a grand juror, if you find an association, I don't care whether they become a chapter, just get everybody to join CGJA. Let's get the information out there as much as we can. That makes us strong.

MR. ZEPP: We have time for one more question.

MR. PETRICH: Yes, Paul Petrich from Santa Barbara. Yeah, relating to SB307, I know. I was a student there. I remember hearing opposition to grand juries because there weren't enough women represented. You don't hear that anymore, I don't think. And I'm wondering about that, and I have a question about it. This move to make, jury membership a cross section of the public. Is it just related to only the criminal grand juries?

And second, I'm thinking is there any connection with this opposition on this bill that sponsors have a big concern with trial juries now because they're throwing some cases because the general selection of juries are not representative of the general population. I'm wondering is this based on getting a better cross section than it was? Once we didn't have enough woman. And is the association doing anything in this regard, as Mr. Bradbury referred to, for example referred to last night, in having a policy where you can reach out and get rid of this complaint and getting grand juries in order?

MR. ZEPP: So far as I can tell you what other people's motives are, I don't think that SB 307 or Kelso from which it emanated, was driven by that. It's sort of a handy hook to throw in. With that said, however, I think that there's concern throughout the grand jury community and what people who otherwise care about grand juries about the representation issue. Having said that, let me back up a step and say to one of the first things you asked whether it was criminal only or civil. As a matter of California law, the requirement is, even in criminal cases, is not that the grand jury is representative but that there be no deliberate discrimination that keeps it from being representative. That's why counties that did make considerable effort because they try, but they can't do it.

That's the test, not did you have a representative grand jury. However, that's the perspective in criminal. That's not with respect to civil oversight juries. The criminal piece of it, my perception -- well, certainly in this organization at our training levels and our conferences, we feel strongly that civil oversight jury would be better served if they could increase their representativeness. That being all white, all retired, and it used to be all male is not a very good way to have grand juries in 2003. We have

encouraged -- we do this primarily in our training sessions. We do encourage every grand jury to increase representation. We do increase grand jurors to work with their judicial body which is usually still running the selection process to increase the diversity of grand jurors.

I can tell you story upon story upon story where we have gone to the fairs, gone to the barrios, gone to anyplace, to the churches, to ethnic communities, anyplace we can go to say we've got this wonderful thing, come play. And in my opinion, it doesn't work terribly well because first of all, the people you are talking to are working three jobs. They don't have time.

In their community, we are viewed as an enemy, and they are not interested in becoming our buddies. And they haven't had a history of understanding the grand jury. To them, it's just another piece of the judicial system. So it's not been a terribly successful effort, but it goes on, I mean, to the extent of television commercials, video programs. I mean, the counties have been very active trying to reach out to the achieve a diversity pool. This organization stands behind it. We ask if anybody has suggestions more than what we're doing now, we're open to them.

MR. PETRICH: I'm wondering is there a possibility in the grand jury from county to county evaluating what counties may have succeeded in this finding out how they did it?

MR. ZEPP: The question is as I see it that we have 58 counties. They range from Alpine to Los Angeles County, completely different each and every one of them in ethnic economic and social makeup. To try to have say Alpine evaluate Los Angeles reach for diversity doesn't seem to make much sense, different worlds if you will. But I don't know if I've answered your question, but that's sort of how I feel.

MR. LEWI: I thank you very much, and the rest of the panel I think has been very entertaining and educational. Thank you. Let's take a short recess, and we will reconvene at 10:30.

(Recess taken.)

MR. LEWI: Our next presentation is from Jim Mayer, director of the Little Hoover Commission. During yesterday's session, there was a comment made that the state ought to have a grand jury. And I think to a certain extent, the Little Hoover Commission is probably the closest thing the state has to a grand jury. And Jim can explain that a heck of lot better than I have. Jim's biography is in your packet so we won't look at that. He's very well qualified. Without further adieu, I'd like to introduce Jim Mayer. Thank you.

### ***Jim Mayer, Executive Director, Little Hoover Commission***

MR. MAYER: Good morning. I'm glad to be here. I'm less glad to be following Mike Bradbury. When he got done talking, I went back to my room and scribbled some. I didn't come out with anything that rhymed, and I couldn't do anything with that. So then I reached into my other file that I was working on in the airport, and that's my lesson for the second graders of my church tomorrow, and I figured you wouldn't want to see that either. You're stuck with my prepared remarks.

I want to begin with a little bit of description of what the commission is, and then I want to share with you an area where I think we all have in common whether we're sitting grand jurors or people have served on grand juries; whether people have specific activity, it's whether we're just good voters. And certainly it's something worth spending some time with the Little Hoover Commission, and that's whether the government can exercise oversight of itself. And I want to talk to you a little bit about that, and hopefully we're going to give you some ideas on how we can do that better.

The Little Hoover Commission is a state agency. It's independent of the executive branch, and that's what it says in the statute. It doesn't say we're independent of all three branches, just executive branch. And it's been interpreted over the years to mean we're not part of the legislative branch so we kind of float on all these organizational charts.

The model of Little Hoover actually came from the Federal Hoover Commission which was created after World War II to give advice to President Eisenhower and President Truman and spanned

over one administration on how to organize the government and how to improve the organization of the government. One thing that's different from Grand Juries is that we really weren't created to conduct oversight unless someone is doing something wrong, and clearly sometimes we do that. The mandate is so broad.

But it was really more, how can we do things better, more of a management type of audit. The formal name of the commission is Commission for the State Economy and Efficiency. Of the commission itself, four of them are sitting lawmakers, two senators, two assembly members.

Importantly they have to come from separate parties. It's bipartisan. It has five members, two appointed by the senate leadership, and two by the speaker of the assembly. And no more than five of those nine members can be of the same political party. So you see you end up with a truly bipartisan commission, and because we have three appointing sources, even though the governor has a say in who sits on commission, the Governor can't control the commission, and the same is true of the legislative branch. And the public members are serve four-year terms, and they can be reappointed.

They're all voluntary. None of them are paid. I make them chip in for lunch. Because of their four-year term, for instance, if we have a change in leadership even in an orthodox or untraditional one, the makeup of the Commission doesn't change. The stability of the past 40 years has helped this bipartisan independent commission look into how the state runs. That's the target intended in the statute to look at how to improve the economy and efficiency in the State of California.

Over the years, we've looked at lots of things. A lot of these are noted on the commission's website. The statute actually charged the commission or enables the commission to look at the state, the executive. It's hard to look at all or most of the state problems without looking down to the county. It's hard to look at foster care without looking at the relationship between the state and the counties. We also look at the special districts. So as I finish my remarks, I'd like to engage in conversation of anything that would be of interest to you.

The commission works for good resources for grand juries in terms of explaining how the system's supposed to work once the statutory framework; what's the funding sources? What was intended to happen when the government created a program? Our documents - you have a tendency to look at four or five areas of the government at once - they don't all come out one time. They come out as completed. Every three or four months we're completing the study. The documents have a tendency to be rather comprehensive. In addition to reaching the problems of how they could be improved, there's a substantial amount of background information.

The commission has found over the years that that's one of the main resources that it provided to legislature. We talked yesterday with Hannah-Beth Jackson about increase in churning of staff itself, that the institution is fading rather quickly. So one of the things the commission has done is we provide an accurate comprehensible and we think fairly readable description of what the state programs intended to accomplish.

So with that, are there any questions about who we are and what we do before I move on?

MR. POOLE: Do you have a website?

MR. MAYER: It's [www.LHC.CA.gov](http://www.LHC.CA.gov).

MR. POOLE: You described your composition of the commission. What's your staff?

MR. MAYER: Yes, the commission has nine staff that are civil servants. My job as the executive director is to manage the staff on a daily basis. Some of our commissioners are retired, but many of them aren't. They're CEO's of corporations and relatively involved in activities. They're actually fairly generous, I find, with their time. They give us three or full days of their life. But they don't do that if they're spending their time setting up public hearings or interviewing, figuring out who the right people are to bring out.

So what the staff really does is enable these nine commissioners to do what they can do best. And in addition to that, we spend a lot of time in the legislature because the legislature is one that implements

our recommendations. So we spend a fair amount of time testifying in hearings or supporting staff, doing their things. So it's a staff of nine that has a budget of \$860,000. It's been relatively stable. In the last three or four years, we've actually reduced our expenditures and been able to return that money to the general fund each of these times. If there have been other agencies that took the same approach we've been doing, we wouldn't be in the mess we're in. It looks like we're going to take a 20 percent budget cut next year so that funding is all general funding and it's in jeopardy.

MR. DAYE: Les Daye, Trinity County. Are there specific agencies of the state, you're talking economy and efficiency which the commission is sort of forbidden to take a look at it like the department of insurance that has an elected executive?

MR. MAYER: As long as it's within the executive branch. It's very clear we can't look at the judiciary, we can't look at the courts, and it's very clear when they said don't look at us.

MR. HORNE: On a yearly basis, how many applications do you have for those positions?

MR. MAYER: I don't know because they don't come to the commission. People who want to serve on the commission have to apply to the appointing powers, which is the governor and senate pro tem and the speaker of assembly. And so I really have no clue, and often times they don't share with us who they're considering until the appointment comes through.

I want to talk to you about accountability. I want to start out by saying I think these are very scary times in California government. There's an enormous distrust between the voters and the elected officials, between taxpayers and government agencies and among government agencies and among elected officials. There's an enormous lack of confidence that government agencies are capable of providing quality services and that government leaders all kinds have any capacity to lead.

And there's an enormous disconnect between the taxes we pay and the services we receive between our expectations for government and what government can actually do and between the perception of how well government is working and how well it is actually working. Now, this may be a temporary crisis of the heart or maybe only a crisis of the mind, but I think this may be a temporary crisis of the mind or perhaps a crisis of the mind that can attributed to the temporary crisis of the pocketbook. I don't think so. I think these are problems that we suffer in California and have suffered for a long time, but recent events have made it appear worse.

The cure for what ails us, I'm going to argue to is accountability, and I want to share with you how the Little Hoover Commission has worked to improve and maybe even restore accountability. And how all of us concerned about the quality of the collective effort can contribute to responsive and accountable government.

Now, I was chatting with a PR friend of mine. She said the first time I use the word accountability, I'd see your eyelids sink. I said no, these are grand jurors. They care a lot about accountability. And then she said, you know, actually what's going to happen in that room isn't about them. It's about you. So I went back and rethought this a little bit. And I still want to talk to you about accountability. Let's start about corruption and waste and lives saved and lives lost.

Corruption's always an attention getter. The moral character of public officials is weaker than our oversight mechanisms. They get caught stealing property or padding expense claims or taking bribes. It's hard to know how big of a problem this really is or whether we adequately investigate cases, but to judge from the headlines or even the state auditor's annual report on the misdeeds of civil servants, these cases are actually pretty rare. At the same time, the news in Sacramento is filled with stories linking campaign contributions with specific government actions. Activities that are suspicious and seemingly discouraging, but almost always legal. We have simply no way of knowing whether a campaign contribution is linked to voting or a signature on a bill or contract. We are making it easier to track campaign contributions, but this is only enough transparency to raise concerns and add to the general mistrust of government. The commission of a couple years ago, in response to some isolated horror stories about misuse of public funds at special districts, conducted a review of the some 2000 independent enterprise districts in this state. And some of you are familiar with that study and some of

the grand juries have done some good work on this issue.

