

CALIFORNIA GRAND JURORS' ASSOCIATION



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2004 ANNUAL CONFERENCE
FAIRFIELD, CALIFORNIA
THURSDAY, OCTOBER 14, 2004

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MR. MOGER: Can we come to order, please.

I'm Elwood Moger. I'm the current president, the outgoing president of the California Grand Jurors' Association. I'd like to welcome you to our 2004 conference. We are turning around a little bit from what you have in your program. Clif Poole, who is our chair, had a death in the family and had to leave town, so Donna Harr is going to fill in for Clif and introduce some of our very distinguished guests.

But before that, I'd like to introduce our board of directors, and I'd like to have them stand, and remain standing so you can identify them as your representatives and people to talk to during this conference.

Let me start with the directors and, hopefully, they are all here. Linda Baker.

Linda is not here.

Serena Bardell. Please stand.

I think all of our directors are outside.

Sherry Chesny. Is she here? Please stand.

We have our past president. Hopefully, he's here. Les Daye, who is a past president and director. Les.

We have director, Barbara Dabul. Is she here? Thank you, Barbara.

We have Jeanne Forbes. Is Jeanne here? I think they are all out there in the hall.

Is Bob Geiss here?

MR. GEISS: Yes, he is.

MR. MOGER: Thank you. We have Earl Heal, who is from Solano County here.

We have Joann Landi, our secretary, from San Mateo County.

We have Jerry Lewi from Ventura County, Vice President of our association.

We have Diane Masini who is here from Nevada County. Diane.

We have Richard Nichols from El Dorado County. Nick.

We have Ourania Riddle who is from Solano County. Ourania.

We have Richard Ruth from Santa Clara County. Richard.

We have a past president and a director, Dan Taranto from Humboldt county. Is Dan here? Dan is out with Linda.

And we have a past president and director, Jack Zepp.

And Jack is the last, and here are two directors just arriving.

So we wanted you to recognize all these directors. I do want to recognize another past president and have her stand, and that's Pat Yeomans, who is a past president.

Thank you very much, folks, and please be seated. It's important in this conference that you talk to your directors; that if you have comments or questions or clarifications, to seek them out during the meeting, and that's why I asked them to stand for you today.

The next order of business is the appointment of our election tellers. And I am appointing -- and if they would come forward to receive the ballots and maybe right in front of us here -- the chief teller is Director Diane Masini from Nevada

County. Diane is a director also of our Nevada Chapter.

I'd like to call forward the president of our San Francisco Chapter, Bill Bowen. Thank you, Bill. The third appointed teller is Boyd Horne from San Luis Obispo. San Luis Obispo is our newest chapter and has just been recognized, and Boyd is the vice president of that.

So these will be the tellers to leave with the ballots and count them and come back and give us the results of our election.

I now would like to have Jack Zepp come forward, who is the chair of the nominations committee. We will present the ballots and any challenges he has, and then we will ask the tellers to leave and count the ballots.

Are there any challenges?

MR. ZEPP: There is one that's late. It's October 4th. They are clipped together.

MR. MOGER: They are so noted.

MR. ZEPP: There is no postmark at all, but I received it on the 13th of September.

MR. MOGER: Okay. So that will be noted in the record. And with that, I'll ask Diane and the tellers to retire to the Hickam Room right across from this room. Members are certainly welcome to watch the counting of the ballots, if they care to, and then I'll ask Diane to come back and give us the results later this afternoon.

The last order of business in starting our meeting is to approve the minutes of our last membership meeting down in Ventura, and Joann Landi, our secretary, has prepared those

minutes, put them in the board packets, and I'd like to have first a motion to waive the reading of the minutes to the members, and we'll then take a motion to approve the minutes.

So is there first a motion to waive the reading of the minutes?

MS. RIDDLE: I so move.

MR. MOGER: Thank you, Ourania. And a second to that?

MR. RUTH: (Raises hand.)

MR. MOGER: Thank you. And any discussion?

(No response.)

MR. MOGER: All in favor say "aye"?

ATTENDEES IN UNISON: Aye.

MR. MOGER: Opposed?

(No response.)

MR. MOGER: Now, we'll take a motion -- the minutes have been in your packets to look at. We'll take a motion to approve those minutes as presented by our secretary, Joann Landi. Do I have a motion to that fact?

MR. ABELING: So moved.

MR. MOGER: Thank you, Bob. A second to that?

MR. LEWI: (Hand raised.)

MR. MOGER: Thank you, Jerry. A second has been made. Any discussion?

(No response.)

MR. MOGER: All in favor of that motion say "aye"?

ATTENDEES IN UNISON: Aye.

MR. MOGER: They stand approved. I will now turn it over to Donna Harr, who I appreciate very much stepping in for Clif.

And I do want to thank the Solano Chapter. Many of the members are here today for hosting this conference. It's going to be an excellent conference with a lot of very good speakers, some this afternoon and many tomorrow. And so we have some very honorable guests that she wants to introduce to give the welcome to the group. So I'll turn it now over to Donna.

MS. HARR: Good afternoon. As El said, my name is Donna Harr. Throughout life, we learn that there are many kinds of people: those who make things happen, those who watch things happen and those who wonder what happen. I don't have to tell you what kind of people you are. All of you here today have made a commitment to your community. You are special people. We are missing one of our own special people this afternoon. Clif Poole is unable to be here due to a death in his family. I know you join me in including him in your thoughts and prayers.

Clif gave me the great pleasure to welcome you to the grand jury conference. A special thank you to all of you that made this conference possible generating great ideas, making a strong commitment to attend, and most especially, by your attendance here today.

Our special speakers and guests, we bid you a warm welcome. We are honored to be able to hold this conference here in Solano County. We are equally honored to have with us today some of the movers and shakers that make things happen in Solano County. I would like to introduce you to some of these people today, and when I call your name, would each of you please either stand or raise your hand. Our presiding judge for the Solano County Superior Court, the Honorable Peter Foor.

Chairman of the Solano County Board of Supervisors, John Silva.

Vacaville City Council member and also a legislative analyst in Sacramento, Steve Hardy.

And is Michael Regan in the audience? I didn't see him. I guess not. Okay. So it is my great pleasure to welcome these people, and you will be hearing from them shortly. Thank you.

JUDGE FOOR: Good afternoon, ladies and gentlemen. I want to thank you for the opportunity to speak here at the opening of this annual conference this week. On behalf of the judges, commissioners and court staff of the Solano County Superior Court, I bid all of you a warm welcome.

I know that there's been a great deal of hard work that's gone into this, and I hope you will all have an interesting and rewarding experience. In that regard, I had intended to thank our former grand jury foreperson, Clif Poole, who has put a lot of effort into this, and Donna Harr, who has also worked hard on this gathering, as well as the other members and former members of the Solano County Grand Jury that have worked on this affair today. I guess you are all aware, Clif could not be here with us today, because he had this family emergency, but our thoughts are certainly with him.

Someone once said that you live in interesting times. Today I think it's fair to say that we are all doing just that. Indeed, we are living in a time when the fabric of our constitutional democracy, the foundation of our free and open society is being tested to the limit. In the aftermath of 9/11, we have seen that not only is our ability to defend this nation

against foreign enemies vitally important, but equally critical is the ability to sustain trust in our public institutions. To that end, public service and insuring honesty and openness in local government, it is vital to maintain the public trust, and the grand jury helps to serve this role in California.

The institution of the grand jury as it exists today is grounded in the Anglo Saxon roots of the American judicial system. English history records that as early as 978 A.D., in the law of Ethelred and about 200 years later in the times of William the Conqueror, in 1176 at the Assize of Clarendon, citizens were summoned by the ruling powers to review and determine if crimes had been committed and charged with the powers of making accusations against those who were suspected of committing crimes in their communities.

Today, the grand jury in California is far more complex with both the civil and criminal function. It serves as an independent body and arm of the court, and plays a vital role in the judicial system and in the community at large. The role includes the independent review of alleged criminal conduct and deciding whether or not to issue indictments, the receiving and reviewing of citizen complaints concerning local government, oversight of local government through interim and annual public reports with the power to make public findings to which local governments must respond, and the power to issue accusations in serious cases of a public official if a public official is charged with malfeasance in office.

This is done by citizens such as yourselves who volunteer and dedicate many hours of their time to these very important

tasks. This is a function unique in history and, in many respects, unique today. It is part of a system that has the courage to allow such public scrutiny of its local institutions, and as a result, our democracy is stronger today. There are very few nations that have a system like this, and we are all better off as citizens for what the grand jury does.

Again, I want to thank you for having me here today, I wish you an interesting and rewarding experience. It's been a pleasure. Thank you.

MR. SILVA: Good afternoon. I'm John Silva, Chairman of the Board of Supervisors of Solano County. I've known Judge Foor for many years, but I didn't know he was around in 1100 and those years to give us eyewitness accounts to these things.

On behalf of the Board of Supervisors and the Mayors of Solano County, we welcome all of you to Solano County. It's a pleasure to have you here, and it pleases me that the grand jurors now have an association where you can pass information back and forth. A lot of us serve our communities in many ways, some as elected officials, some in service clubs, the Lions, the Soroptomist and all of those, and many of you who volunteer your time for the grand jury. We have a very good grand jury here in Solano County. I think they really like me because when they're investigating, they have me over there at least once a week. So I'm going there thinking that, okay, they like you. You're okay, you know.

But they do an excellent job. When I first came on board as supervisor a few years back, there was minimal printing of the findings of the grand jury, and it would be printed once. What

they do now, they begin, they have a printing, here are the problems, and then when they have their final printing, this is a newspaper, full page in the newspaper. Then they come out with all the answers to their questions, so the public sees it. Prior to that, you got a paper and you looked at it, and if you didn't really get the grand jury report at the end, you'd wonder what was going on all these years. But they didn't have the money for the publishing of these documents, and we pushed that wholeheartedly.

