

California Grand Jurors' Association
Board of Directors Meeting—June 25, 2013

MINUTES

A. Call to Order & Roll Call

The roll was taken, and the meeting began at 7:02 PM.

Present: A full house: Directors Boultinghouse, Caranci, Greenberg, Hern, Hoffman, Jahr, Lynberg, Monaco, Mufson, North, Ragan, Trautman (president); FDC Chair Shepp

B. Agenda and Comments

B-1 Agenda Approval: Trautman

Boultinghouse moved, Hern seconded, and the Board unanimously approved the agenda as submitted.

B-2 Member Comments

Citing 2.011C(1) of the CGJA Policy Manual, Trautman reminded directors to send him (as president) copies of all non-routine CGJA business correspondence with chapters.

C. Consent Items

C-1 Approval of the CGJA Board Minutes, 05/28/13: Ragan

C-2 Acknowledgement of Committee Minutes in the 06/25/13 board meeting packet:
Trautman

Caranci moved, Boultinghouse seconded, and the Board unanimously approved the two Consent Items as submitted.

D. Standing Committee Chair Reports

D-1 Legal and Legislative Resources Committee (LLRC)

Chair Jahr said that the committee minutes of June 11 reflect recent committee business. She highlighted three issues:

- ⑨ The committee agreed that there is no specific statutory prohibition with respect to a grand jury investigating matters relating to a ballot measure. Therefore, the grand jury should discuss such issues with its legal advisor.
- ⑨ With regard to oaths, the revised Compendium now contains up-to-date information. The language states the pros and cons of administering oaths without taking a position.
- ⑨ With regard to jails v. prisons, we don't have a position as to whether local jails are prisons and therefor subject to a mandatory inquiry under PC §919.

However, local jails and holding facilities are within the discretionary investigatory jurisdiction of grand juries since they are part of local government. Our advice is to consult with your legal advisor.

With respect to grand juror per diems, they vary throughout the state, and we don't have a full survey for every county and what it pays.

Hern mentioned that the Compendium for 2013 is now printed. Greenberg asked if there was much difference from the previous edition. Hern responded that the only major difference was that the legislature defined "agency" more specifically with respect to when a grand juror has to provide notification of a potential conflict of interest.

With regard to administering oaths, Jahr said that CGJA's previous advice to grand juries was to not administer oaths. Now, as stated above, in the Compendium we only state the pros and cons and do not take a position.

D-2 Public Relations Committee (PRC)

Chair North reported:

- ⑨ Structural improvements to the website are making it much easier to navigate.
- ⑨ Board members must give us updates for the Journal.
- ⑨ We're trying to make the PayPal system of payment much easier to navigate.
- ⑨ We're continuing to push our PSA distribution.
- ⑨ With regard to Journal distribution, we have to take into account print v. electronic distribution, with the latter becoming the new wave.
- ⑨ Handbook distribution. Lewi has made organizational contacts, but we're uncertain as to where to go. We probably need some grant applications to fund it.

D-3 Membership Relations Committee (MRC)

Chair Mufson reported:

- ⑨ There are former grand jurors in two counties interested in forming CGJA chapters: Plumas and San Joaquin.
- ⑨ CGJA currently has 340 voting members.

Trautman asked Mufson what he should do about proceeding with the possible revocation of the charters of the San Benito and Kings county chapters. Mufson said that the Board had already authorized Trautman to write letters to revoke the charters after going through notification procedures, which we have done. Trautman asked if there was any opposition to his proceeding with revocation notices. There was none.

D-4 Training Committee (TC)

Chair Caranci said:

- ⑨ There will be 28 training workshops through August 13.

- ⑨ TC has printed and is starting to distribute 974 grand juror workshop training manuals (perhaps more) and 80 foreperson workshop training manuals and has purchased a seventh computer. Jerry Lewi is donating his projector to go with this new computer.
- ⑨ TC has invited grand jury county legal advisors to the training workshops, especially the on-sites, with an excellent response.
- ⑨ TC is using our approved scholarship money to fund the two-day training in Sierra County (it could only fund one day). TC is working on using the scholarship money in San Benito and Lake counties, as well.

Hoffman summarized the first training effort of the season in San Bernardino on June 24-25. The trainers handed out 27 manuals. Twenty-four people attended. The grand jury has seven holdovers; three attended the first day, two the second. The grand jurors are will be chosen on June 28, so the training is for all in the pool. It was a successful two days. Almost all signed up as Introductory Members.

D-5 Finance Committee (FC)

Chair Monaco presented highlights of the FC's work over the past month.