The Commission's overall conclusion was that the true abuses were probably few in number and that nearly all of the districts could do a better job of explaining to the public their missions, their resources, and their expenditures. The Commission's remedy was rigorous exposure. The response from the districts and their associations, and I think we're going to talk a little bit about this later, is a combination of agreement and abhorrence.

The recent update to this topic is a true scandal at one water district in Sacramento that led to some criminal indictments, and the story is not over yet. The Bureau of State Audit's has been directed by the legislature to reexamine virtually the same issues that the Commission explored. We are likely to see legislation in the coming session that will be more prescriptive about what districts can and cannot do, require more reporting, and maybe even more oversight.

We should remember that even in most of these cases, the officials broke existing laws and in their actions, once exposed, generated a political response that corrected the problem. More regulations seldom prevent bad people from doing bad things. And oversight by audit is extremely expensive. But being public and clear about the actions you take and the resources we use is a way of doing business that does not cost more and does make it easier to detect anomalies, the illegal one and the immoral ones.

Now, government wastes, there's an evil that gets all of us on our feet, and everyone wants to cut it as soon as they can find it. Even Senator McClintock who has a generally microscopic understanding of state programs wants to set up a commission for finding waste, but it is awfully hard to find. Look through a window of a government agency and you see problems with noble intentions and employees engaged in activities that are required by law or legislation or seemingly reasonable business practices. So where is the waste?

Since we seldom collect meaningful and even less frequently collect performance-related data, how do we know where to cut? And many blue ribbon panels set up to cut waste end up making different political choices about what government should be doing rather than helping agencies do their jobs better, faster and cheaper. And I think this is a very important distinction because from my experience of the Commission, poor performance is the real waste.

In a project the Commission is completing on the parole system, the board of prison terms has documented how efficiently it can review parolees' records and send them back to prison for failing a drug test. But if one goal of the corrections system is to prevent future crime, the evidence is overwhelming that the board's efficient business practices are supporting policies that are costing more than a billion dollars a year and not accomplishing at goal. Five months and \$18,000 later that parolee will be released again still addicted, uneducated, unemployable and soon to be reincarcerated.

This is a good time to remember, I think, the obvious is that grand juries are one of the best opportunities to get a look at local agencies. As I've heard the discussion over the last two days, the volunteer nature and the lack of staff and limited terms make your job as difficult as ours. And I'm only speculating here, but I would think you receive the same warm welcome that the Hoover Commission receives when it knocks on the door and says citizen oversight, here to help. Part of our job in identifying waste, I believe, must be helping to create means of making the waste more obvious. And one of the best ways to do that is measure performance of agencies based on their progress toward clear goals. For example, we should be concerned about lives saved and lives lost. The foster care system is a perennial concern of most grand juries throughout the state as well as the Little Hoover Commission and with good reason.

This responsibility is one of the government's highest callings. The programs and services associated with abused and neglected children cost us tremendous amounts of money and the outcomes make a substantial difference in the lives of hundreds of thousands of Californians.

Certainly on a daily basis lives are saved as children are rescued through threatening situations. But regularly professionals misjudge when to take children from abusive parents. And inexcusably and

fortunately less regularly, the children are placed in foster care homes that turn out to be just as dangerous as the home that they were rescued from. There are many other challenges to effectively intervening on behalf the children.

Now, over the last few years, the Commission and some of the stakeholders have worked with limited success to clarify responsibilities and create some accountability predicated on the safety and well being of children in the system.

Over that time I've seen the argument about just about how the system is. We argue about the horrible headline or the exception to the rule. We argue about whether government is doing better or worse, or whether the children are better off or worse off than they were before, and we argue a lot about who is in charge.

Last year, the secretary of the health and human services agency conceded to the commission that the foster care system was broken. But he said it was up to the counties to fix it. So the Commission followed the pointing finger and we sat down with the officials in the Los Angeles County, told the Commission that they were doing the best they could given the lack of direction from the state and the lack of resources from the state. Not long ago, the lobbyist for the county welfare directors told the Commission that he agreed with our assessment of the problems, but he disagreed with our solutions. Well, our critique of the system has been rather consistent for more than decade, and if the welfare directors don't like our recommendations, why haven't the welfare directors, who have some responsibility for making the system work, develop their own solutions?

Child welfare is a very complex issue, and the system is filled with people of good will, but it is very clear that the government program will not significantly improve until there is accountability for change. If we had accountability, we would not get stalled in this either between the concession that the foster care system is broken and the commitment that's necessary to make it work.

In reviewing some recent information I saw that U.S. General Accounting Office says that the first ingredient to systematic improvement is committed leadership and accountability for change. On a macro scale, some members of the legislature have diagnosed this problem as inadequate oversight, and they have vowed to do a better job of oversight. As one legislator put it to me, "We have two jobs, making new laws and passing a balanced budget. And since we have done so good at the first two, we want to take on a third now."

Beneath the veneer of sarcasm lies the wisdom, without paying attention to the actual conduct of public agencies, the legislature's ability to perform its other primary functions, setting policy and allocating resources is diminished.

At the same time, lawmakers have realized how really hard it is to do oversight, and given that every year, the legislature considers thousands of bills and passes hundreds of bills without clearly knowing what individual changes are attempting to accomplish and how they will know if that goal is met. Lawmakers allocate billions of dollars without knowing to any reasonable degree of specificity what they were actually buying.

Now, these are very exciting times in California. Lots of good ideas that have not been pursued in recent years because they were someone's sacred cow or someone's special interest are all back on the table. While the recall was enough of a circus, one message was loud and clear, and I'm inspired by how many people heard it in Sacramento and that is politics and government in usual must end. A frequent and challenging comment I receive too often goes something like this, why aren't more of the Commission's recommendations implemented? I've tried to come up with some razor blade answers to that question, and I usually do about 20 minutes after the question is lobbed at me. For example, I was briefing one of the government's advisors on the Commission's public health report and, even though this gentleman is a friend of mine, his version of that question felt like a jab more than an honest inquiry. And the true answer is that the Commission's job is to make recommendations, and it is administration's job to make the improvements. We've done our job. Now, fortunately for diplomacy, the answer came to me as I was on the way back to my office.

But more generally, my response is that the governor and legislature ignores all kinds of good advice. And a significant reason why, is that the public agenda is largely set by represented special interest and fueled by flammable mix of ideology and poll results. In this venue, analysis is more often something you look for to support your view, not to guide it. But in the last few months, we have seen some almost desperate attempts to make this system work better. And my hope is that if we can follow Rudyard Kipling's advice about how we should keep our heads while those are losing theirs and blaming it on us, we have an opportunity of a generation to make fundamental changes to the system to make it work better.

The performance of government can simply not be substantially improved unless we improve the civil service and the larger personnel system. The government must become smarter consumers, and the defenders of individual programs will have to either support these efforts to improve the management or see the cuts in services. Whether it is foster care or community colleges, three years from now, things will either be worse or they'll be better. They'll have to take a choice.

As I've suggested I think a cornerstone for these improvements must be accountability for the job done. I want to suggest that there are at least five simple things that we can all think about to advance this.

The first is we should be biased toward public disclosure. Sunshine in fact deters all kinds of bad behavior and encourages all kinds of good behavior.

The second is we should try to identify their goals specifically and how they will measure performance. Those goals need to be focused on results and be as aggressive about identifying goals even though it is virtually impossible to do.

If people aren't agreed upon what they're trying to do, we need to look for the spinning wheels. As I suggested, the real waste is often times not somebody doing the job bad, but doing a job that doesn't matter.

The fourth is we need to advocate accountability for change, and this needs to be focused on the leadership.

And fifth, we need to highlight when people succeed at this effort. One of the things I've come to greatly appreciate the closer I get to understanding systems that are working is that for leaders to overcome these challenges is an enormous risk and we need to reward those risk-takers.

The other day I was hearing a postmortem by John Madden, not usually a source of wisdom, for the recent baseball outcomes. He said, "You know, the Cubs were playing not to lose, and the Marlins were playing to win, and that was the difference." And I think we see that in our agencies a lot. We see people because of the pressures, that they play not to lose instead of playing to win. And there's the difference between identifying problems and solving them or just allowing things to perk along at whatever level the elect officials and the people will tolerate. Thank you very much.

MR. ZEPP: You mentioned, Jim, that the Little Hoover Commission is an independent agency.

MR. MAYER: Yes, sir, that is correct.

MR. ZEPP: Are there other independent agencies?

MR. MAYER: No.

MR. ZEPP: You're the only one?

MR. MAYER: With an asterisk. The legislature used to have an auditor-general. That's when the voters in one of their previous revolts said the legislature was 140 but also limited the budget of the legislature. The legislature had two choices, to reduce their spending or shift their spending. You would be happy to know they shifted, and they did that by first eliminating the bureau of state audit, but then they had to have an independent place to put it because auditing is required to use federal funds. It can't be the executive branch.

So believe it or not, the bureau of state audit which has a budget several times the size of the Commission was placed under the Commission so we actually have some oversight responsibility for the auditor, and that was done to preserve its independence.

The major difference with the auditor is probably not resolved, but I think in terms of understanding the oversight mechanisms in state, it's important. The bureau of state audit does a number of specific statutory audits which are required by law to do. And primarily, they're fiscal audits. They also do discretionary audits, and if the legislators wants to, they can send somebody off to find out about it. And the legislature can direct them on what they want to do so even though they're independent in the legislature, on a case by case basis.

MR. ZEPP: So you are an independent agency so declared to be by the --

MR. MAYER: In statute.

MR. ZEPP: And you're funded with general funds?

MR. MAYER: Yes, sir.

MR. HORNE: Boyd Horne, San Luis Obispo County. I have one question and then a point. The question is, periodically significant issues within the state are identified and there's a conclusion reached that it should be addressed by an independent citizen's commission of some kind. My question is, how do you decide what to review, what to study, and have these matters ever been referred to you, significant issues that in my view cannot be addressed by politicians because of some conflict of interest? That's the question.

The point I would make is maybe the Little Hoover Commission can do something. I think that significant waste of government is created by the legislature itself in terms of passing legislation that adds programs, adds regulation, and adds program requirements. And then the agencies themselves have to respond in some fashion. That adds to the cost of government, their primary mission. So when the label waste is used, is the fact that the legislature passed 15 hundred pieces of legislation, that adds burden somewhere within government. And I wonder if Little Hoover Commission has ever addressed that aspect.

MR. MAYER: Real briefly and I'd be happy to talk about it at length when we get done, one is the ability to pick what it's going to look at, much like we get lots of requests including questions from the governor and individual members. And recently the legislature has enacted a bill asking us to do things so obviously those requests are taken very serious and usually acted upon. The list of structural issues unless were really created in terms of looking at the executive branch - most of those fall out of the executive branch about that same topic. So one of the projects we actually are just initiating this month, and it's going to be a mini project because of the timing necessary, is to recognize there are a lot of these structural reforms responsible for the paralysis that results in bureaucratic and ineffectiveness.