From a political standpoint, you know, we are asked to go into the community and look for people to volunteer to do this job, and it is really tough to do, to get people to put in the hours that you folks put in as grand jurors. And I commend all of you, and I commend your organization and your leaders for having this opportunity for training, education, mixing and the ability to go back to your communities and spread the word to people in the community, the satisfaction you have from the work that you do for all of us and to get that enthusiasm built up for other citizens for the desire to participate on our grand juries. Thank you for being here. Have a good time. Exchange a lot of good information. Thank you.

MS. HARR: If you'll bear with me, I'm doing this on the spur of the moment and my thoughts are not all together. I did forget to introduce a very important person in the Superior Court, and that's Chuck Ramey, who is the Executive Officer of the Solano County Superior Court, and Chuck keeps everything going.

You just heard from two very dedicated public servants in

our county, and we are very, very proud of having the caliber of men that you just heard speak to us today, and that is Judge Peter Foor and our Supervisor, John Silva. And both of them, I have had experience with them over the years for many, many years, more particularly with John Silva, because I appear in front of him periodically, not always to my betterment. But I think it's nice to be on the other side of the things sometimes, and that's where I have been many times. So thank both of you gentlemen for being here.

I'd like to introduce someone very special, and he gave me my hug today, so he's even more special, and that is our legislative analyst from Sacramento and also Vacaville City Councilman, Steve Hardy.

MR. HARDY: Good afternoon, and thank you very much for having me. I'm honored both to be on the dais and be in your presence. It's been said earlier that you work so hard to do what you do, and in many cases, without the appreciation that you deserve. And I'm glad that you are here. I'm glad that you do what you do, because it's important to our society, and you should all be congratulated for taking the time to do it. It is harder and harder to find people to volunteer for these things. The time commitments are extensive, and the work is tough, and I don't need to tell you about that. I'd be preaching to the choir and talking about something I don't know.

So I just wanted to give you a little background first, and I understand we are going to have a little question and answer period after. So please feel free to ask any questions that's on your mind. You know, don't be hesitant. What you are going

to hear from me is what I have in my heart to give you. What you see is what you get from me. And I've always found out in my long life that it works better that way.

So with that little preface, I just want to let you know that in the early 1970s, at age 27 I was gainfully and happily employed as a police officer in the city of San Francisco. I had an injury to my lower spine and subsequent surgery that created some life-threatening circumstances, not really related to the surgery on my back, but due to an anesthetic they gave me that I turned out to be allergic to. so at age 32 with two very small children -- my children are now 34 and 37, and I'm going to be 62 next month, so don't let these chubby cheeks fool you -- I had to find a new way to make a living. I had to retool my life and gear it to a different way. And I chose to leave my family in Marin County where we were living and to go up to Sacramento, get a small apartment and finish my Master's Degree in public administration from the University of Southern California, because I knew that I'd have to do something like that in order to successfully continue on.

I did that, and I had an instructor who was head of the Sacramento CETA agency, who encouraged me to apply for the Senate fellowship program with both the Assembly and the Senate fellowship programs. And to make a long story short, I missed the cut-off for the Assembly fellowship program, but I got my names on time for the Senate fellowship program, thinking I was never going to be selected as a 32-year-old former law enforcement officer. You got to remember, this is back in the mid-70s and law enforcement was looked at by many with some

disdain unfortunately. Should have never been that way, but that's what was happening.

I ended up being selected for a Senate fellowship, and 28 years ago, last week, I started that fellowship in Sacramento with State Senator Ralph Dills, who is from the Gardena/Longdale area of California.

At the end of that fellowship -- it went for a year -- he put me on his staff of the Senate Committee on Governmental Organization. That's what I am is I'm staff director for that committee. I was very pleased to have that opportunity, and the only place I could think of moving was Vacaville. My maternal grandmother, Fidelia Hagerty, was born in Vacaville in 1888 and graduated from Vaca High School in 1905. My maternal grandfather was from Winters, Bob Melvin. My favorite uncle still lives there, Bob Melvin, who is a retired electrician. And I used to come up in the summertime when my sisters were in Vacaville, and we always had a great time.

So when it came to a choice to move to a place, I chose to move to Vacaville in 1977. It was a very wise move for me, because Vacaville is a great town. It's a great place, and I'm really happy to be there. I subsequently was elected to the school board from '87 to '91, and then two years ago was fortunate enough to be elected to a seat on the City Council.

I want to talk to you because I've had that broad width of experience. I mean, six of my 28 years up there have been as an advocate, legislative advocate for the California State Employees Association. And I had lunch with Jack and Earl, and we were talking about it. And what I want to talk to you today,

just to emphasize, is the change that term limits has brought to the institution of government as we know it. Everybody has their opinions about term limits. Mine, personally, are it's really destroyed the system as we know it, or as I've known it. And I've heard a lot of people tell me that who supported and voted for term limits, so it's not far out there. But I still think that many, many people support term limits, and it would not be overturned easily. As a matter of fact, right now, I don't think it could be. If anything could be done to it, I'd like to see the term increased to 12 years, so that somebody could go there and step out of their life and have a chance -- it takes four to six years to learn that system, without question, to learn to operate it and get in and do what you are supposed to do as a legislator.

What has happened since the implementation -- this election marks the end of any long-term legislators who have been up there. This is the final roll-out with Ross Johnson and Jim Brulte, John Burton. The final turn-over is happening. So now every six years, the Assembly will turn itself over, and every eight years the State Senate will turn itself over.

One of the things that I've observed happen as a Senate staffer and formerly a lobbyist is that the newer members that are coming up there -- and I'm not making this a blanket statement -- but many of them come up there almost immediately concerned with what their next office is going to be, and they start jockeying for position about that. And many times, the legislation they carry is not the work of the people that you or I would like to see being done. It's legislation that will

bring them headlines and that they can point to their constituency and say, see, I carry this bill and this bill and this bill. Now, there's still good legislation being done. However, the system has become so polarized between the parties, and you know this yourselves. I mean, I don't have to explain that to you, but it is, unfortunately.

The other thing that has happened is the institutional memory has just been sucked out of the halls of the capital. The members now have totally rotated so that there's little experience in the building. And, unfortunately, the staff has paid a big price for that, both in the Assembly -- not so much the Senate yet, but in the Assembly. And just the few short years that term limits has been in effect, the average experience of staff is down to, last I heard, about 15 months. That's all the employees of the Assembly, 15 months.

And if you have legislators who don't have a lot of experience, even if they come from local government, and you have staff that doesn't have the experience, then everybody's kind of trying to find their way. And for a group like yourselves that are becoming effective lobbying advocates for your organization, you are going to go talk to people who don't know anything about grand juries. And in some instances, they will. I'm not trying to say that nobody will. But then what also happens is you have members that you don't get to make the kind of relationship with that helps you in the long run down the line.

I mean, one of the most important things you could do right now is to develop a relationship with your local legislators.

Find somebody in your Assemblyman's office. Find somebody in your senator's office. Find somebody in your board of supervisor's office that you can talk to on a regular basis, or a staffer that will begin to make the relationship so that when that person up in Sacramento registering you hears the grand jury wants this, well, they might perk up a little instead of just going on and voting however they may choose to vote. And I do believe that the system can still work. It's at a disadvantage, and they said that when term limits took effect, that senior staff and the third house people, legislative advocates, would be controlling what goes on up there.

And what I will personally tell you -- and this is only my opinion, which with a quarter won't get you a cup of coffee -- is that it's a rudderless ship up there. It's a rudderless ship that's trying to find its way, and it will find its way. The mistake that some people make being up there is they think if I'm not here tomorrow, this place is going to fall apart. Baloney. If none of us are here tomorrow, your organization is going to go on. The legislature is going to go on. It may not go on the way we like it to go, but it is going to go on. It will continue. And if you make the relationship at the local level, and you have Jack at the state level, things start to make sense a little bit, and you get more consideration about your issues. Instead of these people -- and I don't mean these people collectively -- instead of legislators that would be more interested in what they were going to get out of the legislation they carried, they might look legitimately at what the worth of the bill is and give it the fair consideration it deserves.

I've made it a strong effort to deal fairly with both sides of the aisle as a committee consultant. And my boss, Ralph Dills, was an old F.D.R. democrat who started out as a teacher in the early '30s, a middle school Latin teacher. He was in the Assembly from '38 to '49, was a judge from '49 to '65 and was a State Senator from '65 to '98. And until almost the day he died, he was sharp as a ten dollar tack, and to me it was like learning at the feet of a master. But he said to us he wanted his competent staff doing fair, even analysis; that it was up to the parties representing the side of the bill they were on to come and argue it out in front of the committee, and then the committee would vote on the bill. So there are probably times when analysis gets slandering, but that's never been anything that's been part of what I do or what we do in our committee because that's the way my boss taught me.

So we've just had a big election in the Senate for the new leader, and that brings me to probably the final point that I want to talk about, and then we'll have some questions. And that is, without term limits, a leader of the Assembly, the Speaker or the Pro Tempore of the Senate had enough time to be there, just like I was talking to you, had enough time to make a long-term relationship with a legislator so that they did understand and value your concerns, has changed because they don't have the kind of authority that they can wield and say no to their members of their caucus, and it makes a big difference in how the business goes on.

Again, I was saying earlier how staff, we don't have job rights up there. If you do a good job, you hope you can stay

on. But new members have commitments from their campaigns, so that leads to differences. But the fact that the leadership sometimes has a hard time really saying no without being worried about being overthrown themselves adds to the dilemma of the process.

