



Grand Jurors' Journal

All the CGJA news
that fits in print.

Volume 2 No. 5

An Association of Grand Jurors

September, 2001

2000/01 Sacramento County Grand Jury Investigates Special Districts

Little Hoover Commission Report on Special Districts Provides Impetus for Investigation

One of the reports that the Sacramento County Grand Jury published in July, 2001 concerned their investigation of Special Districts in Sacramento County. The subject of their investigation; "Planned Disposition of Retained Earnings of Selected Independent Special Districts," was motivated after reviewing a Little Hoover Commission report. Formally known as the, Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, it is an independent state oversight agency.

The Commission's report titled: Special Districts: Relics of the Past or Resources for the Future? was published in May, 2000. The comprehensive report highlighted a lack of governmental control or oversight of special districts within the state. According to the report, "California ... has more than 3,800 special districts ... more than 2,200 of these districts are 'independent,' governed by their own elected bodies. Statewide, independent special districts, according to recent data available from the State Controller's Office, have over \$19.4 Billion in reserves, almost 2 1/2 times their annual gross revenues.

In most cases, the commission found that community leaders and the public did not know the size of these reserves and why they are being held." The Sacramento County Grand Jury used the report as the basis for their investigation and their findings for the county were consistent with the findings of the Little Hoover Commission for the entire state of California.

In August, the Commission sent a letter to all grand juries encouraging them, as appropriate, to review special districts. The letter was accompanied by a copy of the Commission's report and the Sacramento County Grand Jury's special districts report.

The Commission found that many special districts are doing a good job - reliably and responsibly making California a safe, healthy and prosperous place to live, according to James Mayer, the Commission's executive director. But special districts, because of their numbers and typically narrow focus, often operate without much scrutiny. In its examination of district finances, the Commission found that many enterprise districts - those that charge fees for their services - had large reserves. It also found that the public and policy-makers

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President's Message



Our trainers have completed another successful series of training seminars for new grand jurors and we thank them and all the volunteers who helped make the seminars a success for their hard work.

Sherry Chesny, Chair of our Training Committee, reports in more detail on the seminars elsewhere in this issue.

Comments on the McGeorge School of Law Grand Jury Reform Proposals continue to be received. As mentioned in the last Journal, the sitting grand juries in El Dorado and Placer prepared extensive comments during the last weeks of their terms. We have since received copies of comments sent to McGeorge by the Grand Jurors Association of Orange County and copies of comments prepared by the County Counsel, District Attorney, County Administrative Officer and Grand Jury Foreperson of Kern County. We know that other organizations are still working on their comments and encourage all who have views on the reform proposals to make them known. The deadline to comment to McGeorge is November 1, 2000. The reform proposals will be the subject of discussion among the CGJA directors at their Retreat in September and at the Annual Membership Conference immediately following the Retreat. As soon as feasible thereafter CGJA will release its comments. Hopefully by then we will have had the advantage of input from many of you so that our views will, to the extent possible, reflect a consensus of the thinking of those who have experience with and understand the grand jury system.

Regrettably, for personal reasons three of our valued board members have recently resigned their positions as directors. Christine Michelet (Butte) and Don Enneking (Solano) will no longer serve as directors but both will remain active members not only of CGJA but of their respective Chapters, which each was instrumental in founding. Steven Phipps (Humboldt), long the primary legal advisor to CGJA and immediate former Journal editor and publisher, has resigned from the board but will remain active in CGJA's analysis of and responses to grand jury reform proposals and as a Journal contributor.

I look forward to continuing to work with Christine, Don and Steve and wish to express my sincere thanks for all they have done for the Association. The appointment of new directors

(Continued on Page 2)

CGJA Officers

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note underline symbol in address

Vice President: Membership

Michael Miller
Tel (650) 344-1074
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crossroads@osb.net

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Janet Praria
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jpraria@aol.com

Standing Committees

Financial Development:

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bearpaws@sunset.net

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dwpesq@hollinet.com

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el_moger@email.msn.com

Training: Sherry Chesny, Chair

Tel/Fax (530)878-8248
sherryc@jps.net

CGJA 20th Annual Conference

September 14, 15, 2001
Costa Mesa Hilton Hotel 1.800. HILTONS
Registration/Details :Rose Moreno
Tel/fax 714.846.3219
4821 Los Patos, Huntington Beach
Ca. 92649.