- ⑨ Bank of America accounts will be closed now that eScript shows Chase as the bank of record. All deposits are now going into Chase checking.
- ⑨ Smartphone credit card scanners will be used starting with the Sacramento Regional conference. Ownership of PayPal account has to changed from Ivor Thomas to Dianne.
- ⑨ A sales record log is in the process of being finalized between Dianne and Marsha for use at regional and on-site training.
- ⑨ On-Line payment process:
 - ⑤ Issue, as understood as of the time of the Board meeting:
 - ④ If a member wishes to pay membership dues on-line, and
 - ④ If the member has a credit card associated with a pre-existing PayPal account,
 - ④ Then, PayPal requires user to use PayPal, even if member does not wish to fund and use the PayPal account (to verify based on comments during Board meeting).
 - ④ Current alternatives are:
 - ❶ Require member to use another credit card that is not registered with a PayPal account
 - ❶ Require member to pay by snail mail.
 - ⑤ Considering improvements to the on-line payment process:
 - ④ Add radio button to allow members to pay by credit card directly. However encryption would have to be added, at a cost. Adding a separate credit card processor would also be an additional cost.

- ④ Would like to see ability to pay for other products or services on-line too, such as:
 - ❶ Annual Conference
 - ❶ Training seminars
- ⑤ North of the PRC has been working with the FC on simplifying and clarifying the process and instructions.
- ⑨ FC used [WebEx](#) instead of [FreeConferenceCall.com](#) for this month's meeting. It was well received.
 - ⑤ Attendees called in via their computer's browser/microphone/speakers or telephone (no Internet connection).
 - ⑤ Attendees shared web cam video if they desired
 - ⑤ Documents and spreadsheets were shared and revised real-time via web browser sessions for everyone to see
 - ⑤ Sharing of spreadsheets was passed to other attendees during the meeting to show their recommendations/comments
 - ⑤ The CGJA renewal process was walked through real-time for all to see how it works and its issues.
 - ⑤ FC will use it again for its next meeting in August, then decide if we wish to continue using it and suggest it for other committees to consider trying.

D-6 Awards Committee (AC)

Trautman said that he has asked the AC to consider a couple of things to improve our awards program

- ⑨ Renaming the special recognition awards as the directors' special recognition awards.
- ⑨ Doing a better job in presenting the special awards with respect to what went into it, who has received the awards in the past, and what the people have done to merit the awards. The AC should draft some guidelines for the presenters.

D-7 Nomination & Elections Committee (NEC)

Chair Boultinghouse reported:

- ⑨ We have seven candidates for the Board; six are incumbents. The deadline for nominations is June 30, 2013, but we are not expecting more candidates. We have received all candidate statements and head shots.
- ⑨ We will update the 2012 ballot to use. Bonnie Kenk will assemble them and mail them out (313) by mid-August. The return deadline is October 1, 2013.
- ⑨ The Teller Committee will count them, announcing the results to the Board and the candidates by mid-October, with the public announcement made at the Annual Conference in November.

Board members extensively discussed the last item above: the process for receiving, opening, and tallying the ballots and then reporting the results. In recent years, CGJA has contracted with a neutral third party, the League of Women Voters (for a nominal fee), to receive, open, record, and tally the election results, reporting the results to the Teller Committee. In developing and proposing the CGJA budget for 2013, the Finance Committee reduced the Nominations & Elections Committee budget by eliminating the third party payment as a cost-saving measure. The result is to have the Teller Committee undertake the entire ballot counting, tallying, and reporting process.

Many Board members objected to this result, arguing that it is important to have a third party receive, open, record, and tally the election results to ensure the objectivity and integrity of the process. There was general consensus that NEC should continue to engage the League of Women Voters as the third party in this election process.

This requires Board action. Trautman suggested that, since the Board must hold a special meeting in July to approve the ballot, he would also direct the NEC to propose action items for the Board at this special meeting to reinstate the League of Women Voters as the third party to receive and tally the ballots. The League's tally, along with the ballots, would then go to the Teller's Committee, which will verify the results and publicly report them at the Annual Meeting. Board members accepted this approach.

Hoffman recommended that we use the North and Central San Mateo County Chapter of the League of Women Voters because of cost.

Ad-Hoc Committee Reports

D-7 Annual Conference Committee (ACC)

Chair Greenberg reported:

- ⑨ We will get the contract from the hotel and email it to Trautman by no later than next Tuesday, July 2.
- ⑨ The conference planning committee consists of two people from Fresno County, four from Kern County, two from Tulare County, and four from Madera County. It is meeting this Friday, June 28. The committee will send Trautman current information on the conference by next Wednesday, July 3.
- ⑨ With respect to the budget, we are using the budget for the last two conferences as a starting point. We'll make appropriate revisions and send it to Trautman.

Trautman asked Shepp what else we need. She responded that once the budget is set, the next steps are to determine the registration fee and then publicize the conference. Greenberg said that this will be done within the next week.

Trautman asked when we would get an idea of program content. Greenberg said that we're still working on it and will have information within this next week.

Caranci asked that since the original proposed contract by the hotel required a contract signature by a May date, is Greenberg certain that the hotel is still holding the space for the conference. Greenberg responded affirmatively. He is in contact with the hotel's concession manager, and he says that those dates are moveable. Caranci asked Greenberg to give her the location of the Report Writing Workshop. Ragan asked Greenberg to get information on the conference for *The Journal*. He said he would within 24 hours. North said that he could edit last year's copy for the web site and get the information posted quickly. North asked Greenberg to send him the information, as well. Greenberg agreed.