Don Perata is the Senator that was elected to be the new leader of the State Senate. I had him as a boss for several years. He was chair of the GO Committee. He's a fair-minded man. He's a good man, and I think he'll do a good job for us. Otherwise, we are faced with a southern California legislator being a leader of the Senate, and there's already a southern California leader of the Assembly, and we have the Governor coming out and saying Northern California is going to pay totally for the rebuilding of the bridge. That's nuts. How about all the fires we helped out and sent our guys down. A Novato firefighter was killed last year down south fighting those fires. The Loma Prieta earthquake is when we rebuilt our freeway. I mean, we all paid for that. We all pitched in. If you start separating the threads of this state, it's not gonna be a good outcome as far as I'm concerned.

I could probably say more, but I think, you know, getting to -- are we going to have questions?

MR. MOGER: Yes, we have plenty of time.

MR. HARDY: I would rather answer your questions from here on out, if you have questions to ask me, because I think our time would be better spent. So feel free.

PARTICIPANT: Is there any possibility of getting rid of the gut and demand process?

MR. HARDY: For those of you that don't know, the gut and demand is during the last week of session or the last couple of weeks of session, when they are meeting on the floor every day to finish the business of the House, a relatively minor bill all of a sudden gets new contents, and it's a bill that normally would be like an Assembly bill that's in the second house in the Senate or a Senate bill that's in the Assembly and then get whisked back over to the house of origin for approval of the amendments and sent to the Governor for his consideration.

Unfortunately, that still happens. And that's really -- frankly, it's a problem of the leadership. I mean, it's up to them to stop that from happening. And it was stopped a few years back, but it's gotten pretty blatant and out-of-hand as you point out. It happens more frequently than it should. I don't know if it will stop soon or not. The special interests are throwing so much money at people up there.

I mean, to give you an example of how bad it really is. I ran for the Assembly two-year seat against Lois Wolk. I was a democratic candidate with Lois Wolk and Christopher Cabaldin for the Assembly. Between the three of us, we raised \$900,000 total. I raised about 250. Lois raised about three, and Christopher raised about \$350,000. That was for one two-year seat. There is a gentleman down in the peninsula, Steve Poizner, who is running for the Assembly, who is spending \$4.2 million of his personal fortune to get elected to the assembly to make \$99,000 a year.

Now, of course, he's got enough money, it doesn't matter to him. But I mean, when you see that kind of money going

around -- and that's the one thing, believe me, that term limits promised to eliminate was the effect of money on politics. I remember that clearly. And it absolutely has exacerbated the situation. Good question.

MR. DAYE: Les Daye from Trinity County. When we talk to legislators that are carrying bills relative to the grand jury staffers and eventually some Senate staff people or Assembly staff people, very often we'll take the stand on a bill if we can or take no stand, and the opposition is listed as to who they are, but we don't have access to the materials that the committee members are looking at.

My question is, do you have any idea under the proposed Sunshine Open Government Amendment whether that is going to change?

MR. MOGER: Would you repeat the question?

MR. HARDY: Yes. The question was, when you meet with a legislator or a staffer, a committee person, to talk about a proposed bill, you give your position, and there may be information available from people with the other side -- from the other side of the coin that is being withheld from you.

Frankly, in our committee if somebody asked to see something, whether it's a file or anything, it's public information, and we give it to them. And you should be able to have it, if you ask for it. They shouldn't be withholding that from you. That bill has to have a public hearing in front of its committee. So all the public information on that bill is available, and if it's a letter of support or a letter of opposition, you should be able to ask for that and have a copy

made for you. That's what we do.

MR. LONG: Jack Long, San Diego County. You made mention of trying to get close to some of the people, the local people. We have tried to do that, and we have been pushed away because they are more interested in their next job. Do you have any comment on that?

MR. HARDY: The only comment I really have is I know it happens, but it definitely shouldn't be happening to you. If you are going to a legislator's district office where you -- is it the legislator that's pushing you away?

MR. LONG: Yes, sir, absolutely.

MR. HARDY: I don't know what to tell you on that. You know, the members can do what they want, as far as I'm concerned. They should listen to what you have to say. Unfortunately, they are not saying this is the case in this instance. You know, people take note of what is being contributed to them. They should be interested in what is being contributed to them in the spoken word, more than anything else. But I'm a little naive in that category, so I have my own feelings. I don't know what you can do about a member that's recalcitrant, but just keep trying, unless you are so discouraged and it's not worth it. Or then put them out of office and get somebody who will listen to you.

MR. LONG: In many cases, they don't want to hear about grand juries. That's the bulk of the thing.

MR. HARDY: Well, then, you know, I'd find a candidate to support who would want your endorsement.

MR. LONG: I'd love to find one.

MR. HARDY: I'm not going to win this one.

MR. ZEPP: Jack Zepp from Orange County. The rule of the Senate provides the Judiciary Committee has jurisdiction over any amendments of the Penal Code. Anything that we care about involves an amendment to the Penal Code.

MR. HARDY: Right.

MR. ZEPP: And yet I notice that the Rules Committee tends not to put grand jury legislation into the Judiciary Committee. Is there any way to appeal that or get around it? It seems like that's where it ought to be, but they want to put it someplace else.

MR. HARDY: The question is a bill that deals with a specific subject area should go to a committee that accepts that subject matter. In this case, it was the Judiciary Committee regarding bills dealing with grand juries.

The Senate Rules Committee is made up of five senators, and they determine the assignment of every bill. And every bill doesn't go where it's supposed to sometimes. I mean, I'd be naive not to tell you that politics take over and the bill gets sent someplace else. That isn't the rule of thumb, but it does happen. You know, I would be talking to members of the Rules Committee, and I would also talk with the chief consultant of the committee before the bill gets assigned, because a lot of times, the other side of that coin is, it isn't always with malice aforethought. There are times when a bill mistakenly gets assigned to a committee or gets assigned to a committee based on the subject matter it is, and then gets amended so it would apply to a different committee. And we committee

consultants keep in touch with each other and get bills reassigned often if it's a mistake or the subject matter has changed and it's inappropriately come to us. So you should check that out to make sure that isn't the problem, and if it's politics, may the force be with you.

I don't mean to be so flippant either. That's not a flippant answer. I'm just saying --

MR. ZEPP: I understand what you are saying.

MR. HARDY: Thank you, Jack. What else?

MR. RUTH: Richard Ruth from Santa Clara. I'm going through our ballot at this time right here. I wonder if you'd make a couple of comments about how this became something like a Chinese menu, you know, if you vote for this and vote for that -- there's a couple of bills on here that if one garners more votes than the other, then that one goes away. You know, we as a voting population are certainly getting confused on some of this stuff.

MR. HARDY: That's a very good question and thank you for bringing that up. The initiative process has become so out of control that it's ridiculous -- I mean, flat out ridiculous. I believe that every proposition or initiative that's introduced should not only be sent to the Attorney General's Office, but should be cleared through some kind of an appropriate committee process for subject matter, because what happens is as long as you can go out and get signatures -- and, believe me, there are some of these people that pay five bucks a signature -- collect enough signatures to qualify an initiative, it goes on the ballot.

And, of course, they introduce opposing measures. Prop 68, which was the gambling measure that would have allowed for slot machines to go to horse tracks and card rooms if the Indian tribes didn't follow certain requirements of that initiative, was countered by Proposition 70, which was introduced by the Indian tribes -- I think it's the Viejas tribe down in Agua Caliente. Now, that really gives the Indians the right to have as many games as they want, including Blackjack and 21 -- I mean roulette and have as many machines as they want, and they only have to pay an 8.9 percent state tax rate on all of it. They don't have to negotiate with the Governor anymore about machines or anything. That was introduced to counter 68, because their sovereignty is real important to them, and they don't want anybody else getting machines. I think the dam has been burst, and pretty soon we are going to be a full gambling state. I just don't see how it can be stopped, and we'll have to see what happens when that goes.

But it's an abuse process, and right now, unless they review it and change it, you know, the poor voter, you look through that catalog, another one is the open primary versus the nonopen primary. I mean, there's three or four pairs of initiatives on there that are meant specifically to confuse the voter. So most people end up voting no on all of them is what happens.

MR. RUTH: Is your comment on why the initiative process has become so popular? Because it seems to me that the Legislature are the people that maybe they are not doing the right job.

MR. HARDY: Well, that's a big part of it. That's going all the way back to Prop 13 in 1977. It is a big part of it. You know, the people get angry, they get frustrated. You have Prop 13. You have term limits.

MR. RUTH: Are the folks in Sacramento getting that message?

MR. HARDY: Well, I think they are, but by the same token, it's so entrenched now that it's the easiest way to get what you want without having to go to the Legislature. So there's that other part of it, too. It's not all just what you said. A lot of opportunists see it as an easier way to deal with an issue than to work through the Legislature and have it become what it should be. So it's a little bit of both. Thank you for the question.

MS. CHESNY: Sherry Chesny. I'm a director with the California board of directors. Anyway, if we wanted to initiate any legislation or have someone sponsor a bill, is there any legislator currently in office that you would regard as pro grand jury?

MR. HARDY: You know, I don't know. And there's eight senators leaving at this time, so we are having a big turnover in the Senate, and that leaves all those open seats. And I can't answer your question, because I'm not familiar enough. I got a call from Clif earlier this year to help with some stuff, and I got it to the Judiciary Committee, and we got the problem resolved. But I can't tell you specifically who would -- you know, Joe Dunn might be a guy. He's going to probably be the new chair of the Judiciary Committee. He's a heck of a nice guy. I don't know if any of you have him for your State

Senator, but he's a really good man. And he's running for the Attorney General's position. I'm not saying he will or he won't. That's the only one that comes to mind as a possibility.