Little Hoover *(from page 1)*

were often unaware of those resources or how the district planned to use them.

Mr. Mayer said the Commission's recommendations would enhance the accountability of special districts by making their activities and finances more visible and easily understood by policy-makers and the public. They would provide Local Agency Formation Commissions, other policy-makers and the public with the tools to effectively scrutinize and guide the evolution of districts.

"Grand juries, by exercising their authority to investigate the operations of special districts, can shed an important public light on hundreds of otherwise obscure government entities responsible for providing critical services like water, sanitation and fire protection," Mr. Mayer said.

"The Little Hoover Commission commends the Sacramento County Grand Jury – and other juries that have examined independent special districts – for raising their visibility among the public and policy-makers. The Sacramento jury made important recommendations designed to increase public understanding of districts' needs and plans for reserves. It also encouraged integrating special district resources into countywide infrastructure planning, as recommended by the Little Hoover Commission."

The staff of the GJ Journal has reviewed both reports and heartily recommend them as reference material for every grand jury. The Little Hoover Commissions' report can be viewed on their web site, < www.lhc.ca.gov > The title is: "Special Districts: Relics of the Past or Resources for the Future?" Also, one copy of the report can be ordered from the web site. As we go to press, the Sacramento County Grand Jury had not yet posted their report on their web site, which is, < www.sacgrandjury.org >

Vote !!!!
Send in your ballots for Directors

President *(from page 1)*

is noted in the July minutes, summarized below. Ballots are in the mail for the election of directors.

Please vote!

For reasons we do not understand, a number of members did not receive their membership renewal notices. **This is a reminder that your membership expired on June 30!** If you have not already done so please complete the membership application found in this issue of the Journal and send it in along with your \$25 check. We would hate to lose you as a member at such an important juncture in grand jury history.

CGJA has adopted a policy of providing a two-year free membership to sitting forepersons and a one-year free membership to immediate past forepersons. If you are in those categories and have not received a notification of this policy please e-mail Mike Miller at < okmiller@pacbell.net > or telephone 650.344.1074.

Thanks to those of you who have sent me the URLs where your grand jury's 2001 Final Reports are located. I'm sure there are still many more out there that I don't know about. Please send them by email to me at < jack.zepp@LW.com > so that I may be sure your reports are linked to our web site.

The feature, begun in April this year, of bringing the membership up to date on board actions by summarizing board minutes in the Journal was interrupted by grand jury reform considerations. In an effort to get back on track with that feature, I will pick up where we left off in the April Journal. Hereafter, subject to space limitations and intervening events, we will try to be as current in these reports as the schedules of the board meetings and Journal's publication allow.

Board Minutes begin on page 3.

Remember !!!
Send in your Membership Renewal Application (and check) to Mike Miller ... now.

January 22, 2001 Regular Action Meeting

Regretfully accepted resignations of Ron Miguel (San Francisco) and Del Pehrson (Shasta).

Approved appointment to the board of Jeanne Forbes (Tulare) and Clif Poole (Solano).

Appointed an Ad Hoc Bylaw Review Committee to perform required three-year review of CGJA bylaws. Committee composed of Clif Poole (Chair and director, Solano), Clarence Dilts (El Dorado), Wes Huss (Marin), Barry Newman (director, San Diego) and Mickey Strang (Humboldt).

Endorsed proposal from Financial Development Committee to revise budget format relating to anticipated fund raising activities.

Acknowledged Celebration Fund contributions relating to Roger Loper's birthday.