So the Commission is launching a project that is intended to craft a road map for the governor. The legislature can resolve these problems because clearly, left to their own mechanisms, it may be the political markings that are different now.

But the Commission is going forward saying, which of those problems do you really need to change if analysis isn't the problem? That is if you have enough information about what the problem is, what your potential solutions are, how come you can't have it come to those? Do you need a separate group of people? Do you need something like the Commission in order to insulate politicians from making these dangerous decisions? So that's how we're trying to address that problem. But the Commission, I think, after some really thoughtful discussion wasn't recognized that none of those problems would be solved by the Little Hoover Commission saying you should do with that because the people know what the answer is to that. The problem is they can't take that answer and make a motion.

The second one is even more difficult and essential to almost everything we do and is clearly changed every single year. You're trying to steer this boat that's literally being re-engineered the entire time. Even when they're well intended and you can muster support around those things, internally, people are just tired to doing that. Even if we make foster care look really good, it's not going to work. So we literally step back and allow the project and say if you want to strategically delay the system of how we're paying the people. Clearly if the legislature is predisposed to incremental change, how do we get them to do that? That's a case that's strategic and you perhaps even aligned around these clear goals we've

worked with some of the concrete staff. And when we sit down in these meetings and say with we want for children and families, we want the home safe, in school, many of our counties have these goals embedded in their programs.

Why don't you say this moves us closer to an integrated comprehensive flexible system based on ability? So we're trying to think of a variety of ways. I think that's a much bigger problem than you've described in terms of our ineffectiveness.

MR. ARMAND: Albert Armand, San Jose. What legal powers does this body have for enforcement purposes?

MR. MAYER: We have no enforcement function whatsoever. It is completely advisory. So what the legislature advised was to give us lots of flexibility about what we look like. We have complete access of reports. When I ask for the record and the access, I say go seek government section code that says X, Y, Z, that says it can be in your office, it can be in mine, we can as you can. We can answer witnesses as you can, but our product has to be advisory.

MR. ARMAND: Thank you.

MR. RUTH: Richard Ruth from Santa Clara County. Do you take any input from citizens with regard to governmental agencies' poor performance and then perform some sort of oversight review or is it strictly from the legislative side?

MR. MAYER: In terms of what we do or in terms of assessing performance?

MR. RUTH: In terms of what you do and assessing performance.

MR. MAYER: We actually do have a lot of discussion with interested people from committees who write us letters or e-mails. Often times they might be part of an association that's had contact with the state agencies. We form advisory committees. I think about how we do our job everything we do is in public because it's about this public discussion about improving performance. It's not about trying to build a case and in those advisory committees, we reach as far as we can by surrogates for the consumers or the citizens or the people in the system. So we invite them both to give us advise on what we can do and certainly talk to them as much as we can, how government's working from your perspective.

Yes, sir.

MR. FRANK: Marshall Frank, Monterey County. What level of confidentiality, if any, do you offer folks or witnesses from whom you have subpoenaed information?

MR. MAYER: Candidly, this has become an issue too much because frankly it's just amazing what we end up getting people to tell us without having to negotiate confidentiality. And since we're not investigating violations of the law, people may feel they don't want to speak ill of their boss or ill of their agency, but that's something that's just ultimately more of a moral determination. Anything that's said in public is on the public record, and the Commission is very biased to having these meetings in public. On the other hand, we have lots of conversations at the staff level with usually deputy directors or below who will say, you know, my job will be in jeopardy if this was attributed to me, but here's the question you ask, and here's the report you look for. So in that case, we operate a lot like journalists would.

Where we just use our authority to compel information from an agency and don't bring up an issue about how to ask for a document. I know that doesn't specifically answer your question because we don't have a policy that says we will shield confidentiality because our modus of operandi is a different perspective I think. Yes, sir?

MR. HEADLAND: Bob Headland, City of San Diego. It's obvious that you have oversight on agencies within the state organization. Do you have any oversight of the legislature and the courts?

MR. MAYER: The third was?

MR. HEADLAND: The courts.

MR. MAYER: The legislature and the courts are strictly prohibited from our statute. We're limited to the executive branch, but the governor's head of the executive branch. The line is rather seamless between what's going on in the agencies and the governor's office.

MR. HEADLAND: I guess it's actually the citizens that have the oversight, and they failed over the years.

MR. MAYER: Any questions?

MS. DABUL: Barbara Dabul, San Luis Obispo County. I served on the same grand jury as Mr. Horne here, and I just want to thank the Little Hoover Commission because, well, this was four or five years ago, 1999, 2000 so I forget the specific issue. But we did call and have a telephone interview with your commission. That was the only telephone conference that we did the entire year, and it was extremely beneficial so thank you for being a resource to us.

MR. MAYER: You're more than welcome, and I would encourage you to look at the Commission's website, Jack and I have had a couple conversations. He's been very assertive, positively so, in trying to help the Commission understand what the association is.

And we've talked about ways where we have some mutual interest in building an awareness about government oversight and what we do, and I read almost every county grand jury report. And I've tried to generate some interest that -- CSU is on my list of things to do when I get that far down the list during the day, is to find one of the universities who is interested in being kind of a research partner on this, and I've love to create a mechanism where I could log what the jury has looked at over the course of the year.

It kind of goes back to this idea that, you know, how do we generate ideas and where do we look? And we've learned by that and the Commission as well, and I think we try to be very creative at this time where it should spend its valuable resources, but we also are challenging our own, and we don't define them as departments anymore. We define them as public policy goals, but one of the mechanisms I thought about is if I knew that last year, ten juries were investigating this issue and they found a common problem, that might be an indicator. It's more information that allows us to diagnosis where we should be spending our time. So I've done it on an ad hoc basis. I'm looking for a professor to get a student to read them all.

MR. LEWI: I first got interested in Little Hoover Commission because I found out that they did a report on special districts that Jim alluded to, and we probably hear more about that because in my term in Ventura, I headed a study of the special districts in our county. And when I found the Little Hoover Commission report a year later, I was delighted and pleasantly surprised that they had a lot of recommendations. Ira Grooms who was here earlier has worked with me on that report, and that was very gratifying. And let me tell you all that their website is a link on our website. I say to you, Jim, you need to look at our grand jury index report so maybe Les Daye can get you a copy because we can get our hands on them over, what, the past ten years or something like that. So that should be a very good tool for you, and maybe we can feed one another back and forth we can help one another that way. And I've looked at their website. It's pretty darn good, it tells you what they're working on what they're thinking about working on what they worked on, It's a good link and going back and forth will probably be helpful..

MR. MAYER: Great. Thank you very much.

MR. POOLE: One thing that may help you, it helps makes me feel good, your last comment, I wish I had a source to sort through and find all the grand jury reports. The board of directors of CGJA has authorized the review and the very serious possibility of creating on our website where all grand jury reports, if the courts agree, are listed and completely searchable by county, by whatever. And I think it fits right into exactly what you are saying so we're both thinking along the same line that that becomes a tool not only for your agency but for future grand juries, and we're hoping to at some point this year at least get a little further along with creating this.

MR. MAYER: Well, that's great, and I often make this mistake. I usually identify a problem, identify what is could be, and I go to the implementation phase and not frequently enough do I say someone else is probably doing the same thing. But I'm glad to hear that. I think that can be very valuable. Just to share one more thought, I had the luxury of spending yesterday afternoon listening to

your conversation and some of your dynamics as a group, and, you know, it's an honor to be in front of you.

And it reminds me of some research I'm not sure if you're familiar with by an associate by the name of Robert Putnin. It's a book called *Bowling Alone*. If you haven't picked up that book, and it's written by a Harvard guy so you only have to read the first chapter. What he describes is the social phenomena that has been documented over the last 15 or 20 years about the involvement of your generation involvement in specific activity every way you can measure it. And it's a testament to your level of civic commitment as a generation and truly a bar that is set very high for my generation and for my children's. So as challenging and frustrating as you may sometimes feel about your struggle to make government accountability to be civically involved, you should be very proud of that and recognize that I think more people of my age - and I'm not that far behind you - should recognize that as a standard that we would try to move up to. Thank you very much.

MR. LEWI: Well, after hurrying along over here, we're ahead of schedule. Lunch will be served at noon. Clif, what is the possibility of doing some of the chapter reports now? The reason I ask is when I found out we had to clear the room and be out of here by 4:00, I was reminded that cuts short the time for the open forum so we can do a couple things. We could either start some of the chapter reports or we could have a little bit of the open forum now and have kind of a split session. Does anyone have a feeling? I'll turn the microphone over to Clif Poole, and we'll go a little out of schedule here and start a discussion of chapter activities. I'll introduce Clif Poole.

### ***Chapter Activities, Clif Poole, Membership & Chapter Relations Chair***

MR. POOLE: Chapter reports may be a very short one also, Jack, this year. We currently have nine chapters, but we also have six chapters or six counties that are attempting to create chapters. Interest in creating chapters is phenomenal. The problem that many counties are running into, they can't seem to put together enough people. I'm not sure they know where to go so what we have been doing as an association, any time somebody comes to us from a county and wants on put together a chapter, we try to give them the names of people in their county that we know about that gives them a contact list of who has served on grand juries. We can give them enough people to create this chapter if they want.

Chapters can be as simple as once a year breakfast, lunch, dinner, a social club, if you will. A chapter can be as active as creating a school curriculum as some of our chapters have. One thing that was pointed out to me yesterday by one of the chapters or associations - I use the term kind of interchangeably - the chapter is an official part of CGJA. The associations are former grand jurors who not have joined CGJA, but we have the common interest and activity, and we work back and forth together in many cases. I prefer they're all chapters, but that's besides the point.

Anyway, one of the agencies or associations was pointed out yesterday, I think it was one of the associations, has worked very hard. What was it, \$25 a day or \$50 a day that they're paid. And other chapters or other juries get \$5 a day, \$10 a day. One of the chapters has created a handbook for jurors, sent it out to all 58 counties which gives them a heads up on stardom. Some of the chapters help interview perspective jurors the following year. It's just really left open to the imagination as to how a chapter operated, what they can and cannot do. And they are completely helpful in the county. They are helpful to the state organization.

The state organization is useless without members, and members in chapters generally have a more directed purpose. The chapters and I keep repeating this over and over again, have a purpose as long as there's a grand jury system. If someone does not watch what is going on consistently in Sacramento throughout the state or wherever, there may not be a grand jury system or it may be reduced to such an insignificant position that nobody cares to work on it anymore. So the chapters, association, and CGJA are inextricable, they just intertwine beyond belief. Both are absolutely necessary for the survival of our grand jury system.

You heard the local committee this morning talk about the two bills in the legislature and the SB

307 and AB 312. Without the assistance and the work of people throughout the state particularly in Orange County this year because that's where the two representatives came from, it wouldn't have been stopped or slowed down I should say. Stop is a hard word to use with government anymore, but it wouldn't have been slowed down.