MS. BARDELL: Serena Bardell, San Francisco.

MR. MOGER: My home town. Listen, my mother went to Lowell. Carol Channing was her big sister. My dad was in the first graduating class of Washington High, and my stepfather went to Balboa and all five of us kids went to Lincoln High School.

MS. BARDELL: You've answered my question. Has it been your observation if, in fact, it's come up in your consciousness that there is an adamancy against the concept of the grand jury amongst legislators in general, and if, in fact, you can comment on that, would you have any advice on how we might be able to counter it?

MR. HARDY: I think it's a very good point that you bring up. And, frankly, this is just my two cents, but since Watergate, the press has been in a feeding frenzy, and they will absolutely pluck -- I'm saying this respectfully, if there's any press here, too -- but they will pluck the last piece of flesh off the bone in following up on an issue, and I'm not saying that we shouldn't do that, but there's a -- in a lot of cases, there's just an overemphasis on what is happening, and I think that that has made all legislators or elected officials shy. And then that translates in the reluctance to be involved with the grand jury.

I mean, the only way you can find out is to present your bill, your idea or your thought and see what they say. I know that there will be somebody up there to carry it, but I think

that we've had a few scandals in the legislature, and they are all gun shy, and they shouldn't be. I mean, you are doing the work you are supposed to be doing. And you know what, if something's wrong, it needs to be fixed. That's all there is to it. And if I'm in it, I deserve to be in it. If I don't, I expect to get it clarified and be out of it. But you know, it's a problem. It is a problem. And the genesis is how intensive the press can be. We see it all the time. I mean, they do it to sell papers. It goes on in Solano a lot.

No, I guess it doesn't. Right, Jack? (Laughter.)

MR. SILVA: Do I get equal time?

MR. HARDY: I'm with you on it, what can I say? Anyone else?

(No response.)

MR. HARDY: Well, listen, I want to tell you how much I appreciate you having me here today. Please have me back any time. Clif Poole and Donna Harr are the ace of aces in my book. I got to meet Earl at lunch today. The other Solano County person I didn't get to meet, but feel free to call me any time I can be of assistance. And those that know can always get ahold of me and I'll always be of whatever assistance I can. Thank you very much.

MS. HARR: I'm back again with another person that just came in, and we'd like to welcome Cathy Houck who is the chair of the Solano County Grand Jury. She's one of us that works very, very hard, and we appreciate that. And thank you, Cathy.

MS. HOUCK: Well, I'm sorry I was late, but of course we were at a meeting.

MS. HARR: You were doing your job, and Judge Foor noted that you were in a meeting because he meant to introduce you himself. So I will give you that message. And we are really appreciative of our two speakers here. Let's give them another round of applause. (Applause.)

We are very, very fortunate to have people like Steve Hardy who are up here in Sacramento working very, very hard for us. And we really appreciate that. And on our county levels, we couldn't ask for a better supervisor than John Silva. And I do need to extend my congratulations to both of you because you are doing a tremendous job for your community, and I'm a recipient of that lots of times, and I really do appreciate it. And like I said, I've been before John many times and Steve, too, because I do attend public meetings in Solano County.

MR. HARDY: Donna, just let me interrupt you for one second. If you want to do the job the way it needs to be done, you need to talk to Donna Harr, because she's everywhere and she presents her case eloquently, and she does a heck of a job. I need to return that compliment because that's true.

MS. HARR: Well, that made my day. All I need to do is listen to my husband for five seconds and that bubble gets burst. (Laughter.) He said "What? You are going to another meeting?" But anyway, thank you, I appreciate that.

We do have a break coming up, and we will have some refreshments, and I don't know if they are quite ready yet, because our break wasn't scheduled until 2:30, but we certainly will bear with it, and we'll see if we can get them earlier.

MR. SILVA: I'd like to follow up on a couple things.

MS. HARR: By all means. I'd like to reintroduce John Silva, our supervisor, the chair of Solano County Board of Supervisors.

MR. SILVA: Thank you, Donna. Donna makes a lot of appearances at the board of supervisors, as does Clif Poole. And they have a tremendous historical knowledge of things in Solano County, and they bring up some very good points. I think probably at least 80 percent of the time, I vote the way you would like me to vote, and sometimes, I really just don't know, and other times, I go the wrong way, I guess. But it's good to have this relationship.

When I first went on the board of supervisors, there was this guy who every morning came in the board of supervisors, his little podium in the back where you fill out speaker cards, and he leans like this on it. That's Clif Poole. (Laughter.) I mean, if he isn't there, I begin to worry and always wanted to know where he was.

But I wanted to talk a little bit in following up on Steve, he's a good friend of mine and does great work in Sacramento, and he's always calling to see if there's anything that he can do to help us. But a little bit on the initiative process and what I'm going to call some demise of the grand jury. I get irked because legislators don't want to do their job. We started the initiative process because Leland Stanford and the others had so much money to buy all the votes in Sacramento to get the railroad right-of-ways and do all these things. And at that time, people said, "Hey, we need a process to counter, because we can't talk to our legislators."

So that was the birth of the initiative process, which totally got whacked out. I mean, I dislike it. You know, if you have the money, like Steve said, you go out, five bucks a person, you can get these things on the ballot, and they are confusing. My wife was so disgusted last night when I got home, she was sitting at the dining room table reading that stuff, and she just said, "What a bunch of crap!" So, you know, I took over the rest of the pamphlet in reading it.

And you know, it's bad. I used to talk with Tom Hannigan when he was in the Assembly, and once or twice with Willie Brown about the initiative process. And it's just a way of dodging the bullet. You know, the hard case that came out, we'll put it up for vote of the people, see what the people want to do. Well, that's what we pay them to do, and we have to get back to that process. We have to be careful of the powerful lobby groups influencing the legislators, but there has to be a balance somewhere. But the initiative process has got way out of whack.

As to the grand jury, in my statement, "demise of the grand jury," I'm also out of law enforcement, spent 30 years in law enforcement, all aspects of it and many other things. I was a city manager. I was a finance director for a city, because when I wanted to become a cop, my dad says "Don't go to cop school, Son, get a real education." So he made me go to college and study business and that's been helpful to me.

But as a police officer, years ago, I was involved in narcotics enforcement back in the '60s, worked for a period of time for the Federal Bureau of Narcotics, and then later was

trained by the FBI. But to get into this, we were at the grand jury continually, criminal grand juries, getting indictments. It saved a lot of time and protected some of our informants, and we got, you know, people pleading guilty, and it was really rolling along. Then there was a lot of question and, you know, the '60s, the '70s, the grand jury isn't fair, and that's all secret stuff, and we got to quit that. And there was a lot of pressure put out and a lot of D.A.s pulled back from using the grand jury. At times it's a good forum, I believe, in the criminal area to use a grand jury, especially when you get into areas of sex crimes and these kinds of things where you don't want to put young people up in front of a full courtroom and the press and all that. There's a lot of things that can work there.

But then that sort of floated over to the grand jury that most of you do know. You are the watchdogs of the community. And you come in and I hear it from county administrators, treasurers, the staff, saying, "Jesus, criminey, they are asking all these stupid questions." I said, well, I agree with you 90 percent of the time, they are stupid until you go there and you respond, and there's some grounds, there's some reason that the grand jury is asking this, and it's citizens that have to have some way for that check and balance to work. And they can write letters to the grand jury, people can investigate, they can come in and look at things in the government.

I've seen a lot of improvements within county government with the grand jury input. A lot of it is really good. I read those reports. Sometimes there's one area in my district where

they are writing letters to the grand jury all the time, and I get frustrated because I have to go sit for hours and explain what we are doing. But then the grand jury does a good investigation. They go out and they talk to people other than just the person that writes the letter, and they get to the bottom of things, and they come back with good information.

I'm very supportive of the grand jury. Always have been because I was used to the criminal side of the grand jury. And I've talked to legislators that support grand juries, that they get a little bit nervous, and then I hear others say, well, you know, that's a thing in the past. Well, Judge Foor up here, he spoke to the things of the past -- 1100, 1400. Hell, we are still around. Aren't we doing a good job? So you don't throw history out the door with the dish water. You keep at it.

So I encourage you to pass that word to keep up the fine work of the grand jury. It's needed. We need that other balance in government to keep everybody's eyes on the ball, and if we didn't have you doing your work, it would be very easy for the bureaucrats, which I was a bureaucrat for a long time. I was there when Prop 13 passed, and, boy, I tell you, I was a city manager and I was finding all kinds of ways to get around that to raise money. But things will happen, and the politicians will do the same thing. You'll get lax. But you keep on your toes. Because the way we are in Solano County, I get around a lot of the county, and I can't go to the supermarkets or run up here to Yardbirds in Fairfield -- I won't go to the one in Vallejo -- and, damn, I run into grand jurors up here, "How you doing, John?"

And it's great, though, that you are out there and doing the job. But don't give up the ship and don't get discouraged. Just stay adamant and keep your rudders straight, and don't get like Sacramento. Thank you. (Applause.)

MS. HARR: These platforms and heels don't work, even little heels. But, anyway, it's time for our break, and I think that all of you are ready for a stretch, and we'd like to again thank our speakers and and our grand jury chairperson. (Applause.) And we'll see you back here at 2:45. Thank you.

(Recess taken.)

MR. MOGER: Can we come back to order again, please.

I'm back to open up the report to the membership on CGJA as your president, and I'll be leaving office now in a matter of hours, but I have much good news to report to you, as I leave office.

Our membership stands at an all-time high. Several weeks ago, Clif and I looked at the figures and there are 345. That's an all-time high for our association. We have a lot of people like Pat Yeomans and others whose dues didn't get in too quick, so I expect we are going to be at 360 plus this year, which is a real milestone for our association, and it's one of the real good things to report.