Determined not to pursue or encourage grand jury investigation into the California election process.

February 26, 2001 Special Meeting

Approved Treasurer's Quarterly Report - 12/31/00 Assets, Liability and Capital at 12/31/00: \$29,139.93
Income for 6 months ended 12/31/00: \$37,341.94
Expenses for 6 months ended 12/31/00: \$12,068.88

Regretfully accepted resignations of Marcy Bachmann (Contra Costa), Joe Joynt (Placer) and Kay Kaufmann (Inyo).

Authorized CGJA to accept credit cards.

Adopted clarifying amendments to Policies and Procedures re: Chapter rules.

Approved proposed action plan of Ad Hoc Bylaw Review Committee.

Adopted Guidelines for Legislative action.

Approved a solicitation of board members to ascertain governmental contacts.

Appointed Barry Newman (San Diego) to chair Nominating Committee.

March 26, 2001 Discussion Meeting

No action taken.

April 23, 2001 Regular Action Meeting

Approved Treasurer's Quarterly Report

Assets, liability and capital at 3/31/01: \$28,156.52
Income for nine months ended 3/31/01: \$38,370.08
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Approved Angelo Orlando Committee appointments: Sherry Chesny (Chair, Placer), Audrey Lynberg (Los Angeles), Roger Loper (Monterey), Linda Baker (Contra Costa) Mike Miller (SanMateo).

Regretfully accepted the resignation of Boyd Horne (San Luis Obispo) as a Director.

Approved appointments of Janet Praria (Monterey) as Chair and Bob DeQuattro (El Dorado) as a member, of Financial Development Committee, Jane Naify (Sacramento) as Secretary and Jeanne Forbes (Tulare) as a member of the Government Relations and the Operations Committees.

Approved Journal subscriptions for nonmembers at a rate of \$20 per year.

Authorized obtaining bulk mail permit.

Approved distribution of "The California Grand Jury System, The Best in the Nation" to California public school teachers and development of sample lesson plan re grand juries.

May 28, 2001 Special Meeting

Approved Budget for fiscal 2001-2002.

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Granted recognition to San Mateo Chapter.

Lengthy discussion, without action, of McGeorge reform proposals and committee assignments.

June 25, 2001 Special Meeting

Granted Chapter recognition to Napa County Chapter, Placer County Chapter and Mendocino County Chapter.

Adopted policy liberalizing acceptable wording of Chapter names.

Appointed Val Cavey Fund committee.

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Regretfully accepted resignations as Directors from Don Enneking (Solano), Christine Michelet (Butte), and Steve Phipps (Humboldt).

Approved the appointment of new Directors: Dotty Coplen (Mendocino), Deborah Nagle-Burks (San Mateo), Jeremy Lewi (Ventura), Latonia McDaniel (Los Angeles), Philip Norton (Placer), Ourania Riddle (Solano) and Mickey Strang (Humboldt).

Authorized free membership policy for sitting and immediate past forepersons.

Approved 2002 Annual Conference to be held in Marin County.

Accepted and approved GRIP materials and authorized continuation of GRIP project.

Moot Court ... in case you didn't know.

Moot Court *n.* A mock court where hypothetical cases are tried for the training of law students.

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Committee Reports

California Grand Jurors' Association
Income Statement

Twelve months ending June 30, 2001

Revenues	Yr. to date this year	Yr. to date last year
Government fees	0.00	16.00
Conference fees	7,740.00	10,841.00
Contributions rest.	0.00	0.00
Celebration fund	1,141.00	0.00
Donations	1,005.00	4,500.00
Grants	0.00	5,000.00
Investment income	68.46	58.52
Membership dues	6,925.00	5,700.00
Merchandise	52.88	377.84
Publications	2,248.12	623.19
Training fees	19,925.00	4,810.00
Misc. (raffles)	249.30	0.00
Total Revenues	\$ 39,354.76	\$ 31,926.55
Expenses	Yr. to date this year	Yr. to date last year
Administration	5,145.70	2,432.48
Government	79.00	62.00
Conference	7,383.72	10,132.64
Financial devel.	707.06	69.50
Journal Pub/mail	2,318.55	1,361.94
Membership	1,033.64	1,403.37
Publications	630.46	853.55
Training	12,938.69	7,336.45
Public relations	1,423.77	552.63
Special projects	0.00	113.10
Restricted funds exp.	51.55	0.00
Legislation	4.50	0.00
Total Expenses	\$ 31,716.64	\$ 24,317.66
Net Income	\$ 7,638.12	\$ 7,608.89