If all of a sudden we find something in Marin County, we have a chapter up there. If we find something in Trinity, we have members in Trinity. It is necessary that you have members in every county as the committee said this morning to open the doors. With that, I'm sure that we don't have all of our chapters here today, but I will ask some of the chapter representatives or anybody that is from a chapter to come forward and represent their chapter. I'll start right off with, well, Richard is leaving this afternoon. He went out the back door. From Santa Clara, Roger, would you like to say a few words on Monterey County?

MR. LOPER: It will be very brief. We have about \$1,300 in the bank. We have 31 members. 16 of them are dual members with the state. We had our annual meeting in July and another meeting scheduled I think next month. We try to get about three meetings in a year. We have, as our principle activity, speakers, and we work with the sitting grand jury to analyze the responses to the preceding year's report. So those are the physical activities right now, and I have to confess in Monterey County, we seem to get more people out for the party in July than we do for the working sessions in between.

MR. POOLE: Thank you, Roger. All right. Bob Abeling from Marin.

MR. ABELING: Thanks, Clif. I have been honored to give the report, and I feel it's like a report of the state of the nation or the state of the county. And I will tell you that we are alive, that we are solvent, and we are healthy. We are active in Marin County. We do have a budget of approximately \$5,000, and of those \$5,000, we do have about \$2,000 that are restricted funds. And I don't know if some of you do know and those who don't know with Marin County, the Board of Supervisors gave us \$5,000 to host the conference last year. We tried to give the money back to them that we did not use, and they said keep it for good purposes so we do have a good relationship with our board of supervisors. We trust them. To a degree, they trust us, but we're not in love with them, and we're not in bed with them whatsoever.

This year we have decided to have a work plan to make this organization a little more formal. It started off somewhat informal. We contacted 100 former grand jurors, and we invited the sitting jury in '97. That's how we started. Since then, we do have approximately, I believe, it's 66 persons, and we have a good meeting of at least 20 people per month. We meet almost on a monthly basis. I'll try to give you our work plan very quickly and some of the accomplishments we've done. We do have approved by the Marin County superintendent of school a curriculum program that will be initiated in the high schools. There have already been teachers that will be putting this in. It will be a formal process in the training session of the juniors, either the juniors and seniors in high school.

We have a person who is good going to try to increase our membership by 100 people. We have a total population with 251,000. So we're not like Alpine County, but we are a small county, but we do have good attendance. We're arranging for speakers, persons to come before our chapter and give their sales pitch, if you want to call it that, for what they are doing in their agency in the government. In conjunction with that, we have formed an excellence in local government projects. And we are going to look throughout the county of all 46 special districts, the cities and the county themselves, and look at different agencies, and pat them on the back rather than yell at them per se. And we think this will create a better relationship, a better working relationship with different agencies. As Clif already mentioned to you, we did create a training manual. A copy is over there.

And all 58 counties have it. We have now had requests to have it in electronic form. We have agreed to that, that any county can have the training manual copied in an electronic form, and they themselves can create their own as long as they will give acknowledgement to Marin County, that that was the original creation of this manual. Oh, another thing that we're using is we are developing a glossary of terms. When a new grand juror comes in, on the average, they don't know what an SOI is,

what LAFCO is, what a UVC is, and all of those different terms. So we in the manual probably eventually we will put in a glossary of these but words or catch words that are used by public agencies that the average citizen really doesn't know what it stands for so just a little helpful training thing.

We have already reviewed our by-laws to comply with the CGJA's, and we do have a member who is going to be the liaison from now on officially for the sitting jury. So we will have a better formal molding between our chapter, and I believe that's what we're doing so that's my report. Thank you.

MR. POOLE: Thank you, Bob. The names that I'm grabbing are for each of those chapters and are individuals that I happen to know are here. So they may or may not be the appropriate representative. If there is a representative around, I would like for them to tell me no, we've assigned this to Joe, Charlie, or Sara, or whatever to give that report. But in this case, San Mateo County, Joanne Landi.

MS. LANDI: My name's Joann from San Mateo County. I just became involved with the board in January, but just briefly a few of the things they've done is that we've spoken to approximately 400 people in rotaries and different kinds of organizations like that.

We have a website that went on line this year with a great deal of cooperation from San Mateo County. Part of that website is a section that is a learning for students. It's a tool that a teacher can use for something, maybe for extra credit. It's intended to take maybe 30 minutes, but it's also intended to encourage students, to give them ideas of other places, and other searches they can do to learn even more. And the last part of it, you can actually print, and there's a bookmark that's just briefly got a description of what the grand jury is. Our main source to support that is an e-script program which is currently up to about 70 participants. We can have 100 people in our e-script program, that that would totally support the website.

Our board meets monthly for whatever month, and we have approximately 40 to 50 members, and I think about 12 of those are old members. And we're currently trying to tweak our by-laws to keep the local chapter happy, but at the same time fulfill the requirements for the state. That's a work in progress for us.

MR. POOLE: Thank you, Joanne. Los Angeles, Andrew Bliss.

MR. BLISS: Well, I'm pleased to be attending my first conference of the association. However, I wasn't forewarned that I had to give a speech on what our activities are. So I have nothing really prepared except to say our activities mainly have been this past year to work with and I hesitate to say it this way, but it's, in fact, true with the court to recruit more grand jurors. Even with our ten people, you get a pool of a thousand, and it whittles down fast when they start finding out different nuances of the system, everything from pay to what kind of facilities they're going to have and so on, but we have worked with them. We have some outreach, and we've been invited to serve on the committee. So I think it's a positive thing that we've been able to do at least in my year and a half as president.

We do have our by-laws under revision and consideration in trying to make the membership of our local chapter aware about what's going on at this level, the state level, and hope we can resolve that within the next month or two. That's all I have.

MR. POOLE: Thank you. As I said just a second ago, I've looked around the audience, tried to grab whoever I can grab that I know of the chapters, and I kind of sprung that on Andrew. I'm going to spring it on another one now. Solano County, my own county, Mr. Earl Heal. I see him smiling over there.

MR. HEAL: I don't think I know near about the chapter as Clif does, but we did support the Concord seminars this year. I think that was considered successful. Our group is really quite limited in attendance at this time. Financially, I don't think we're hurting, but we do need to solicit more members to attend our monthly meetings, and I guess we're going to maybe have an opportunity to expand next year if we sponsor next year's enterprise. I'm sure that will help us grow.

MR. POOLE: Thank you, Earl. Looking around for Jeanne.

MS. FORBES: Well, I'm from Tulare County, and for those who don't know where we are, we are sandwiched in between Bakersfield and Fresno. We have about 13 or 14 very active, very busy people.

And our main concern and has been since our beginning is getting into the schools and teaching the high school seniors about the grand jury. And we've had tremendous help from our supervisor superintendent of Tulare County schools. He's printed them for us at no cost, and he's provided us with a list of all of seniors and all of the teachers. So I have to go home and write this dear teacher letter to each of these 43 teachers and offer a speaker which we have about two volunteers to go and speak in the classes if the teachers so wanted.

We put together I guess it would be a rather simplistic little booklet when you consider the beautiful thing that Marin did, but we have a lot of youngsters who are from out of country. English is their second language so we have some pictures and something that will grab their attention, hopefully hold it, and we feel like if we get one out of every hundred youngsters who remember and talk about it or show their folks the little booklet, then we will have really let them know about the grand jury and its future. We have about \$700 in the bank so we don't feel like we're doing too badly. We don't spend much except on stamps and this sort of thing. We're delighted to be part of the grand jury system, and for us, we just hope it goes forever. Thank you.

MR. POOLE: You know, listening to these people we have and the efforts that they're making is just outstanding. Each one may be going in a different direction, but they're all headed down the same path, the same poll. The next one I'm going to ask to come up here would be Linda Baker or I'm told Marianne Jameson, the vice president.

MS. JAMESON: Unfortunately, my report is not so good. We had made an effort to start a chapter. We went through all the steps. We elected officers. We wrote the by-laws. We thought we were moving along fine. Then we discovered that the rules had been changed, and all the members had to be a members of the state association. Unfortunately at our July meeting, everybody there except my own voice voted not to be a chapter but to remain an independent association. At any rate, we will try again maybe some way down the line, but for right now, we're just trying to keep our association together. Thank you.

MR. POOLE: Is there anybody here from Sutter-Butte? Okay. I didn't think we had anybody. Getting into some of the associations what I'm going to try to do is just hit it out for anybody that has a group. San Diego, Oh, Bob Headland.

MR. HEADLAND: Well, in the matter of chapters, we also down at San Diego do not think much of the rule that all the members would have to be members of the chapter. I could see some day maybe San Diego forming a side chapter that would include a few of its members to meet their hundred percent rule. But at this point, I don't see it happening. Now, as a functioning organization, our main activity, other than pursuing the legislation, is an implementation committee whereby we function as a committee set up by the board of supervisors by ordinance, that the association selects all the members, and we pass the names onto the board, and they have never refused to approve at a point those members that we select.

I've been involved in the association for 13-14 years, and I decided this year to go on implementation committee. It's a lot of work. It's almost like going back on the grand jury except it only takes two or three days out of the month, but it's still a lot of work and the county I think appreciates everyone, and I would recommend that all the organizations try to basically review the prior year's reports and recommendations. And we provide to see what the various agencies of the county have followed through on them, and they will bring in the secretary of the county administrator who does the legwork for us and as far as the minutes and securing the appearance of anybody that we would like to talk to in various departments. So you know, in some way, it almost runs like the grand jury itself wherein instead of writing reports, we're trying to see if they've been put into effect. Thank you.

MR. LEWI: I have a question for Bob. Well, this is more a clarification. If you've covered it, I apologize for that. It's my understanding that what you are reviewing, and it's only with the county not any of the agencies, and I understand you're trying to change that and broaden it. All you're reviewing is the things that the county agreed to do. In other words, you're following up in responses where the

responses agreed with the recommendation and agreed with them; is that correct?

MR. HEADLAND: Yes, I think I would have to say that because I think it's up to the manager to come back to the issue and maybe make further reports.

MR. LEWI: That's correct.

MR. HEADLAND: We haven't had any time so, you know, I can think especially like in cases of child molesting the family and everything, we've gone back and forth on so many issues, I just keep --

MR. LEWI: The reason I bring this point up and sort of put in a commercial for training, I'm now a certified trainer in continuity. Implementation review as practiced uniquely in San Diego County is one of the forms of continuity that we concern ourselves with as far as the association's concerned with that, and we use it an example of continuity for training.

MR. HEADLAND: We find that even when the county agency intends to follow through with the recommendation, there's so many things that pop up that stop them, you know. I'll cite one issue in the women's rehabilitation center. I can't remember exactly what they call it. One recommendation was to replace the showers, and the water system needed, you know, pipes and everything needed to be replaced. Well, they found out that they needed a desalinization. So now they haven't had the funding to put that into affect, and it will now carry into another year.

MR. LEWI: Do you have any idea over the years that you've been doing this in your association what percentage of the items that the county agreed to that they have successfully implemented?

MR. HEADLAND: Well, I would wager that back when we started, we started out like maybe half and half, but I would say now, that because we had the complete support of the administrator's office, their intent is really to do 100 percent of them.