Our financial position is very stable. We have about \$49,000 of equity that's restricted funds in our reserve cash on hand. That's a good strong financial position. We closed out last year at about \$41,000, and since that, over the first three quarters, we've gone up roughly 7 or \$8,000. So we are in a good strong financial position.

Our training team has delivered its most successful year. We've trained 522 new grand jurors, a real milestone for this organization. That's over 50 percent of all the sitting grand jurors in the state of California. So it's a real milestone. We thank Sherry and her committee. We are going to be hearing from Jack on the finance, and Sherry will be reporting more on the training.

Our legal team has, again, as we all know, defeated or deferred bad legislation under Jack Zepp's good leadership, and he'll be reporting to you today.

Our public relation team is finally up and running. Jim Connick is here, Ron McGinley and others. We got goals to create videos, brochures on the role of grand juries. We are going to create a brochure on our own association, so we have a lot going in that area.

Our research effort has finally got kick-started thanks to Earl Heal and Beverly Hill. We have a survey of the grand juries that's up and going to be published. The Excellence of Reporting is now reestablished with Linda Baker. Thank you, Linda. I understand later on in the program, you'll be making the awards.

We have two work groups that are going: bylaws -- we are looking to revise our bylaws to make them compliant; and we have a work group on our handbook. We are going to update our handbook.

I'm pleased to report that we have now ten chapters, and that's a real turn-around for us. Several of our chapter presidents are here. They'll be reporting later in the program.

Our member resource program is up and running. We have some 27 new people who came on board to get more involved in our organization. And today, I'm pleased to report we have over a hundred volunteers in our organization working actively. So that's a real milestone for us.

As I leave office, I want to thank my chairs. They are up here today, and they are the leaders that have led a lot of these action programs, who are going to be reporting to you. I thank all the volunteers, many of you in this room, who have worked so hard. I thank the financial donors, and I thank you, the members. So with that, I'll take some questions, and then we are going to turn it over to each of the chairs.

So are there any general questions you have of the president to report to the board of directors?

(No response.)

MR. MOGER: Hearing none, no questions, then I'm going to turn it over to -- let's see -- we have Sherry is next.

MS. CHESNY: My name is Sherry Chesny, and I'm the chairman of the training committee. The training program is one of the major programs of this association. It's certainly not due to my credit, but to the many people involved in our training program. I have a committee of nine people, an excellent committee. Most all of them are here. We have about 18 workshop trainers, CGJA workshop trainers who do our core program. We have many, many volunteer people who come and help staff the seminar and give us the support staff that we need. We have lots and lots of guest presenters that also come in and do guest presentations for us. So it's a big operation

involving many people working together, you know, and really accomplishing quite a bit on an all-volunteer basis. No one is paid. Every one just gets their expenses reimbursed, their travel expenses and that's it.

So, anyway, on the training, how many of you have attended one of our two-day training seminars or have been there in a volunteer capacity of some sort?

(People in audience raising hands.)

Actually, a fair number of you have been involved. For those that are not familiar with it, just briefly let me just give you a brief synopsis here. It's a two-day training program designed specifically for new grand jurors, the incoming grand jurors. We start them in July and usually go into August. This year we conducted four of them.

Typically, the program schedule, we start out with guest speakers in a large group session. Then we break out into smaller break-out groups. We like to keep our break-out groups around 20 to 25, 30 people, if possible, although some seminars are larger than that. And these are where we do our core program, what we call our core program. And it's our basic kind of central program components, and it consists of a workshop of grand juries and the law. The instructors for these are lawyers, who have also served on a grand jury, but we do require they have a law degree, so we don't cross over into the gray area of being perceived as giving legal advice.

Then we have "grand juries and How to Conduct Investigations." "How To Do grand jury Interviewing" is the third one. "Report Writing" is the fourth subject, and the

fifth one is called "grand jury Continuity and Independence."
Those are our five basic core subjects.

We end the program usually with a variety of guest speakers on topics that are more specific to the typical committees the grand juries form. For example, we have a former juror whose professional experience was in law enforcement. He speaks on how to investigate law enforcement.

Most of our speakers are former jurors. They make great speakers, because they can relate their expertise to grand jury work. We have programs on finances for those people that might be on an audit committee. We have a guest speaker from the California Board of Corrections that comes in and talks about how to do jail inspections and inspections of juvenile facilities. We've had presentations on school districts, on special districts. So they are more specific to individual committees, the typical committees that grand juries have. With those, we call them elective workshops, because each juror present gets to choose any two of their choice to attend. So those have been popular as well. We also have panel discussions, which go over well in addition to that. So it's a variety of combination of all those things.

I'm pleased to report now about our progress in 2004. It was a record year. We were expecting and I budgeted and I worried that because of the statewide budget crisis that we were going to see a real dip this year. Last year, we had about a six percent decrease, which basically was about two juries who had previously attended in previous years and had to have their budgets cut. And I thought this is the second year of this

budget crunch, and it will have much more impact on the county, and we are going to see a decrease this year. So I thought we would be very lucky to stay even. Actually, we increased by 55 jurors. Our total this year of people attending the seminars was 463. It's 55 more than what we had last year, so we must be doing something right that even in a tight budget year, they found the money for their jurors to attend. So we were real pleased with that.

In addition to the two-day seminars, we also do on-site training. If there's a need, the jury can contract with us. We send in two trainers for a full day. They cover four of the workshops, the core workshops for a fee of \$800. And for some juries that have to pay a lot of travel expenses to take the jurors, you know, bring them up here, that works out well. We did an extra 59 jurors on-site training this year.

Some new things for this year that are real pluses, I think, in everyone's mind. First of all is we added a fourth seminar in Redding, and this was great. In the northern area of the state, you have some counties that are way up there at the north end of the state. For them to attend one of our seminars in Sacramento, Concord or down in Visalia is a tremendous travel cost, and they are not the wealthiest counties necessarily, so we had a seminar up in Redding. And it was very successful for a first-year seminar. It had just under 70 people. 69 people was the actual count, which is fantastic for a first-time effort, and it went very well. We've had trainers all comment what a positive seminar it was.

The jurors were so appreciative that we were there in their

area. To give an example, like Trinity County, which normally would send six, seven, eight jurors down to one of the seminars, this year sent all 19, because Shasta was right next door. So it really did help. And we had a wonderful group of volunteers up there helping us: Duane Mason who is talking near the back row. Stand up, Duane. Duane headed up the volunteers in Redding, and they found us a site up there. I told them, I said, we need attendance to justify this, you know. So they went out and beat the bushes. Not only did they do letters and everything, they even had their county counsel writing to other county counsels to get their county counsels in these various counties up there to send their jurors. And they really did a lot of extra work, including personal contact. And they got quite a few counties that had never come before to come to our seminar, so it was really very positive.

Also, in the two-day seminars, we had 40 counties send jurors this year. Last year, it was 33 counties. So more counties are sending their jurors. Five of those counties attended for the very first time. The counties that came for the first time this year are Calavares, Kings, Los Angeles, Siskiyou and Tehama. We also went in and did some on-site training for the Los Angeles grand jury later.

The other thing that we did this year that was new was in the past we had a one-hour panel discussion for four persons and pro tems, a leadership discussion. And this year, it was proposed to us to expand that. The foreperson has no more authority than any other juror, but they definitely have a different role. They don't do investigations. They don't do

the interviewing necessarily, or they aren't involved in the things that we are teaching. Their role and their responsibility is different. So we had a five-hour afternoon workshop the day before the Sacramento seminar. It was our Sunday afternoon. The regular seminar started Monday morning. It was a pilot project, so we offered it for free. If you were enrolled in any of our seminars, then the attendance was free. There was, I think, one juror came, one foreperson came that was not enrolled in our seminars, and we did charge a small fee for that one individual. But if you were enrolled, it was free.

The committee that put it together -- Betty Mattea is here -- she chaired the committee, had an excellent workshop program where they broke them into small groups of four persons and pro tems who worked together and did some problem-solving and coming up with what was important in their roles. And it was very successful, very, very successful. The ratings for that were very high. And we were worried at first, because registration was slow. We only had like under ten, and we talked about it, and I said, "Don't worry, it will pick up as time goes on." And I said, "I know you'll have at least 20, 25." Well, I was wrong. We had 45 forepersons and pro tems attending from 32 counties. So that's a lot that made the effort to come over for a Sunday afternoon to do that. So obviously there was a real need for that type of program.

So those are our highlights for the year. It was a very good year, much to my surprise. Like I said, I thought we might be lucky to hold even. And I do want to say that in the five-year period, from 2000 to 2004, CGJA trained 2,132 jurors

representing 49 different counties. There's only nine counties in the state that have not attended one of our seminars at one time. So are there any questions at all about training?

I have a program description on my computer, you know, a synopsis of the program if you want anything. You know, I'm listed in the web site, my e-mail. Just contact me and I'll be glad to send you the training information, if you'd like. Thank you. (Applause.)

MR. LEWI: I'm embarrassed to follow Sherry, because I represent one of the nine counties that has never sent anybody to a training session. I take that as a personal challenge.

I'm Jerry Lewi, Chair of Operations. When I addressed this group a year ago in the Ventura conference that I hosted, I said somewhat facetiously that our committee is where we do everything that nobody else wants to do. I think my committee proved me wrong. I think they proved that we have some very vital functions. And as a matter of fact, in our board retreat I suggested that we might even change our name, because it turns out that everything we do, just about everything we do, falls into the category of public education, which is one of the main mission statements of this organization.

And let me count the ways, to quote a famous poet. First of all, we are responsible for this annual conference, and Clif has been a member of our committee doing that job, and we all regret Clif can't be here, but we can see that he has a good team backing him up, and it looks like this came out really well, and that's certainly the way we reach out.