Balance Sheet June 30, 2001

Assets	
Current Assets	
Checking acct - reg	12,922.91
Cash-restricted fund	7,254.05
Prepaid expenses	5,271.48
Total Current Assets	25,448.44
Total Assets	\$ 25,448.44
Liabilities and Capital	
Current Liabilities	
Accounts payable	310.63
Restricted grants	7,254.05
Other current liabilities	390.00
Total Current Liabilities	7,954.68
Total Liabilities	7,954.68
Capital	
Retained earnings	9,855.64
Net income	7,638.12
Total Capital	17,493.76
Total Liabilities and Capital	\$ 25,448.44

Your tax deductible gift is greatly appreciated.

Please consider providing tax deductible gifts in any amount to the California Grand Jurors' Association. In addition, your lifetime or estate planned donation will enable your association to more effectively provide training, publications, advocacy and public relations material to members, sitting grand jurors and the public. The CGJA thanks you for your tax deductible philanthropic efforts!

Janet Pravia, Treasurer

CGJA Approved Budget

Fiscal year 2001/2002

Income

Financial Development	1,500
Fund Raising	4,500
Operations-Conference	7,600
Operations-Retreat	1,600
Membership	8,700
Training-Sacramento	11,250
Training-Bakersfield	9,375
Training-Concord	11,250
General & Admin.	2,600
Restricted (Interest)	60
Total Income	\$ 58,435

Expenses

Financial Development	1425
Fund Raising	2650
Government Relations	2100
Member/Chapter Relations	1200
Operations - Conference	6,668
Operations - Projects	5,025
Training-Sacramento	9,505
Training-Bakersfield	9,106
Training-Concord	9,790
General & Admin.	10,936
Restricted	30
Total Expenses	\$ 58,435
Surplus/deficit	0

Note: If any CGJA member would like a detailed listing (2 pages) of the Approved Budget by mail, please send a SASE (self-addressed-stamped-envelope) to:

Janet Praria, CGJA Treasurer
 PO Box 364, Monterey
 California 93942-036

also, you can contact Janet by E-mail <jpraria@aol.com> or by fax at 831.632.0730.

Government Relations



The CGJA Government Relations Committee reports that as of August 20, 2001, AB 1161 (Papan), **Grand Juries: Compensation**, was passed by the Assembly with a vote of 66-1, and is on the way to the Governor for his signature. AB 363 (Steinberg), **Public Attorneys**, is scheduled for hearing in the Senate Judiciary Committee on Tuesday August 21st.

The Government Relations Committee would like to encourage all CGJA members, Chapters, Independent Associations and others to continue formulating responses on Grand Jury Reform proposals for discussion at the 20th Annual Meeting and Conference in Costa Mesa on September 14-15.

Finally, to promote continuity and compliance with existing legislation, the CGJA Government Relations Committee urges all 58 current California County Grand Juries to follow-up on Penal Code Section 933(b) requirements that Final Reports and their Responses are sent to the State Archives in Sacramento.

A CGJA on-site review at the State Archives in Sacramento on April 24, 2001 revealed that many County Clerk offices (or Court Executive officers, where applicable) have not yet begun to fully comply with Penal Code Section 933 (b), effective January 1, 1999 which states, "One copy of each final report, together with the responses thereto, found to be in compliance

with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity."