MR. LEWI: Good. Thank you.

MR. POOLE: One more before lunch. To kind of clarify what Bob and Marianne were talking about CGJA, as far as mandatory membership. Required that about a year ago so that all voting members of a chapter be a member of the CGJA so you hear the term dual membership. One thing to understand when you're Bob and Marianne and others from associations and they say no, we're not members of CGJA, that may be. But many of their members of their association individually are members of VCG, and that's been one of the wonderful views of the all situation. I've got one more if I could get one.

MS. JAMESON: I just wanted to make a comment. I informed our membership that we could have two classes of members, voting members and associate members. That does help.

MR. POOLE: That's fine. I've got one more. Richard Ruth from Santa Clara came back in the room. I think that covers our chapter, Richard.

MR. RUTH: Thank you, I'm Richard Ruth of Santa Clara County, the president of the chapter there in Santa Clara County. I was a grand jury foreman for the 2001- 2002 Santa Clara County Grand Jury, and during the training session that we had with CGJA at Contra Costa County in Concord in the year 2000, I found out that we, Santa Clara County, didn't have a chapter. Well, I kind of got in back over here, and I went through my term as a foreman. And at the conclusion of that, I decided that, well, we ought to see if we could put a chapter together. So during the following year, I worked on getting interest, talked to some people on my grand jury and some of the grand jurors that had presided, got a couple of nods that would be a good idea, why don't you go do it.

So I talked to some of members at CGJA and got a package of information on how to form a chapter, went through all the mechanisms. And the first meeting, we had 40 people show up interested in participating in the chapter. Well, we got started at the membership, and 40 really signed up. The next meeting we had, we were significantly less and less until we've got now 11 members, but we are a fully recognized sanctified chapter on the CGJA. And we're working on our membership problem trying to get that up, but the 21 members that we have, some are really active, come to meetings. And we're in our birthing phase right now, trying to get the membership going, trying to get a speaker, trying to get a website going. It's a process that I suspect will take a little bit of time.

As a result of that activity, I was asked to join the board of directors of CGJA and also asked to participate on Clif's membership committee, and I handled chapter relations. The reason and rational for that was, well, Richard, you formed a chapter so you know what it's all about; right? I said sure, yeah.

I've got a packet of information that will help a chapter get started, has all the necessary documentation in it, by-law samples for both the director-oriented and membership-oriented chapter. And I'll pass that out as I mentioned yesterday to anybody who approached me with the idea of wanting to form a chapter, and then I can throw in the little extra added bonus that as a result of having gone through this fire, I can kind of help guide the process through the little humps and bumps that you might encounter to the final day when your by-laws are sent to the membership chair and reviewed and accepted and become a bonafide chapter of the California Grand Jurors' Association in your county.

There are 58 counties. We have ten active chapter, and so I have 48 more to try and recruit, but we do have -- Clif, how many new ones coming in? Three, isn't it six that are interested? And particularly San Francisco is actively pursuing the idea of forming a chapter. That's where we are, and our chapter is moving along, and hopefully we'll become as big as some of the others. Thank you very much.

MR. POOLE: Thank you, Richard. And I think Jerry is saying it's time for lunch, Jerry. Thank you. We've got a few more after lunch I guess or whenever Jerry wants to do that, but go to lunch.

(Whereupon at 12:00 P.M. the lunch was taken and reconvened at 1:18 P.M.)

### **Awards Ceremony**

MR. MOGER: I think we're starting to assemble. We would like to open the awards ceremony. Before I do that, Clif Poole has reminded me we didn't get to all the associates today on the chapter reports. And we have people from San Diego here, Kern County here. We have people from Orange County and San Luis Obispo so anyone who has not given a report under the chapter relations, we'll pick it up after our afternoon speaker, and just see Clif and let him know if you'd like to speak up on behalf of your association. That's always important.

Today we're going to have several awards, and we're here to present the Angelo Rolando award, and we're also here to do something unusual, and that's a lifetime achievement award. So first I'm going to call upon Roger Loper for one of two Angelo Rolando awards.

MR. LOPER: I'd like to remind the group a little bit about the Angelo Rolando award. It's given for distinguished service to the association as a process that's declined, and it's how to go about this. It's done by a committee of five people which must include a director and previous recipient of the award and must also be a representative of the regions of the association so we had a five-person committee with one from the north, two from the central, and two from the south. And they were tough, which they should be, and they made a selection and I'm here to tell you about it. I was thinking about what I should say about this person. I was driving along and in the car and a song that many of you here may remember was Frank Sinatra singing it, and it had to do with an ant moving a rubber tree plant.

Do you remember that song? An ant can't move a rubber tree plant, but the song goes on to say that this particular ant was stubborn and began to think of other ways to get a thousand more ants to help him and. So he figured out how to lever and lift the rubber tree plant, put some pickets under it so it could be moved. Spider web cords are pulling the rubber tree plant. That takes a special kind of person to do that. I'm not talking about ants. I'm talking about people.

Today we're here to honor who has done that among other things on behalf of the association. This man took on a job which I think most of us said needed to be done, very important and such an incredibly big job that everybody sort of, well, you're welcome to do it, I wish you luck, and he's doing it and getting it done with the limited resources, with the maximum patience and persistence. And I think it's a very admirable job, and I know you know just who I'm talking about.

But that's not all. This man has been the group of people who put us over onto the right track when we got our 501 (c)3 training, and so he's also been very influential in keeping us abreast of our legislation as well as the interest to the grand jury, and I'm going to give it all away now. I'll tell you he's the past

president of this association. And this year the Angelo Rolando award goes to Mr. Les Daye. This is really a privilege to give you this and ask you to say a few words in response.

MR. DAYE: Wow. Well, as you can tell, I'm never speechless, but I am certainly greatly honored and very happy to be here with this organization. I know this organization means a lot to me, and I think that I always look upon the years 1998 to 2000 as being a true transition to this organization and certainly in my life because as most of you know, I made the move from the middle of civilization in the San Fernando Valley to the beauty of the Trinity Alps. And it was the greatest thing that ever happened to my wife and I, and you should know, we are very happy where we are. But when I come back to Southern California, and that's usually a lot of time associated with my work once or twice a year and the conferences, I'm always amazed that I belong to a very, very, select group of people who know that this is an institution which you know we will stand up and fight for.

Will always stand up and fight for it, and we have friends out there, people that don't know much about the grand jury. When they're told where it really stands and what its independence are all about, they quickly realize it's one of the few circumstances in California society where you can make a difference. If you are the person who files the complaint or the person who investigates the complaint or tells an organization of government that they're doing a great job in all cases, that's very, very important for society, one person at a time to stand and acknowledge, and I thank you all very much for this. I appreciate it very much.

MR. LOPER: You see I struggle for the microphone. I just want to say, oops, there goes another rubber tree plant. In addition, I would like to introduce, who needs no introduction, a member here, but she was a member of our committee. She had another surprising message to give you. I think all of you approve of her very much. Audrey, will you do your thing.

MS. LYNBERG: Thanks, Roger. And congratulations, Les. Les and George have spent some hours at my kitchen table helping to formulate the 501(c)3 so it was that experience and relationship with Les that was so wonderful in working on this CGJA so there's another person that I became involved with. And it was really through this program in La Verne, and she had really kind of sought out the organization herself when she found some books, and she called Dan, and, of course, we were having a La Verne problem and that's how I met Janet Praria. And Janet came down so enthusiastically about having a training program, and she went home with full spirit and was going to form a chapter and the next year, we had a chapter in her area. And the part that was really special is Janet had non-profit knowledge and so it was, as Roger said, it was like gin and tonic when the two of you met because you had a communication on the same level at different issues. And I highly respected Janet for everything that she gave us advice for and did.

So we're really privileged to have Janet's daughter here, and I'm going to ask her to come up and receive an award on behalf of her mother. So would you come forward, please. This is on behalf of your mother, and she looks just like her mother which is even more special. And we really appreciated all the work your mother did, and she's really a special lady to all of us. So thank you very much. Do you want to say something?

MS. GRACE: I had a little bit of a chance to prepare. I had a little advantage. I have just a few things I wanted to say. I spent a lot of time with my mom right before her death because she couldn't drive and there were a lot of things going on with your association at that time so we talked a lot about it. My name is Betty Grace. I'm Janet Praria's daughter obviously, and my family and I would like to thank you for honoring our mother, Janet Praria. The California Grand Jurors' Association meant a lot to our mother. It gave her a forum to exercise her innate sense of fairness and justice.

Anyone who knew her, they knew that keeping people on their toes was a vision for her. I think Mom developed this sense of equity growing up as number five of seven children. The dynamics emphasized for everyone to be treated fairly. She passed along that quality to her children four sons, and me. We learned very early on that fairness was a vital necessity. One of the greatest lessons she taught us when we had a candy bar or any other treat, one person cut, the others chose. You can imagine that

candy bar was within millimeters in pea size. Unfortunately, Mom was diagnosed with cancer in early December. She underwent her first chemo on December 26th. We had done enough research to know about chemo to know that the effects would be traumatic, but that it would take a few days to fully affect her. She had two projects planned for December 27th which was also her birthday. First and foremost, she had to complete the financial statements for the California Grand Jurors' Association, put together a proposed budget, and get everything in the mail. After that, we could get to go to dinner and celebrate her birthday.

Unfortunately, she didn't live past that day. She went to heaven that day, and through the grief and confusion, Roger Loper and I managed to get through the year-end. Phil Nash helped transfer all the records, and Dan Taranto has kept her dream of the La Verne DVD's alive. I'm sure she's greatly humble and grateful to receive this award on her behalf. It brings great joy to our family. Thank you again, and please all of you keep up the good work you do for our communities. Thank you.

MS. LYNBERG: Thank you, Betty. And outside of meeting her that day at La Verne, there was another exciting thing that happened. Al Armand had a big training program up north here in Yuba City and trained over 200 people a year. He came down. He was so impressed with that La Verne training program that he said I'm turning my training program over to you people. So there was a couple wonderful things that happened that day. We met Janet, and we got a hold of their training program and continued on. So thank you, very much for being here today.

MR. MOGER: Our next award is the lifetime achievement award, and this is not made annually. It's made infrequently. I talked to Patty Yoemans, and she received it I believe in 2001 and is the last recipient. And looking at the history Pat being one of the founders indicated there's probably three or four in the lifetime of this association that's received this award. It says it's for years of outstanding service, and it's not to be done annually.

The individual that's going to receive this award started with our association in about '98 and got actively involved immediately in training. And then we had a failure in the website, and I don't believe the individual knew much about web pages and websites and got involved there. And from there it started to take off, helping to create the compendium from an earlier version to the compendium which are one of our major publications today. He has gone on to be the president of our association, and I think you all know who I'm talking about. And that's Jack Zepp. Can you please come up, Jack Zepp.

MR. ZEPP: Thank you. I'm not old enough for this. This really is a surprise for which I'm very grateful. I really do mean it. However, when I say I don't feel like I'm old enough for this both in my own age and in my time in the association, but accept it in the spirit of which it's tendered, and I appreciate it very much, and I thank the association.