Our Grand jurors' Journal, Ourania Riddle, another Solano

County representative, is our editor, has been for several years. She's doing it somewhat single-handed now because Bob deQuattro was helping her with the layout and other issues, and Bob decided he needed to step down from that assignment. However, Bob is doing other things, samples of which you will see later on in the program. So we thank Bob for his service. Ourania is carrying on, and we now have a formal board policy that the Journal will be produced a minimum of six times a year. Six times a year neatly coincides with board meetings and some of the major events of the association, such as this conference and the training seminars. So that's working quite well, and I think we have a good product there.

I've been acting as web master, and while we haven't made any major changes to the web site, I feel that I've cleaned it up somewhat and made it a little easier to navigate from one section to the other. I still use it myself to find links to other related grand jury type information. That's how I get to the state bills, to the laws. I don't bother going to the state site. I go straight on our site and link over. It works quite well. I've tried to make timely notices, such as announcements of this conference or other actions, and I think it's a very valuable tool, if I do so say myself.

Publications is under new management. The reason Linda keeps popping in and out of the room is because she is out there hustling publications. Jeanne Forbes and Linda have taken that on. We've kind of cleaned up the inventory. We've cleaned up the list of publications available on the web site. Many of our documents are available on line, and we can make them available

in hard copy for people who don't care to download and print out, or we can make them available on line, as many of them are.

Linda and Ourania, with Bob deQuattro helped put together a little catalog, a simple little flyer that you can pick up on your way out, that lists our publications to make it easier to find out what we have, although, of course, it's on line.

I think one of the major achievements of the publications group, Linda and Jeanne in particular, we staffed a publications table at all four training sites, and we sold over \$1600 worth of publications at those four sites. Now, the \$1600 is not important -- well, I shouldn't say that. I mean, it's not what we're doing. \$1600 is to recover our costs. But it's symbolic of what we are able to do and how we are able to reach out and get these documents available to new grand jurors. New grand jurors are one of our best markets, because they are eager to absorb information, and they practically fall over Linda buying those publications.

Another project under our committee is called GRIP, the grand jury Report Index Project, under Les Daye, with help from Barbara Dabul. This year's product is out there. It's one of the publications. It's also on line. It's the largest group we have ever done. This is the report that indexes as many grand jury reports for 2001 and 2002 that we could get our hands on, which is almost all. We go through and list all of the reports on a given subject done throughout the state. This can be particularly useful to sitting grand jurors who might be interested in something they are working on or might be working on to see what other counties' experiences have been.

One of our goals for the next year is to add to that report responses, and that would make that even better. But this is the biggest one we've been able to turn out, which means we are getting more support from the counties who do this work, so that's been quite rewarding.

Research and analysis that El mentioned. Let me comment a little bit more on it. We took on two projects: excellence and reporting. We have a presentation on that tomorrow. We decided -- and this took the effort primarily of Beverly Hill with Earl Heal's support and Les Daye and Linda Baker -- we decided that one of the best things the association can do is to recognize good reports. Good reports is not just putting on a nice neat book report that reads well and seems to be well-documented. It means the report had an effect, that the agency responded favorably and implemented at least some of the recommendations. That's one of the criteria for excellence in reporting. The other is making the public more aware of what grand jurors do. And we have awards tomorrow in both categories that you will hear about.

The survey that El mentioned -- we conducted a survey of all the grand juries. We went to all the current forepersons, all the past forepersons and all the court executive officers, and we got an incredible response. A total of 42 counties were heard from, one way or the other, out of 58. That, to me, is remarkable. Earl sweats and just strained to get that last county in. Earl, enough, we got plenty, a lot of good data. Then he had the job of analyzing the data. And he recruited Dennis Brown, who is here today, and Russ Baker, who is not.

What we have done for those of you who might be either or currently a sitting grand juror or in contact with your sitting grand jury, the copy that's going back to the court executive officers and the forepersons are out there in envelopes. And being very careful of our resources, we decided to try to save some postage. So if you are from a county that might have responded, take a look out there and grab your county's documents and carry them back home, so we can save that postage. Other copies are now available for sale to anybody out in our publication table for a modest fee of two or three dollars, I forget which. There's a lot of interesting stuff in there about what grand juries are doing, and it deserves a lot of review and analysis. And I think we on the board will certainly do that.

The one other function that our committee has is kind of the one that doesn't relate to public education. We own the housekeeping responsibility of putting together a policy and procedure manual under Roger Loper, a tireless worker in this effort. The board decided that the executive company should look at reviewing the policies and procedures, which we are doing in conjunction with the updated bylaws that El mentioned. When it gets down to putting out the actual document of the board, Roger still has that responsibility under the operations committee.

So that basically is what we've been doing the past year. When I went through this and looked at it, I was frankly pleased and kind of little bit amazed that we were able to do this much. We didn't meet all of our goals. There are a few sitting out there, but I think everything we did was very much in a positive

vein, and I think this committee will do great work in the future. And thanks to all those who participated. Thank you.

(Applause.)

I guess I get to introduce Jack Friesen.

MR. FRIESEN: Thank you, Jerry. I'm going to do my report from here, so I can shuffle papers if I need to, if you don't mind, if you can all hear me okay.

As El mentioned, we are really in good financial shape. On Monday afternoon, the finance committee met as it does monthly and approved the financial statements as of September 30th and for the nine-month period that ended on that day. And we do have almost \$50,000 in equity, of which \$46,000 is in cash, consisting of almost \$20,000 in our checking account. We have a CD that we can draw on if we need to in emergency situations for \$20,000 plus, and then in our restricted funds, we have about \$6,100 which is the Price fund and the Valcady fund, which Roger Loper refers to as the Public Education Fund. All of those numbers total up to around \$46,000. And then we have the net book value, if you will, of our equipment, this PA system, computer and a projector for around 3,000, bringing us down to almost \$50,000 in assets and in equities. We have no liabilities, thank goodness.

On the profit and loss or revenues and expenditure side, we've had a really good performance by virtually all committees and all people responsible for both developing budgets and performing under them.

The administration income, which is basically just interest on our checking account and so forth, is over \$300 for the year

to date compared to a budget of \$90.

The finance committee, which is contributions and E-script, has an actual income of \$4,200 compared to \$2,500 in budgeted amounts.

Membership, which is Clif's responsibility, has almost \$10,000 which is dues for the most part, compared to a budget of \$8,700 for that period.

Jerry's committee, the Operations group, for all of the components that he's talked about has a total income of \$6,200, compared to a budget of \$6,000. And I won't get into detail unless somebody has questions about that.

The training committee under Sherry's capable leadership has about \$33,500 worth of income compared to \$34,700 of budgeted income, but Sherry's already collected, subsequent to September 30th, another \$1100 from a couple of counties that were late in getting their moneys to us, and she's got \$300 more, which I know she's going to get from one county that still owes us \$300. So by the time the dust settles on that activity, she'll be well over budget on the income side.

Our total income for the nine-month period is around \$54,000, and we have budgeted \$51,900. On the expense side of the equation, Administration spent about \$7,700, although they had budgeted only five. But I think that the overrun is mostly from the cost of trying to do bylaw revision and so forth where we incurred some expenses.

The finance committee has spent \$2,600 compared to \$2,900 budgeted. The legal committee, Jack Zepp's, group sent \$150 compared to \$375. Membership committee spend \$700 compared to

\$1300 that was budgeted. Operations spent only \$7,200, compared to their \$8,100 budget. And, again, the Training Committee has spent a total of \$28,000 compared to a 33,000 budget. So our total expenses are \$46,500 compared to our \$50,800 budget, bringing us down to net income or excess of revenues over expenditures of around \$7,600, compared to a budgeted income of around \$1,200. I should also mention that \$7,600 of income includes \$2,200 of appreciation which we record in this period, which is a non-cash item. So our cash flow for the nine-month period is almost \$10,000.

The budget for the rest of the year -- we are now on a calendar-year basis -- would show that we expected to get around \$10,300 more of income for the three-month period that will end in December, and we should spend around \$15,800 which will mean that we'll have a net loss for that three-month period around \$5,500 which was planned, if it actually happens that way. It won't, of course, but that will still put us in the black by about \$3000 for the full calendar year.

And, again, I'm very, very proud of the good work that all of the committees and their chairs have done to both develop budgets that were meaningful and realistic, and then have been able to, for the most part, perform very, very well against those budgets. It's been a very good year, and we are in very sound financial condition, and going forward, we have plenty of reserves.

As of tomorrow at five o'clock, I'm no longer going to be the finance chair, and along with our treasurer, Marilyn Maxner, who is also going out of office, we would like to thank the

committees and the chairs, President Moger, for their strong support and know that you will be in very sound and capable financial hands for the period that is going forward. If there are any questions, I'll be glad to answer them. If not, thank you very much. (Applause.)

Yes?

MR. GEISS: Bob Geiss, Orange County. A comment: Last year's minutes said the books are in bad shape. How are they now?

MR. FRIESEN: They are in excellent shape. We are on Quick Books, a very simple general ledger system. This business is not rocket science. It's basically just cash for the various functions that I mentioned. And we have very good records. We had an audit committee review the records through last December. And we met for about two hours in San Jose -- Richard Ruth, Vit Eckersdorf and one other gentleman, John Elstad, I believe -- and the committee went through the stuff and found absolutely no problems whatsoever, and our documentation is perfect. We have good internal controls, checks and balances, and things are being run really the way they should be. But thank you for your question, Bob.

Yes?

MS. LYNBERG: Audrey Lynberg, Los Angeles.

MR. MOGER: Hi, Audrey.