Penal Code Section 933 (c) specifically requires the filing of any responses with the office of the County Clerk (or Court Executive officer, where applicable).

What can your Grand Jury do? Secure all Final Reports and Responses from FY 1998-99 through FY 2000-01 (or Calendar Years 1999-2000) and ask the appropriate official to send the Final Reports and Responses to the California State Archives at 1020 O Street in Sacramento, CA 95814-5704. If your county indicates they have been complying with the filing requirement, make sure they also include the *California Grand Jurors' Association*, a 501(c)(3) non-profit, organization on their official list of recipients for copies of each yearly Final Report and Responses. The address is: CGJA 890 Cloudswood Road, Fieldbrook, CA 95519-9771.

A helpful resource for currently working California County Grand Juries: **State Board of Equalization. County Assessment Practices Survey Reports.** Fulfillment of Sections 15640-15646 of the Government Code. Sent to all County Assessors, the report and any responses constitute the final survey report. A required distributee is the Grand Jury.

Les Daye, Chair

Highlights of the 2001 Training Seminars



In a period of just nine days CGJA held three training seminars for new grand jurors in Sacramento, Bakersfield and Concord. An approximate total of 375 new jurors attended these seminars.

The first seminar was August 6-7 in Sacramento at the American River College with an enrollment of 175 jurors from twenty-two counties. The lecture hall had 160 built-in seats so we had to set up additional folding chairs along the back wall.

Both mornings, guest speakers addressed the general assembly in the lecture hall. The presentations and presenters were as follows:

- > "Untangling the Maze of Local Government" by Cameron Reeves, County Counsel from Lake County
- > "Management Auditing and Public Management Accountability" by Gloria Coutts, Assistant County Executive from Placer County
- > "How To (and How Not To) Investigate Law Enforcement Agencies" by Phil Norton, retired Police Lieutenant, Attorney, College Instructor and former grand juror from Placer County
- > "An Example of Grand Jury Independence" by Ken Womack, Past Foreman and Dick Nichols, Attorney, both former grand jurors of El Dorado County. (... offered a wonderful example in sharing their experience where the County of El Dorado sued the Grand Jury to quash the subpoena the Grand Jury had served on the County to provide specific records. The Judge decided the case in favor of the Grand Jury).

In the afternoon sessions, the jurors were divided into five smaller groups to attend CGJA's' core program. This consists of five, basic workshops:

- > "How to Plan and Conduct Grand Jury Investigations"
- > "Grand Juries and The Law"
- > "How to Write Final Reports"
- > "Grand Jury Interviewing"
- > "Grand Jury Continuity"

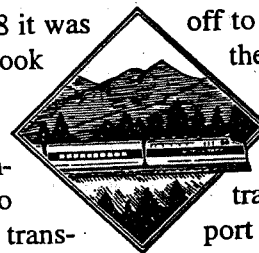
Each workshop is 90 minutes and each group of jurors



rotate in and out of the workshops until they have completed all five. This core program is the main component at every seminar.

On a scale of 1 (poor) to 5 (excellent) the evaluation forms from Sacramento show an average rating of 4.3 for "Overall Rating For The Seminar".

On August 8 it was off to Bakersfield. Four of our trainers took the Amtrak to Bakersfield since the round-trip fare was about one-half of what the cost of mileage reim-bursement would have been. Two trainers drove their cars in order to trans- port our seminar sup- plies and equipment.



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The Bakersfield Seminar was held on August 9-10 at the Holiday Inn Select, a downtown, high-rise, air-conditioned hotel. The enrollment was 70 new jurors from six different counties. This was the first time the CGJA held a training seminar in this area of the state.

Judge Darryl Ferguson of Tulare County gave the welcoming address. Guests speaker presentations were:

- > "Consensus Building" by Dr. Deborah Nagle-Burks, Communications professor and former juror from San Mateo
- > "Organization of Local Government " by Bernard Barmann, Kern County Counsel, (... who has a great sense of humor ... imagine Local Government Organization being funny)?
- > "Financial Presentation for Non-Financial People" by Janet Praria, CGJA Treasurer and former grand juror from Monterey County

We also had a Grand Jury / News Media Relationship Panel, which included CGJA's Mickey Strang, Dr. Nagle-Burks, and Steve Swenson, a staff writer from the Bakersfield Californian newspaper.