Shepp cautioned against putting too much in writing until the contract with the hotel is signed.

D-8 Education Committee (EC)

Chair Boultinghouse has sent a notice to several CGJA members inquiring as to whether they are still interested in participating on the committee. The plan is to hold the first committee meeting in mid-August to do brainstorming and decide how we're going to attack this.

D-9 History & Archives Committee (HAC)

No report.

D-10 Fund Development Committee (FDC)

Chair Shepp reported:

- ⑨ The FDC will have an action items for the August Board meeting. Board members have questions about the FDC items submitted in the June 25 Board Meeting Packet, they should contact Shepp.
- ⑨ Hern has looked into how one makes an IRA distribution. The rules and forms depend on whether the IRA holder makes a charitable donation directly from the IRA or whether the IRA holder has already taken a distribution and then makes a charitable donation. Shepp said that this IRA charitable distribution applies only to the end of 2013. She was planning to write an article for *The Journal*. She asked, wouldn't it be up to the IRA holder and his/her tax advisor to decide how best to make the contribution? Hern agreed to write up a description and give it to Shepp for her article.

E. Action Agenda

E-1 The motion, submitted by North: **Approve Constant Contact Email Service, August through December 2013, at a cost of \$30/month (\$150 total).**

Rationale: The expansion of CGJA's outreach by offering email links to *The Grand Jurors' Journal* to past Introductory Members, the general public, and users of CGJA's social media sites was approved at the Board's February meeting. No volunteer is willing to take on the difficult task of managing such a database. In order to achieve the distribution goal in a manner that effectively complies with

bulk email rules, a professional email management system is desired. Constant Contact, the industry leader, is \$30/month for a mailing list of up to 2,500. If the program proves successful, pre-paid discounts available for nonprofits are: 6 months@ \$24/month; 12 months@ \$21/month.

Hoffman asked why we need to pay someone to do it. North responded that it's just too big a task for our current volunteers, and it relieves us from some liability from doing it ourselves. If we were to do it ourselves, we're limited to 500 emails per day.

Hoffman next asked, who's going to administer getting the names/email addresses to the company and then off the list, as necessary?

Hern asked, why are we doing this? Do we have a target outcome? Ragan responded that it's worth doing a test for fourth months.

Lynberg said that this is an excellent service.

Motion approved 12 yes, 0 no, 0 abstentions (12-0-0).

- E-2 The Board, on April 23, approved an action allowing CGJA to approve reimbursing Introductory Members for expenses incurred on behalf of CGJA and directed MRC to propose accordant action to be included in the CGJA Policy Manual.

The motion, presented by Ragan on May 28 (on behalf of Mufson): **Amend Section 7.003 of the Policy Manual:**

7.003 Classes of Membership

Membership shall consist of voting members and such other class(es) of members as the Board of Directors shall determine. Other than as authorized by a vote of the Board, no member shall claim association with the California Grand Jurors' Association for commercial purposes.

By adding:

All CGJA members, both introductory and voting, are encouraged to volunteer to support the association and that, when approved by an appropriate committee chair or officer, with funds in their budget, can be reimbursed for any expenses incurred in accordance with existing CGJA Policy.

At the May 28 Board meeting, Directors agreed that the proposed action needs more study as to whether is needed and, if so, where it should go in the Policy Manual. The Board voted to table the motion.

Trautman said that he placed this item on the June 25 Board agenda because Mufson, the motion's sponsor, was not at the May 28 meeting. He said we can leave it on the table or take it off the table. If the latter, we can approve it or reject it. Hern said that emails between some Board members indicate that the Policy Manual already covers it, but the motion raises some other issues that need more study. She favored keeping the motion on the table until the fall. Trautman said it will remain on the table.

F. Directors' Brainstorming Session

Directors discussed CGJA member Michael Chernock's distribution to chapter members of his *Street Smart Civil Grand Jury Foreperson's Handbook*. The issue has come up because several chapter presidents have contacted individual CGJA Board members asking about the origin of the document and CGJA's position on it. There was general agreement that the issue requires a CGJA response because of the inquiries to date and the questions about the document that might come up at CGJA's upcoming Foreperson Training Workshops.

Trautman presented to the Board a draft letter that he intended to send to chapter presidents. Members discussed the draft and suggested changes, resulting in the following letter to be emailed to chapter presidents on June 26:

Dear CGJA Chapter and Association Presidents:

Some of you may have recently received a document from Michael Chernock entitled *The Street Smart Civil Grand Jury Foreperson's Handbook*. As he indicated, this document is neither authorized nor endorsed by CGJA and we had no prior knowledge of its distribution to you.

We hope that you will encourage your forepersons to more productively spend their time attending CGJA's Foreperson Workshops to learn how to be most effective in leading their grand juries.

Very truly yours,

Bill Trautman, CGJA President

For the CGJA Board of Directors

By general consensus, it was agreed that Trautman should send the letter.

G. Adjournment (9:04 PM)

Respectfully submitted,
Jim Ragan, Secretary