MS. LYNBERG: I think the reason it may look wrong is that you went from a July year to a January year, and that always kind of screws up the way you look at the budget because they were on this July 1 year. Do you understand?

MR. FRIESEN: Yeah. We had a real awkward situation where we had to file a tax return for a six-month period, and yet the board had approved a budget really on a calendar year basis. And then, of course, the untimely death of our former treasurer, Janet, left us in a situation where we had to piece together, if you would, two different accounting systems, so the finance committee had a real job on its hands trying to manage all of these changes which were taking place simultaneously. The theory, I believe, which was Janet's idea, was to change to the calendar year, so this conference and the subsequent election of records and officers could be a planning vehicle, and that could be then planned and implemented into the budget that would take effect on the succeeding January 1st, which makes a lot of sense. Even though a lot of the chapters and a lot of the counties are really still on a June 30th year-end. But now it's all done. It's in good shape, and we have comparable numbers and so forth, and it seems to be working just fine.

Any other questions?

MR. LEWI: Let me make a comment to that.

MR. FRIESEN: Yes.

MR. LEWI: And the committee chairs can understand the reports.

MS. CHESNY: I'd like to say, I think we all should give Jack Friesen a big hand, because under his capable expert, professional financial leadership, we were able to meet these series of things that were problems, you might say, in that area of getting the new books set up, switching to the calendar year, having a treasurer that died unexpectedly. It was just a lot of

things to overcome. So let's give Jack a big hand. (Applause.)

Besides doing excellent work, he's just a great guy to work with.

MR. MOGER: Clif Poole is not here, as you all know, and I'll just cover briefly some thoughts and comments on the membership relations committee. We had an unusual event this year. It's the first time I've seen it since I've been with the association. I got a call from a chapter president. I'd like to have him stand in the back of the room, Owen Paxton. Owen, please stand.

Owen was very interesting in his call. He says what can I do as a chapter president to help out on the membership drive, and we talked for a while. And Owen took it upon himself, as a local chapter president, to go out and recruit many new members for CGJA within Marin County. So I thank him.

And there's one other person in the room, Linda Baker. I'd like to have you stand. Linda was on the membership relations committee, and she took the unusual task, a real volunteer task, to call -- was it 150 people?

MS. BAKER: Give or take.

MR. MOGER: Maybe 175 people on her own to get people to renew their membership. This is dedication from people, and it's more of what we need in the association. I just wanted to recognize these people. Thank you, Owen. (Applause.)

There's another person on Membership Relations that we haven't heard about, but I do want to recognize him. It's Richard Ruth. Would you stand down here. Richard has been, for the last two years, our Chapter Relations Coordinator, and he's

done a wonderful job. They set a goal in membership to bring in three new chapters, and they did that. They brought in San Francisco, Nevada County and just recently San Luis Obispo County. So we have counties like Sacramento, Inyo, Santa Barbara and others that are talking about forming chapters. So there's a lot of activity, there's a lot of dedication in the membership relations committee, and with Clif being absent, I just wanted to represent them to you. Thank you very much. I'll turn it over to Jack.

MR. ZEPP: Well, here is an impromptu test. How many of you think that the lawyer up here can use less words than everybody else? Nobody. Okay.

We prevented the adoption of two bad bills, we deferred one, and we are off to another good legislative year next year. (Applause.)

MR. MOGER: That ends our reporting to you and to the members, and we are going to take a couple of moments and shift into a panel on grand jury authorities. I'm going to ask Bud Alne to come on up, and the committee chairs will be leaving. I'm asking Dick Nichols to come up and join that panel. So if you could just give us a moment or two, you can stay in place, and we'll shift to this panel for the grand jury authorities.

MR. ZEPP: This is a panel on the authority of a grand jury. It was also from, I think if my memory is correct, about a three-year-old effort by Bud Alne to get the association to focus on what he thinks is a fair limitation on the authority of grand juries. And we've got Dan Taranto, a past president of the CGJA, and Bud Alne, foreperson of Santa Clara three years

ago, and Dick Nichols, a representative for at least two years, and their various efforts, and myself who will be moderating this.

I think the best way to start this, because I think there's some really interesting ideas that we want to get out before the group is to turn this over to Bud and let him open the discussion. One thing -- I think most of you all know this -- Bud has a hearing problem, as do I. If he can't see you, he's not going to be able to hear you very well. So if you would be kind enough to direct your comments directly to Bud, I think that would be helpful.

Bud, do you want to start off?

MR. ALNE: I explained to my wife the other day it was getting more and more difficult for me to hear her soprano voice, and I apologized for that. And she said "Nevermind, you never paid any attention when you could hear." (Laughter.)

To kind of set the stage, I was the foreman pro tem of the 1997/1998 Santa Clara grand jury. The next year, the grand jury was terminated in mid-term, if you recall. Five of the members of that jury were found by the Court to have violated their confidentiality oath. The District Attorney refused to prosecute on the grounds he didn't want them to have another forum for their views. The reason for the disturbance was primarily charges of discrimination.

The following year, I was appointed foreman of the new grand jury, and we spent a great deal of our time that first tour of duty trying to figure out what it was we were supposed to do. Getting our feet on the ground took quite a while. Figuring out

what authorities we had was difficult, but we managed to blunder through and by the end of the year, I thought I had a fair understanding of what it is a grand jury could do.

On my second tour of duty, with that experience, I went back and tried to implement some of these things and ran into a veritable stone wall. The public officials in Santa Clara County did not feel that they should be reviewed by the county grand jury.

At issue, primarily, was one of the grand jury observing the process by which public officials reached their discretionary decisions. It was not an attempt to attack the discretionary decisions, but simply to review the process by which those decisions were arrived at. Was it fair and equitable, reasonable, was all the evidence looked at, so on and so forth. The hope was that we could then turn to the public, and without breaching confidentiality, report that those very sensitive processes of our public officials had been properly conducted. We also felt that if we were to run into unlawful practices, that unlawful practices did not warrant the shield of confidentiality. And, we, however, never got much of a chance to demonstrate either one of these.

The year before, I think it was in San Jose, there had been an inordinate number of police officer shootings. I think seven suspects had been killed and fourteen of them shot. There was a special committee set up to review this, and the committee was made up of most of the senior officials in San Jose. And, again, the jury wanted to sit in on the meetings. The word came back through the county counsel that we couldn't do that because

the city attorney would be present, and the police chief, who was conducting the investigation, the review, might ask the City Attorney for a legal opinion, in which case, outsiders couldn't be there, because such information could not be disclosed.

Now, we had read the McClatchy case and we knew that passing confidential information from one county government unit to another is not disclosure under the law. But every time we tried to gain access to any of these areas, we were told that that was tantamount to disclosure and it would not be permitted.

We went to county counsel, got her to agree that we had a case, and she marched off to do battle with the public servants, came back and told me, us, that the servants, the public servants were right, and in fact, in the end wrote the foreman a letter in which she said "This grand jury will never attend a meeting held by a public entity in Santa Clara County unless it is a meeting that's open to the public or a direct invitation has been extended to the grand jury to send observers."

Well, we decided that wasn't quite right, so we went to the Superior Court Judge, presiding judge, and said we wanted outside counsel, objective counsel. We were told we couldn't do that because he would not request the funds from the board of supervisors. Okay. We went to the Attorney General. There's a clause in the California statutes that said he can act as an advisor to a California grand jury. However, any money he spends has to come out of his office account. As I recall, the note we got back said they hadn't even had time to read our petition before they decided they couldn't help us.

At that point, we decided to go for outside counsel pro

bono, and we lined up an attorney who is famous in the area for his ability to take on public figures, and he agreed with us. So we told the presiding judge what we were going to do, and he said, "If you do that, it will be in violation of your oath because you can't discuss jury business with any outsider." Attorney/client confidentiality had somehow evaporated. "Further," he said, "if you violate your oath, you know, we will have to consider that under the law as a misdemeanor." Remembering what had happened to the five jurors in the previous grand jury, we elected perhaps not to do that.

It's now about the tenth month of our tour of duty when the District Attorney said "I'll take on your case. You should be able to attend these officer-involved shooting review panels." But it was too late. Our time was up.

I think that this organization has a wonderful opportunity to establish what reasonable interpretations of the statutes might be, what grand juries can and cannot do. I can see no reason why a grand jury cannot send observers to almost any activity conducted by public officials within the county. There are some cases, I suspect, where public officials are being defended by the county for personal criminal activity, in which case, attorney/client privilege might apply. I don't know.

If this organization were to take a year to review all of this and come up with a set of guidelines, it would be very useful, I think, in the training courses that we provide throughout the state. If the organization could act as a responder to juries throughout the state that have questions on the subject, and perhaps with an authoritative outfit like this

stating the obvious under the law, perhaps public officials would not be quite so quick to try to deflect and defer the effective county grand jury. So that's my proposition to you and to the panel that this organization should review the authorities of a grand jury and provide the results to juries as required throughout the state.

There's another side to the coin, obviously. Perhaps such activity by this organization could generate some retribution from Sacramento. I guess that's possible. However, if we have to admit that, then perhaps we'll go farther down the slippery slope than I thought we were, and maybe we've already lost. But I ask you to consider this and perhaps if you agree to ask the board of directors to set up a working group to address the issue, I think there's great merit in it, and I'd appreciate your comments and suggestions.

Yes?

MR. COLBERT: Ormond Colbert, Riverside. You had a right to do everything you did do and could have carried it one step further. You can get outside counsel.

MR. ALNE: I certainly agree. I'm just telling you what the presiding judge in Santa Clara County said. I agree with you.

MR. COLBERT: And you did everything else down the line and reached that point, and you could have.