Dan Neal, former grand juror from Kern County shared with us the public relations campaign they did this year to stimulate public interest in volunteering for the grand jury which resulted in Kern County receiving 156 applications to serve on their 2001-02 grand jury.

The Kern County (past) Grand Jurors' Association hosted a very nice wine and cheese reception, after which most everyone went to the Woolgrowers, a local well-known restaurant which specializes in regional and Basque style cooking.

The "Overall Rating For The Seminar" was 4.2 for the Bakersfield Seminar. (Continued on page 7)

Highlights

(Continued from page 6)

On Saturday the 11th, we made the return trip on Amtrak to Sacramento and by Sunday night all the trainers were at the Concord Hilton preparing for the third and final seminar, August 13-14.

The presentations and guest presenters were:

- > "Untangling the Maze of Local Government"
by Cameron Reeves
- > "Consensus Building"
by Dr. Deborah Nagle-Burks
- > "How To (and How Not To) Investigate Law Enforcement Agencies"
by Phil Norton

Panel discussions were held on:

- > "Grand Jury - News Media Relationship"
- > "Grand Jury Pitfalls and How To Avoid Them"
- > "Roles and Responsibilities of the Foreperson and Protém"

Judge Quentin Kopp of San Mateo County gave the welcoming address to the Concord Seminar which was attended by 130 jurors from sixteen counties.

The "Overall Rating for the Seminar" at Concord was 4.3 on a scale of 1(poor) to 5 (excellent).



At Concord, Don Enneking of our Training Committee, set-up our newly purchased audio equipment for the first time. Due to Don's expertise, everything worked very well and each presentation and workshop was also audio-taped. This equipment was purchased from funds in CGJA's Val Cavey Fund which are earmarked for training of grand jurors or education about the grand jury. Having our own audio system will save us from \$600 to \$800 audio rental fees at each seminar. The system may also be used at CGJA's Annual Conferences and other future events. A big "Thank You," to all the CGJA members who have donated money to the Val Cavey Fund.

And finally, speaking for myself, and all the members of our Association, we want to express our appreciation to all of the members of the CGJA who spent many hours providing their time and talents supporting the 2001 Training Program for New Grand Jurors.

Thank you.

Sherry Chesny, Chair
CGJA Training Committee

A Training Seminar Question Answered

To: Jack Zepp

Subject: Grand Juries and the law

Your presentation in Sacramento (at the training seminar) was most valuable. I do, however have a question that may have been addressed; if so, I missed it:

Is the practice of empaneling special grand juries (in addition to *The Grand Jury*) for criminal matters, but *not* for civil matters, a limitation of law, or a carefully guarded tradition?

Thanks for your help, Paul Taylor, Los Gatos, Ca

Dear Paul,

It is, I think, a bit of both. The statutory authorization to do so is in Penal Code Section 904.6.

Apparently before 1991 the authority to do so was granted only to "any city and county" and that may well have been interpreted to mean only San Francisco. I do know that San Francisco has a long history of using both, and most counties do not.

In any event, in 1991 the statute was amended to apply to "any county or city and county." I believe that was intended to make the practice available in all counties. Thanks for your interest, Jack Zepp

Grand Jury - Best Practices.



(Note: The opinions are those of the writer submitting the material and aren't necessarily proper for all grand juries).

Christine Michelet, Butte County, writes: As foreperson, I found it very helpful to hand out a list of the exact dates and times of when we were going to have our full grand jury meetings for the whole year. This method gave the members a chance to schedule their vacations and other appointments around our meetings.