MR. MOGER: Before we close out the awards ceremony today, there is one person that we must recognize that's leaving our board. We have several directors, Jack Freisen, Deborah Nagle-Burks, and Roger Loper who is leaving the board. But I do want to say a very special thanks to Roger Loper for all that he has done, and we're going to miss you, Roger. And we know you're still going to be involved in some aspects, but you'll be missed. Thank you for all your years of service. Thank you very much. So with that, it concludes the awards. I'm going to turn it over to Jerry, our conference chair, and we're going to get into our afternoon program.

MR. LEWI: Thank you. My congratulations to all the recipients of the awards. There was no question of whose daughter Betty was.

### ***Neil McCormick, California Special Districts Association***

Neil McCormick is the deputy director, membership of the California Special District's Association. I want to give you a little background as to why we invited Neil here. Neil was one of the special speakers who spoke at Visalia training conference of this year. I was there as a trainer my first time, and his presentation was so good, I thought it might be a good adjunct to this meeting. I'm not exactly sure what he's going to talk about because I gave him a little bit of a heads up. His presentation was to brand-new

grand juries and was an excellent presentation what the special districts are and how they work, something I knew grand jurors are pretty much in the dark about as they start.

So I told them this audience would be a little more knowledgeable because we have obviously a great many past grand jurors, and you might want to speak to that. We heard a little bit about special districts from Jim Mayer this morning. The two organizations have been in communication, and I understand they do agree on some things. So we'll let Neil explain what the Special District Association's all about and how it might relate to our work. Again, you have his bio in the booklet so I won't bother to go through that. It's my pleasure to introduce Neil McCormick.

MR. McCORMICK: Good afternoon, everyone. Thank you very much for having me come out and talk to you for a little while on special districts and as mentioned, I did do a few workshops for this association and hopefully provided a lot of good information on some background on special districts, what they are, how they operate, and I will touch a little bit on that. I don't want to spent a lot of time on that.

But one thing we found whether it's a group or individuals throughout the state, is that the knowledge of special districts across the board across the spectrum, some people know very, very little or nothing. They don't even know what a special district is. Others have served on special district boards and are involved in other ways.

So to give you an idea of some the things I'll talk about today, to begin with I'll talk about CSDA, California Special Districts Association. As an association, what we do, and begin an introduction to some of the resources we have for special districts and for groups like yourselves to access in terms of information on special districts. Briefly I'll go through these fairly quickly, what they do, how they operate, how they're funded, how they're accountable, and the laws that they're governed by. And I'm also going to speak on reports and studies, and there's been a number of studies throughout the years on special districts. And specifically since it kind of fits in very well with your earlier presentation, I'm going to talk about Little Hoover Commission, their recommendations, and some of the steps that CSDA and the special district community have taken in response to those because we do feel that they were actually very good recommendations, and we took them very seriously.

So our number of new programs since those findings that we've implemented to help special district governing boards and staff to address those findings that the Little Hoover Commission came forward with. Then I'll talk a little bit about resources available. This is again for special district groups like yourselves, and then talk real briefly on current future issues and opportunity affecting special districts, what you can see in the next couple years as far as what us, as an association, are going to be working on, and what special districts are going to be faced with and some of the main priorities as well.

As far as CSDA as an association, we were formed in 1969, and these are really the reasons why we exist here, our areas of focus. We do a lot of education. We put on over 63 workshops a year. We do an annual conference and trade show each year. We do work with other organizations to put on cosponsor events as well in terms of education. We also do a lot in terms of information to special districts, keeping them current in changes in law, statutory changes, and just general information on government ethics, all of those types of things that they need to know as special district governing officials and staff.

So that's a major role we play. We have a monthly newsletter, weekly faxes on legislative updates and legal updates so they know what's going on in your industry. Risk management, we provide risk management services and actually talking to Mr. Mayer from Little Hoover who sits on the special district board resource conservation district, and they certainly came on board with our risk management services just because what we consider a crisis in terms of workers' compensation, our pools have been very successful in providing special district stability, and as a result save special districts money to where they don't have to cut programs or employees and can continue to offer the level of services that they do. So we've been very successful in doing that.

Our authorities are called special district risk management authorities, and we provide property

liability and workers' compensation coverage for special districts. That's why it was formed for all public agencies, we actually have a couple cities that are a part of our pools as well. Mainly, we focus on legislative advocacy. We partake and review hundreds of bills each year, and that's a major focus obviously of the association as well here in the state budget crisis that we've seen in the last couple years, the deficit, and really the state looking to local government in general to try to balance the budget. So that's a big piece of what we do.

Public policy, effective governance that falls into our training the information that we provide and then basically increasing visibility and awareness of special districts, what they are, what they do, and its opportunities like this that help us to do that as well, but we've also been working with PR agency to basically develop the tools for special districts so they can communicate to their constituents better. And some of the special districts as most of you know are very small. They don't have large budgets. Some are volunteer run, and they don't have the resources staff or finances to necessarily put these types of programs together. But if they have the information how to do, it's at least a jump-start for them. So that's one of the things the association would be working on.

We've developed a how-to guide, how to develop a fax sheet about your districts so you can communicate to constituents and let them know what you do and get them involved in your meetings because, as an association, we definitely encourage that to our members. And we want our members to encourage participation as well, and then lastly, provide support and resources for all special districts. That's why we're there. That's why we were formed.

We have about 740 members currently, and that's pretty significant growth from about two years where we were about 500, and I think a lot of them have to do with the information we're putting out. And a lot of districts, small or large, are realizing that there's a need that they have for information and these types of things to keep their district running effectively. So our membership is growing, and our representation. I think it's helping the special district community as well by doing that.

I just wanted to touch real quick on other local government and associations. Most of you may be familiar with these. The League of California cities is also a major local government association, and the California State Association of Counties represents county supervisors. Also the California Association of Local Agency Formation Commissions represents all the LAFCO's throughout the state. Each county has one, and we've been working more closely with them as well. Within the last couple years as well, we've been working a lot closer with the cities and counties association and specifically working on what's called the Leave Our Community Assets Local Coalition. And it's now made up with of the three lead, but also about 300 organizations, everything from the League of Women's Voters to the Fire District's Association and the list goes on. Basically advocating to leave local revenues local and for local services - that's why the coalitions, and we've been really working very hard on that message and trying to preserve those revenues so that they don't filter into the state general fund or other places where their not necessarily meant for.

This section I'm just going to go through really quick. Most of us know what special districts are. Obviously they're an agency for the state to form services for a community with common characteristics. They are governed by a board, provide service and facilities, and have defined service boundaries. There are a number of misrepresentations on what a special district is and what it is not. I thought I'd put in a list of what they're not, but really they're designed to provide a focused service to meet community needs. They are developed by citizens who come forward that want enhanced services, and there's a process that they go through obviously to do that to form the district, and I'll touch on that in a second too. They are considered the third leg of local government along with the cities and counties. And most people identify them on their property tax bills.

Here's a list of what they are not. They're not part of government. They're autonomous from the state. They're not city or county governments although obviously they work very closely with cities and counties. They're not school districts. They're not Mello-Roos benefit assessment districts, and not redevelopment agencies, especially redevelopment agencies.

If you're looking for a list of all special districts, I think it's on either the second or the last slide in your handouts as well<sup>1</sup>. They, the controller, actually provides that list, but they do lump in redevelopment agencies in there and some JPA's. So it's not a true number of special districts, and as a side note, if you're looking for special districts in your county or all special districts, a list of them, you can access our association and we would be happy to provide those lists to you. That's one of the many reasons we're there for, and we can provide that information if that's what you're looking for. It's going to be a lot more current than the state controls. They're about two to three years back if you're looking for financial reporting. That's about where they are from what I understand, catching up, but at this moment, they're about two or three years back.

What they do, most of us know or have services provided by special districts, fire, ambulance, police protection, mosquito and vector control which has obviously become a very, very hot topic, and they're monitoring the influx of the West Nile Virus and doing testing for that to see what's going to happen there, air quality management, and healthcare districts are some of the other public safety and healthcare. Other services include water, irrigation, flood control, sanitation facilities, airports, libraries, wastewater, resource and water conservation, there's Harbor districts.

There's a variety of different districts that provide either single or multiple services. Some people don't know that the distinction between an independent district and a dependent district, there are two different things. 2300, "Governed by an independent board of directors elected directly by the district's voter or appointed to a fixed term of office by another governing body."

Dependent, there's approximately 1200 in the state. "They are governed in full by other existing legislative bodies like a city council or board of supervisors." I put this in here to give you an idea of special districts in the state, how they fall into place. Water is 19 percent, fire and ambulance 16 percent, CSD's community service district is 15 percent, Sanitary 11, resource conservation, six, reclamation is five. RPD is sanitary district irrigation. Then we also have utility district, a few throughout the state as well. That's in your handout.

Single and multi services, obviously there are two different kinds, about 85 percent of the districts in the state are single service. The remaining 15 percent are multi, that's all they do. Multi service community service district is probably the best example of that. Some of those districts provide ten or more services to a specific community, everything from water to fire, police protection.

In terms of how they're funded, there are two types of funding sources, major funding sources for districts. Some are enterprise districts, roughly a quarter of them. They essentially operate like a business enterprise. They charge fees for the services that they provide. Water districts are probably your best example. Healthcare districts do the same and do charge for care. Non enterprises, fire, they benefit the unit as a whole, and services are directly tied to the payment. Although you do benefit from it, it's in a different form. They rely almost solely on property taxes as far as they operate. A portion of property taxes within the area of the district and some enterprise districts do have non-enterprise functions so a good example is a lack of that. They charge a dollar to get in. It's an enterprise function, but primarily the district is non-enterprise.

This is a graph that shows you where special district property tax dollars go. 17 percent go to transit, 27 percent flight control and water, and nine percent parks and recreation, 12 percent others, that's everything from cemeteries to Harbor districts, and the rest and then fire and emergency and medical and police are the largest portion at 35 percent.

Other funding sources for district grants are a big one for resource conservation districts. Assessments, special taxes, which do require two-third voter approval, and then financing. They are financed as well from bonds to small assessments. If they're looking to capital improvements or add a fire engine for example. A quick history as far as revenue history of special districts, there have been

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<sup>1</sup> Editor note: The speaker referred to the State Controller's Office. This excellent website can be accessed via CGJA's website, [www.cgja.org](http://www.cgja.org), and clicking on "Links."

some fairly significant changes along. One of the main ones being Prop 13 limiting property tax to see one percent basically cut special district revenues in half in 1978. Obviously that continues ERAF, is the Education Augmentation Fund. It was established in 1992 that also continues today. That's basically shifting a portion of the special district property taxes to the state, some of which goes to education. Not all of those funds do have education. And cities and counties are also impacting cities more so with ERAF than counties, but local government as a whole took a pretty significant hit on ERAF. And then lastly Prop 218, I just put in as another link, that's not necessarily a bad thing. It required voter approval for all assets and increased that a special district would do, not a bad thing, but another limitation they've been faced with as well.