(Members that have simple and helpful Best Practices to share with sitting grand jurors, send them to us, Attn: Grand Jury -Best Practices. We will publish them as time and space allow . Editor).

References
and Resources

(CSAC) California State Association of Counties
Counties Close-Up, County Structure. 7 pages.
Available online at < www.csac.counties.org/counties >

(CGJA) California Grand Jurors' Association
website at < www.cgja.org > California County Grand
Jury Publications and other helpful links.

Chapter News

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Solano County Chapter

The Solano County Chapter(SCC) co-sponsored the California Grand Jurors' Association (CGJA) training seminar at the Hilton Hotel in Concord on August 13 and 14, 2001. The seminar was attended by some 130 new and returning grand jurors from 16 different California counties. The SCC members were

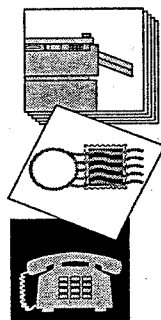
responsible for printing and assembling the training manuals, preparing name tags and completion certificates as well as staffing the registration table during the seminar. SCC also assembled and operated the newly acquired CGJA sound system and recorded most of the training sessions.

I wish to thank the SCC members who worked so hard to make this a successful training experience for grand jurors. These members include;

Norma Richardson, Cleo Archibald, Tim Murphy, Joe Roberson, Ourania Riddle and Clif Poole. Bud Alne, a volunteer from Santa Clara county assisted with the seminar program timing.

Don Enneking, President

From the mailbox



Dear Editor

We are new grand jurors. How do we handle a person that some of us feel has a strong bias and possibly a conflict of interest?

New grand jurors

Dear Grand Jurors

A concept that's hard for many new grand jurors to grasp is that there can well be a conflict of interest within a grand jury in carrying out an investigation.

Grand jurors have a wide range of backgrounds; often they have served on the board of, or as an employee of a department, district or city the jury might want to investigate. In fact, these new jurors might feel they are specially qualified to lead such an investigation. Beware: If the organization being looked at functions well and gets a pat on the back by the jury, there'll be accusations of a white-

wash. If the organization doesn't function well and gets harsh treatment in a final report, there'll be accusations of a vendetta. Any juror who has connections with the subject of an inquiry would be wise to recuse himself or herself promptly if the jury proceeds. The recusal would include not just the investigation, but also voting on the final report. With that final report should be a "disclaimer", saying that one member of the grand jury conducting this investigation had ties to the group being looked at, but that individual did not participate in the investigation nor did that person take part in the writing and issuance of the final report.

Does this mean the jury can't use the expertise such an involved juror might have? Not at all. It merely means that the jury calls such an individual in like any other witness, swears that person in (if other witnesses are sworn), and asks the same sort of questions that would be asked were there no connection. And, after being interviewed, the juror would be excused just as any outsider would be. It means also that the jury should consider the accuracy of testimony in exactly the same way as the accuracy of other witnesses. Each statement made needs independent verification.

That juror might suggest further lines of inquiry, further witnesses to be called. Again, that individual should be given the same treatment as others interviewed. Only in that way can the jury claim an impartial investigation. In order to maintain that impartiality, becoming aware of the backgrounds of new jurors to determine possible conflicts of interest is vital. This should be one of the first "get acquainted" tasks of any newly empaneled regular grand jury.

Mickey Strang

E-mail < alphamick@htan.org >

Grand juries in the news

Grand Jury: Oakland Coliseum Authority 'dysfunctional'

Excerpted from the San Jose Mercury News
By Sandra Gonzales

FREMONT, Calif. An Alameda County Grand Jury report released recently blasts the Oakland-Alameda County Coliseum Authority as "dysfunctional" and says its leaders are so preoccupied with litigation that they haven't spent enough time operating the facilities.

Not only has legal wrangling dominated board meetings, but "political agendas cloud the decision-making process" and take the focus away from dealing with tenants, according to the grand jury's final 2000-2001 report.