Most of you know about LAFCO's, local agency formation commissions. Special districts in CSDA work very closely with LAFCO's. They conduct special studies to streamline and simplify the structures, prepare a sphere of influence for each city and special district with each county, which many are undergoing right now. They're also going municipal service reviews to take a look at all the services provided in the county and make recommendations for greater efficiencies and et cetera. Some counties are further ahead than others.

They do, I believe, have five years to complete those studies and then make recommendations as well. And the Commission's efforts are directed toward seeing that services are provided efficiently and economically. LAFCO'S and special districts within each county have the opportunity to have representation on LAFCO. That wasn't always the case. It was just a city and county deal, but they do now have representation with that. They also have to pay a third of the costs of LAFCO to operate. And the good thing is and CSDA has pushed for this representation and for the ability of special districts to have that is that they now have a voice in streamlining what's happening at the local level and with services. So that now it is cities, counties and special districts that are working together to streamline services within each county.

We get this question a lot at the association so I thought I'd put it in here, how were special districts created or formed. First thing is, application is made to LAFCO by registered voters in the proposed district. The voters are the ones that initiate this. There are a few districts that have come about via legislation, but for the most part, this is the process they must go through. Review and approval by LAFCO staff, LAFCO specifics a public area hearing and can approve or deny the proposal that day. If they approve, it kind of goes to the next level. Protest hearing to measure, protest the formation of the district within the defined counties of that district. In a majority protest, the approval is stopped at this point. An election is held and usually requires a majority voter approval. It's a two-third voter approval for assessments.

Then if that goes through, formal filing of the documents actually create the district. These are the authority enabling legislation for special districts Principle Act is the generic statute that applies to that particular type, fire district has one. They got it revised. Cemetery district has it, and it's been recently revised, who's taking a look at all special district types, for example, cemeteries and updating the law by bringing together cemetery folks, city folks, county folks, and getting consensus on what needs to be changed, what should be updated, what should be taken out of the law.

And then the Special Act is formulating a district through legislation. Special district powers, they have corporate power which is basically the ability to do things, tax power to raise money and only a few have police power. A couple park and rec districts for ranger type personnel and there's approximately three special districts that are police protection districts. They are fairly small, but they do exist.

In terms of accountability and I know this was talked about earlier as well, first and foremost they're accountable to the voters who elect their board of directors. And I'll talk about what laws they're governed by, but obviously their meetings are open in public, and we encourage and have been encouraging the districts to gain additional participation within in their communities, customers who use their services. If it's a water district, you're going to hear about it. If there's a problem with the water service, there ate rates that apply. And while they're not functions of the state, they are autonomous from

the state. There is oversight. They must submit financial reports to the state controller annually. That's the one I was talking to earlier you about. And then annual outside audits, that can be accessed as well, as they must follow the state laws as they pertain to local governments in general.

And it's really the same rules and regulations that cities and counties are governed by. Primarily act is the Ralph M. Brown Act states all meetings by the body of local agency shall be open in public and all persons shall be permitted to attend any meeting of the legislative body of a local agency. There are a number of requirements within the Ralph M. Brown Act.

Other laws that govern special district, this are just a general categories conflict of interest, code of ethics, political reform requirements, public records and information, public employment, public contracts and bidding, workers' compensation, liability, notice and public hearing requirements, and then the regulations that are governed under LAFCO as well. This is the section that I was talking about at the beginning of my presentation in terms of the records and studies that have been done on special districts. And these are the larger ones, the more significant ones. And specifically I wanted to talk about the Little Hoover Commission report called special districts relics of the past or resources for the future. It's done in 2000, brings forward a number of very good recommendations we feel and we have responded to those as well.

As an overall document, the report really address these four areas. The total number of special districts that are out there, special district visibility in terms of the special district making themselves more visible and encouraging community involvement, special district reserves, and the absence of community involvement in general. So the first finding that Little Hoover Commission came about was special districts are often invisible to the public and policy makers and compromising oversight and accountability.

The recommendation was to enact legislation to make special districts more visible and accountable. There hasn't really been any since 2000 legislation that's been introduced by a legislator. However, there have been a few steps that we've taken as I mentioned, the PR and the tools for a district to use as a resource. We also have an outreach assistance program. So whether it's a design of a brochure or a design of a fax sheet, just general information that the district may not have the ability to do, we do offer that service to special districts where they can access some expertise on developing a fax sheet for example or a website that will communicate when their meetings are and those things.

There is legislation that is already in place to encourage accountability, some of the things that I touched in complaints of government costs, annual outside audits. I don't know if any of you are familiar with what's going on in Sacramento with a few of the water districts, but I thought I'd mention it. Senator Ortiz is going to be holding a hearing on November 12<sup>th</sup> in Sacramento at a park district actually. And initially it was just to address that there was one district up there, a water district. There was some findings and some accusations on money type issues, and since she's brought this hearing about really to address what's going on with these districts and she called for some audits of the districts, five of them in the Sacramento area is the most recent development. And so this is something the CSDA is obviously complying with. We've offered our ourselves as a resource to Senator Ortiz and any help that we can provide in any of the resources that we have, and I'll touch on some of those to bring those forward to let people know what they have access to in terms of resources and developing policies and procedures and those types of things. So that's a new development.

If you haven't seen any of the information, a lot of it's on the Senate website. They've kind of headed up this process, and you can take a look at it there as well. The second finding was policy makers and community leader lack the analytical tools necessary to assess the benefits of consolidation, impeding their ability to advocate effectively for change and overcome the tenacity of the status quo.

The recommendation is that the state establish a program at the California Policy Research Center, or similar institute, to furnish LAFCO's and community leaders with training opportunities to be better decision-makers and advocates for change. That's one of the major focuses. We've been working on and SDLF, which is the special district leadership foundation. It's a identification that's been developed by

now eight different special district associations as well as CSDA Special District Governance Academy.

I thought I'd talk about it so you know that it's a resource to specifically find governing officials, directors, and trustees of special districts. We put it together. This is the first year of the curriculum.

We've put it together because we saw the need for a solid governance training. It really is a niche, and obviously we've worked with other associations in developing that. And we also received help by an expert in governance. His name is Davis Campbell. He's a retired executive director now of California School Board's Association, and they have a very strong governance training program. It's called masters and governance, and he's done the same for special districts, have a core curriculum that's reflective of what special districts or trustees, some know, in terms of governance and what their role is as governing officials.

The difficulties between the topic base versus a curriculum base. We do have a topic base to the Brown Act legislation and called a speaker on that. Here we brought together experts in specific topic areas. We've brought season directors and trustees to develop a curriculum that's reflected of what should be known by governing officials. At that point we then developed a faculty guide, a training curriculum, something that takes it to the north end of the state, gets the same outcomes which we thought was very important, and we train experienced faculty on our curriculum to teach that. The four courses that are involved in the training and the academy, first is governance foundation. It speaks to what is your role in a whole as a governing official.

It's changing the philosophy from the "I to "we." You don't have to have solid power as an "I" but as a governing board, that's where you get the power, and you have to do that. What is your role and what is overstepping your roles and all of these addressing accountability, the laws that they should be abiding by, policies and procedures that the districts should have. The second one is setting direction for community leadership that speaks to the long-term direction of the district. It also speaks to developing that outreach to the community and getting more participation. Third is the board's role in finance and fiscal accountability, kind of speaks to itself and then the board's role if human resources, what they should be involved in and should not. And all of the laws that pertain to that as well.

This is a list of the special district leadership membership foundation member and SDLF has now enforced SDR as a core curriculum for special district trustees and directors. California Association of Public Cemeteries, CSDA, Association of California of Water, California Association of Rec and Park Districts, California Rural Water Association, California Association of Sanitation Agencies, Mosquito and Vector Control Association, and the Fire Districts Association. So we all come to talk about education and how we can set new programs that we can implement as a special district community to further the experience and the education of governing officials.

The next finding of the Little Hoover Commission is that hundreds of special districts have banked multi million dollar reserves that are not well publicized and often not considered in regional or statewide infrastructure planning.

Recommendation, enact the legislation to ensure that prudent management of special reserves and incorporate these reserves into regional and statewide infrastructure planning.

Again, there hasn't been any legislation introduced. However, there are a few things that have been done. Mainly, the third point there, CSDA did develop something. If any of you would like a copy of that, I'd be happy to provide that,

give me your card. And it's really designed to be a guide of what and how they should apply their reserves, what kind of reserves, and what they, not necessarily what they should be used for because that's distribution a policy specific, but how they should be allocated and used. They are often voter approved with bonds. And many of the reserves that special districts do have are put aside for critical structure improvements and changes that need to be made if there's an emergency, broken water mains, that type of thing. They need to have the funds available to fix those things.

The conclusions of the Little Hoover Commission, one, was special districts play a vital role in the health and process of California communities. They improve the services, play an even more important

role in the state's future, and are evolving in ways to improve and reduce the cost of service.

The last piece I want to talk about was CSDA as a resource again for special districts and all of you. We do have fact sheets on special districts, the number of special districts, different types, all those things that can attract communities and individuals to explain what special districts are, what they do, and how they operate. Use us as a source for current information on special districts, that's what we're there for. Tools for effective outreach, we do have a number of publications information that we've put together and are available to all of you who like to see them as well. We have a sample policy and procedures manual. It's about 350 pages, special policies for special districts that pertain to the different laws that they're governed by and policies they should have within their districts which I already spoke to. We have an administrative salary and benefits survey. And we also put together a new board member trustee handbook which is reflective again if an introduction of what a governing official should know if they are a new so they're not coming in completely blind.

As far as what laws are important to know and what information they need to access, I spoke to the top two. We work with counties, LAFCO's, and other organizations more now than we have even in the past and a lot closer than we have in the past. We have a statewide communication program and really our goal now is to increase the visibility of special districts. That's one of our major goals that I spoke to at the beginning of the presentation.

And this, I just put in for your reference as a resource. It's a website of all the major government agencies<sup>2</sup>. That may have a lot of good information and do have a lot of good information for planning. The Senate Local Government Committee has been taking their pulse, dealing with the LAFCO's in each county, how many had representation from special districts and has a wealth of information that as well. State Controller's Office, and Legislative Analyst's Office that also has some publications that might be of interest to you.

As far as current and future issues that we'll be working on as an association and as special districts, probable loss of property taxes to the state for the next few years at least given the state budget deficits we've seen in the last couple years prior, we've been fighting that pretty significantly. They have us. They've looked at cities, counties and actually the cities and counties took a fairly significant hit this last year, but it would have been a lot more if we hadn't been working together, we think. The ongoing debate regarding the local government revenues in general, a potential increases in user fees, assessments by special districts as a result of a decrease in their revenues, improved visibility and recognition of special districts, a greater understanding of special districts at the local level, improving training, credibility of governing officials, and increase partnerships with cities and counties mainly through the local coalition.

As a side note to that, I again can say we are in the process now, you'll probably see it soon, of developing a ballot measure for the November '04 ballot.

It will be city, counties and special districts' main focus to preserve local government revenues and basically require two-third vote before the state can shift or take local government revenues. So that's something very significant that we're working on. It's going to require a lot of the effort on behalf of all of the governing special districts. So I'm sure you'll see some information on that fairly soon.

And then lastly just use us as a resource. That's what we're there for, not only for special districts, but for groups like yourself. And we're happy to do that. That's why we exist, and please give us a call if you have any questions. Thank you.

MS. YOEMANS: I'm Pat Yoemans from Los Angeles County. How many people are on your staff, where are you located, and about what is your actual funding?

MR. McCORMICK: Okay. We have 11 staff. We are located in downtown Sacramento if you're familiar with the Esquire Building next to the convention center, and our annual budget is about \$1.4 million. The majority of that is via dues. We do have other avenues. We do get a portion actually

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<sup>2</sup> Editor note: Again, see [www.cgja.org](http://www.cgja.org)

of one percent of premium from our partner, which is the Special District Risk Management Authority so that helps to fund us as well. We are not for profit organization though.

MR. DAYE: Les Daye, Trinity County. I want to understand what you're saying about profit tax loss. And I remember in the early '90's about when I served on a county, I went up to Butte County because it was they made a deal with the state to put off their fire protection monies over three years or something like that and then the debacle in Orange County so I'd say ERAF and some of those things have started the effect. Doesn't it seem like you're the poor stepchild? Well, I'm saying you're trying to help these people, but then ultimately if the state thought that they could force local people to provide these services on some other basis, that special district monies could be theoretically just be confiscated by the state. Is there anything to prevent that in the statutes the way it now exists?

MR. McCORMICK: No, absolutely not. In fact, they had this last budget year. They were talking about actually accessing special district reserve monies and pulling from that as well.

MR. HEAL: Earl Heal from Solano County. Two things, you make reference to a lot of revenue. We understand loss of revenue from state taxes, which are predicated on income, but property taxes throughout the state have not declined. In fact, they're going up faster in this state than any other state in union so you're concerned about loss of revenue. I'm kind of puzzled.

MR. McCORMICK: Well, special districts don't receive state taxes at all. The majority do rely on property taxes as almost their sole income. Other areas might be grants or assessments, those types of things, but the loss of property tax revenue have occurred through ERAF and those kinds of things by which local money is being filtered from the local area to the state when originally it was designed to fund local services basically.

MR. HEAL: Finally, the thing about inability or the ability of the state to confiscate special district funds.

MR. McCORMICK: That is valid. They did it with ERAF. They were looking at it as well.

MR. HEAL: Because we just investigated one of our special districts. They just accumulated \$13 million dollars for no good reason, nothing planned.

MR. McCORMICK: And most districts segregate reserves, infrastructure and emergency, those types of things.

MR. LOPER: Roger Loper. I notice you have a persistence to being informed. Do you ever recommend dissolution of a district, and if so, under what circumstances?

MR. McCORMICK: I wouldn't say it's a bad thing, and I think the you know that LAFCOs will help to shed some light on where that's appropriate. I think if it is appropriate and there's some efficiencies that can be done or made, it's definitely the way to go. I know there are some special districts that may not feel that, but as an association, we think that it's not necessarily a bad thing either.

MR. ABELING: Bob Abeling, Marin County. I noticed in the discussion under LAFCO here in your handout that a special district can be formed by a simple majority, but if it's a special tax, it involved a two-thirds. What is the division between forming a district and naturally there would be taxation or what is a special tax?

MR. McCORMICK: A special tax would be over and above what their proposing as a part of the property tax to fund their district. So if they propose a percentage of property taxes reallocated to help fund the proposed services, the special assessment would be over and above that and that would require two-thirds voter approval. So it would be two different votes basically to form the district then the assessment if that were to go through.

MR. HORNE: Boyd Horne. I'm interested in accountability because of a particular matter that the grand jury I served on dealt with. We discovered that nobody was in charge of CSD's. It seems to me that with all the possibilities that you provide by way of education and special expertise, et cetera, there is no excuse and we characterize this particular district as totally dysfunctional. It was clear they had no understanding of the kind of things that you're prepared to tell them about or train them about and so we now have a dysfunctional community service district. That was in '99 or 2000, and recently I attended a

CSD meeting in my own area, and interestingly the subject came up where that other district that was in trouble asked for this CSD to help them because their accounting books were in total disarray. And they had volunteers to help them so that's four years later. And so I have to presume that particular special district was dysfunctional and disarrayed for four years. What kind of accountability process because everybody is responsible for districts except for perhaps the state legislature. What kind of accountability system would change that?

MR. McCORMICK: Well, unfortunately, obviously there isn't a membership requirement so there are a number of districts out there. Obviously you see the totals that don't receive any of our information, doesn't limit them from going to our educational functions or anything like that. In addition to that, to speak to community service, there isn't an association or group that helps them, you know, specifically -- like there is for water or something like that, the more technical issues, and we're trying to address that, in fact, we're going to have a CSD conference this year to help address issues that are specific to CSD's.

As far as accountability and who watches them, basically they are required to submit financial reports to the state controller annually and over and above that, it really comes down to the voters that form that district, you know, to get new directors in there and to participate in the meetings and things like that, and I understand it works both ways, that --

MR. HORNE: For example, what if they do not report?

MR. McCORMICK: I don't know specifically what the controller does to get that report. I know they're required to, but if they don't, I don't know what the repercussions are for that district. I can find out though.

MR. PETRICH: Paul Petrich, Santa Barbara. Is there a history of special districts? Let's say were formed during a rural era providing us service like sanitation, but as the region grows where you might have a merger. What is the procedure to get over inertia there to merge special districts that might need to be working together as one unit as the situation changes?

MR. McCORMICK: Right. I think that's our role that CSDA is taking although we're working in it along with LAFCO, but the local form at the county level is doing a municipal. They will actually be making recommendations to address those types of things so they're having consultants come in I know. And I mentioned some more than others are faster than others, but they will make recommendations X, Y, Z, water district, southern water district, and actually provide service as one. Those types of recommendations will be coming further through LAFCO.

MR. HAXTON: Owen Haxton, Marin County. You have one of the types of districts, special district as a healthcare district, and if I recall directly, the code assigns to the county legislative bodies their responsibility for the health safety and welfare of citizens that they legislate. When a healthcare district is formed, what does the legislative district give up in authority and responsibility to that healthcare district?

MR. McCORMICK: To my knowledge, they don't give up anything. The district just provides whatever healthcare services for which they were originally formed or more developed policies and recommendations to add to those. So I don't think they lose any of that authority, not to my knowledge at least. For the most part, most groups would probably be dependant anyway so there's a relationship there. I don't think they all are dependant districts, but some are.

MR. LEWI: Thank you very much, Neil. Before we break, do we have any more chapter association reports?

### ***Chapter Reports (continued)***

MR. POOLE: No, I see Bob Geiss has left. How about Boyd Horne for San Luis Obispo?

MR. HORNE: At the last conference I reported that the San Luis Obispo Grand Jury Association was struggling. I'm here to report today that we're still struggling. We're alive and well, but we have new leadership. We have established a relationship with a sitting jury. We conducted a training session for the new jurors, and so things are beginning to move, and I hope that the next conference I can report

that we're a large former grand juror association actively involved. I should say one other thing. We're also involved in some follow-up to grand jury recommendations, specifically California Youth Authority issue and Child Protective Services. Aren't we all involved in the child protective services so it's beginning to come back, and I hope to report next time that we achieved fully our objectives.

MR. POOLE: Thank you, Boyd.

MR. LORD: Well, I'm very proud to represent Orange County. I'd say we're very alive and well. Currently, at our last meeting we had 194 members in our membership. We meet, our board of directors meets every month, and four times a year in March, June, September, December, we have a luncheon meeting with a guest speaker our lunch. This year we have ranged from 79 to 131 in attendance. And thanks to our vice president sitting there, Mr. Sheldon Singer, he's obtained some very fine speakers in March. We had Jerry Burgon, the financial officer of County of Orange to advise us of problems confronting the County of Orange. And I think the next week he retired or resigned, but we knew that going on. But he was very honest and helped us with problems with the county.

In June we had Federal Judge David Carter as our guest speaker who informed us on the Mexican Mafia and prison gang from after having tried a case of a homicide in Pelican Bay Prison in northern California, also very informative. In September we had Julia Shawn, who is with the health insurance counseling system that informs many of our senior citizens of the health system of Medicare and MediCal and answered a lot of questions for us so we've had some wonderful programs, informative, great deal of fellowship.

I'm pleased to announce our budget, our financial situation. We are about \$9,500. We're involved in -- one of our members back there is involved in mediation. We are also involved in selecting the oversight committee for the major funds, expenditure transfers each year. Also some of our members sit on Sheriff Carmon's review boards when they interview for possible hire to the sheriff's department. We also had several years back authority from the county board of supervisors to have our tracking look at reports and report back to the board of supervisors. However, this kind of goes back and forth depending on the current sitting grand jury because they have taken the responsibility upon themselves currently. They have a standing committee for continuity, and they have been overseeing that project so our association has not been doing that so they follow up on the grand jury.

We have a vibrant association, and I'm proud to be associated with it and have some wonderful people there. If you're ever in Orange County on one of those first Thursdays, on one of those three months, visit us. Thank you.

MR. POOLE: Is there any association I've missed here? Kern County, come on forward.

MR. RUTHERFORD: I'm Dick Rutherford for Bakersfield, California. And when I came over here as the current grand jury, he said, will you bring up the stuff that's happening to the confidentiality of our grand jury. And this is the article here. An article was of three men turned in the report to California that was supposed to be a grand jury report about the City of Arvin. For what it's worth, there was no way they could have done that, and they turned in an 18-page report that was their information, but it couldn't have gone to the grand jury and met the requirements. The current grand jury, sitting grand jury, tried to get it stopped. They felt it would cause trouble because there was a lot of information in the report that was confidential, and it had been received under testimony and was confidential at certain times. A local judge ruled that it was freedom of the press. They had the right to print it, and so there's been Ed Jagel who is our county District Attorney has accused these three men of two misdemeanors, and they're going to trial.

One, I'd like to say I'm absolutely delighted it's happening. I've seen other times when information like this has been released and nothing happened. The Californian, this is our local newspaper, had this editorial reads so what about Arvin. So basically, what they're saying is what are you going to do about Arvin now? But the question is how did they have the right to do this? They put it on the internet so it became available to anybody in the community who had the fortune to get into it. It's a very confidential report. One certain thing is we have a -- I guess we're not a chapter but we're an

association and we meet about four times a year. We have a board. We have a treasury and about \$3- or \$4,000, but we have a general meeting. We have a speaker that comes and talks and then our board meeting. And that's pretty much what we have. Any questions. If anybody would like to see this, I'd be more than happy to --

MS. BARDELL: I would just like to say there were several times in the past three years or so when I had reason to call Bakersfield and the gentleman that I talked to were delightful.

MR. RUTHERFORD: Thank you.

MR. POOLE: Is there anyone else that I may have missed on the associations? With that, thank you. On your comment, I didn't realize you're not a chapter. We're happy to have you any time.

MR. LEWI: Let's take about a ten-minute break, and we'll get to the open forum session. Thank you.

### **Open Forum**

*(Note: the Open Forum Session was not recorded)*