The three sports franchises - the Raiders, A's and Warriors - all hold license agreements with the authority. The Warriors owe the authority \$17 million in rent and ticket revenue. While the Raiders are suing the city and county for breach of an agreement, the A's are exploring a move to Santa Clara.

The grand jury report says both facilities are often under-utilized and that it also appears no one is responsible for long-term planning.

Alameda County Deputy District Attorney Jeffrey Stark, who serves as the grand jury's legal adviser, acknowledged as much. The authority is also in the process of hiring a chief executive officer, said Alameda County Supervisor Gail Steele, a member of the authority.

"The egos and inner strife make it hard for them to do anything, that's why the C.E.O. can do short and long range planning and improve tenant relations, which these people don't have time to do," said Dave Waterman, who chaired the ad hoc coliseum committee for the grand jury.

With one or more of the tenants possibly leaving in the next few years, substantial revenue would be lost and more taxpayer dollars spent, the grand jury report says. The grand jury says the authority is not addressing issues such as improving tenant relations and marketing strategies; making the coliseum and arena more attractive to single-event tenants; maximizing the number of dates facilities are booked; and selling the naming rights to the arena.

Long term issues that the grand jury said the authority needs to address was a strategy to develop the coliseum property and a plan to integrate the coliseum with the City of Oakland's redevelopment efforts.



Grand Jury: Criticizes How S.F. Uses Special Assistants

From the San Francisco Chronicle
By Kathleen Sullivan

The San Francisco civil grand jury called for an independent audit of the process used to hire special assistants saying the current situation "erodes public trust and confidence in city government." The subject of special assistants - city employees who are hired outside the civil service system - was one of 12 topics addressed by the grand jury in its 2000 - 2001 report. The civil grand jury, made up of 19 private citizens who examined various city government operations for a year, also suggested ways to improve the Department of Elections, reduce litter and graffiti, ease neighborhood parking problems and repair and improve the city's water system.

On the topic of special assistants the grand jury said the audit should assess the process used to request, approve and hire special assistants,

and to evaluate their qualifications.

Many of the high-paid workers have political and other connections to Mayor Willie Brown, and critics have suggested that the jobs have been used as patronage plums by the mayor, rewarding people who have supported him in the past.

The grand jury also called on the city Ethics Commission to conduct periodic reviews of special assistants to ensure that there is "neither coercion of employees nor improper political influence in the workplace."

The city employs 630 special assistants, compared with 240 in 1995, the report noted. Their salaries now total \$48 million, compared with \$15.6 million five years ago. "A process should be in place to oversee that program," said Alan Nicholson, the grand jury's foreperson.

P.J. Johnston, press secretary to Mayor Willie Brown, said the mayor's office would welcome an audit. The mayor could easily justify every position in his office, he said. "By definition, all employees are special assistants, including the budget director, the chief of staff and the 10 budget analysts. Throughout the city, each department should be able to explain or justify what each employee does." Johnston said.

The grand jury had nothing but praise for the newly formed K-9 unit in the San Francisco Sheriff's Department - except for the car assigned to the dog and its handler.

"This vehicle should be replaced with a mechanically reliable vehicle," the grand jury said, adding that it should be an unmarked car - or one with removable police emblems - to increase the safety of the team. The dog, which has been specially trained to sniff out narcotics, searches county jail cells and the team has been very successful.

Grand Jurors' Journal

An Association of Grand Jurors

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Printer:

Dave Scholl Graphics, Dixon, California

Publisher: California Grand Jurors' Association

The Grand Jurors' Journal is published about every six weeks. Next issue will be out middle of October.

Deadline: Articles are due *to the editor* no later than Monday, October 1, 2001.

Opinions: The views expressed in the Grand Jurors' Journal are those of the writers, unless otherwise stated.

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California Grand Jurors' Association

The mission of the California Grand Jurors' Association is to promote government accountability by improving the training and resources available to California's 58 regular grand juries and educating the public about the substantial local government oversight and reporting powers these grand juries have.

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