MR. ALNE: It was interesting that the lawyer we had selected to do this who had agreed to do it has several cases going against the city and the county. And a couple of weeks ago, he was hired by the county to represent them in a similar case on the grounds he was the best around that they could find.

MR. COLBERT: However, your suggestion that the association draw up some guide rules and what is allowed and what is not allowed would help other people in the same case. I agree with you in that respect.

MR. ALNE: Yes, and that's my point. I realize my experiences are localized to my county, but from what I've heard from other members, this is not unheard of. I think you fellas took them to court on one occasion and did the same thing regarding access to closed meetings. Anyhow, that's my position.

MR. ZEPP: Dick, somebody who has taken up with the Court, any comment on that?

MR. NICHOLS: It was not entirely clear to me, Bud, what the nature of these hearings was. I have a little bit of difficulty with the concept of grand jury access to internal investigation hearings because there are statutory prohibitions against the disclosure of information regarding internal affairs investigations and proceedings. So if this was an internal affairs activity, I would have some considerable hesitancy about your position. If this was something that fell outside of that, it's an entirely different situation.

Let me tell you a little bit about my history in this area. We, in El Dorado, attempted to obtain closed session information from board of supervisors meetings, and communications both from the county executive and the county counsel to the board regarding the purchase of a building supposedly for the benefit of the county. We were stonewalled by the County and the board and unsuccessful in negotiating a solution. So, ultimately, I

went to the county counsel and said there's two ways we can do this: We can ask the Court for an order to show cause why the board should not be held in contempt for its refusal to respond to a grand jury subpoena, or you can sue us for declaratory relief that we were not entitled to do what we did. And they elected to sue us, not wanting to deal with the contempt issue.

The end result of the litigation was that we obtained a ruling from the Superior Court to the effect that disclosure to the grand jury did not constitute public disclosure and that, therefore, we were entitled to the information, which set a very fine precedent.

The following year -- we are a small county, but there are those of us who love to fight. The following year, we got into a personnel records dispute, and I suspect that the context of this is somewhat closer to your context, Bud. We were investigating the question of whether probationary employees were being treated unfairly, strung along until the last month or two before their probationary term expired and then being let go without cause.

We subpoenaed personnel records of ten employees, or we requested those records. County counsel told us "Hell, no." So we had a negotiating session, sat down and attempted to resolve the situation, and we reached an agreement. We gave up our hard-line position. They gave up their hard-line position, and we accommodated each other.

The problem was that county counsel -- and I think properly -- felt duty-bound to advise the ten employees whose records were being sought that that was happening and that if

they wanted to do something about it, they should do so. So they went to their employees association who immediately filed suit against both the county and the grand jury. Ultimately, the Court issued an order, which was very, very close to the agreement that the county counsel and the grand jury had negotiated to begin with, slight differences, but fairly inconsequential.

The problem -- the reason that there was not full disclosure was the impact of the California constitutional privacy provisions which, of course, override any of the statutes in the Penal Code or any other statutory provisions including the statutes that provide for grand jury powers. So it is not an entirely clear playing field.

Subsequent to that, there was an intermediate Appellate Court decision out of Fresno in the context of juvenile court records, in which there was a statute that provided that juvenile court records were not to be disclosed except for -- and there were ten or twelve specified exceptions written into the statute. Well, disclosure to the grand jury was not one of those exceptions, and so the Court held that the general grand jury right of access did not apply to juvenile court records.

It may be that the hearings that you're talking about were conducted under a statutory authority that had a similar prohibition. I don't know the answer to that, but all I can say is that we, as grand jury folks, have a tendency to take a very broad view of grand jury power and authority. And I'm one of the people who does take that broad view, but that broad power and authority is not unlimited, and we need to be aware of that

and not simply go off saying "We are the grand jury, we can get it," period, end of discussion.

MR. ZEPP: Well, my mentor in this organization was Dan Taranto, and I think what Dan told me was his operating principal was "Do it until somebody proves to you you can't." So Dan, you want to speak to this issue?

MR. TARANTO: Well, other than what you have already said, I don't have much to add to what's already been said by the others, but I did have a couple of thoughts. The one anecdotal experience that I can speak to along these lines was in a jury subsequent to mine in Humboldt County that the jury went into Child Protective Services. For what reason, I don't recall, but they wanted access to certain records, and they were, of course, denied. So they went to the county counsel on grounds that they were confidential records and they were not to be investigated by anybody, including the grand jury. So the grand jury went to the county counsel. County counsel said no, they did not have access to those records. And then they went to the judge, and the judge says he wasn't sure. And the judge then called down to the county counsel and asked them for a legal opinion on the matter.

Seeing that process in action, there happened to be a lawyer on that grand jury, you'll recall Steven Phipps, who used to be a former board member, et cetera. He filed an alternative opinion. The county counsel's opinion said you do not have access because they are confidential records. Steven Phipp's persuasive argument was that the grand jury is sworn to confidentiality. Child Protective Services is also required to

keep the records confidential, and thereby if a grand jury looks into the confidential records, there's a continuity of confidentiality. And both of those opinions were presented to the judge, and the judge selected the grand jury attorney opinion over the county counsel's opinion, and then they were granted access to those records.

So I think there's probably a variety of ways to skin the cat, and you've got to be willing to be tenacious and inventive and see what you might be able to work in the context of what you've got to work with in your own respective counties.

The only other comment that I can think of, given those things that Bud has had to say, is that when they went to the Attorney General, I had a hand in writing the legislation that gave the grand juries direct access to the Attorney General, but of course, when they had their shot at it going through the legislative process, they put the little caveat in there "if they could afford it at the Attorney General's level." It gave them an easy out if they wanted to dump the hot potato, which this case probably was.

But the grand jury could, since they had a willing D.A., they could have gone to the D.A. and the D.A. could have asked the Attorney General for an opinion, and then the Attorney General would have had to reply with an opinion, and that might have been very helpful.

MR. NICHOLS: I want to second what Dan just said because one of the things that we did was to attempt to get an Attorney General's opinion, and we were told in writing expressly that they don't issue opinions at the request of the grand jury.

They do so only at the request of District Attorneys or county counsel.

MR. ZEPP: Thank you. One other thing to that, and then, Bud, I'm going to give the mike back to you. One of the things that we deal with in training that comes as a big shock to people is that although the Penal Code does authorize grand juries to have access to independent legal counsel, if you actually read the provision, there is no way on God's green earth that any grand jury can get access to independent legal counsel in a meaningful way unless the judge is willing to violate the law, which many judges are.

But the provision that authorizes you to get independent legal counsel requires that there be an evidentiary hearing. So in most counties -- in Santa Clara County, that's probably about a year away -- the result of the evidentiary hearing is appealable. If you appeal the result of the evidentiary hearing, the order is stayed. So you are talking effectively about a four-year period before some grand jury four years later gets a check in the mail to hire independent counsel.

So I think we can operate on the assumption that it's okay for grand juries to get independent counsel. That's true if you've got a friendly judge who is willing to forget all that stuff and just say okay. But if you've got a court that's going to follow the rules, you will never see the money. It's that simple. It can't happen that a one-year term grand jury is going to see the money during its life.

And, Bud, you want to conclude for us.

MR. ALNE: Regarding what kind of a hearing is it we were

trying to look at, in this case, it was a special hearing set up by the City Council in San Jose that required the Chief of Police to gather all the major players in the city government: the City Attorney, Human Resources, Public Works. Everybody was there, including the City Attorney, and the express purpose of that was to review the activities associated with an officer-involved shooting of a suspect.

As to the other question of could we look at Internal Affairs, my understanding of the law says that it says simply that the officer who is being examined has the right to know the names of everyone present at the meeting. And to me, that means we'll give him the names of the grand jurors who are there. Again, the confidentiality issue, grand jurors are bound and constrained by the confidentiality oath. That is every bit as constraining as any of the people who are involved in any of the reviews that we're talking about.

We did have access to Internal Affairs. We looked at their records. We listened to their tapes. We went through case after case. And I must tell you, as we said in our report, there's a horrible thing called the Bolander admonishment. Anybody who complains against an officer has to sign a note that acknowledges that he's committing a misdemeanor if his complaint is found to be frivolous, and that puts off an awful lot of folks.

So, when we sat down and listened to all of this, we found that there was a cheery, hardy, hail fellow, well-meant sort of a thing when they were interviewing the officer who was charged with excessive force, while the complainant that issued that

side of it would be as formal and as strict as anything you have ever heard. We suggest that all those things should be videotaped, and the San Jose Police Department said they'd be happy to do that, but they didn't have storage space for the tapes, so they couldn't do it.

MR. ZEPP: Thank you, Bud. It's kind of funny that, as probably most of the people in the room know, the Assistant District Attorney in Santa Clara County who deals with the grand jury, Bill Larson, was just the subject of some stories about intimidating witnesses by telling them that if they don't follow the admonishment that they couldn't talk about what they already knew, that he would see to it that they were all charged with felonies. Santa Clara may be just a little on the tough side of the way they deal with grand juries.

But I think what you have asked us to do is consider whether or not this organization should undertake, through a work group or otherwise, a review of -- I'm probably going to misstate this, and I'm going to ask you to say it for me if you would -- but I think what you're asking is that we undertake a review of whether or not grand juries are being accorded the authority that the law says they are supposed to have at the various counties; is that fair?

MR. ALNE: Yes, that's essentially it. I don't find any specific fault with the law. I've been led to believe that you can read the law and assume the standard definitions for the words that are in the statute when the statute contains a specific definition for words that are used in the statute. When I read the statutes, I'm not dissatisfied with what they

say.

The opening shot in the Brown Act resonates of the constitution, "We, the People," and how they are going to control and observe and follow what their public officials do was dismissed by the Santa Clara county counsel as being irrelevant. She said if you think you are going to visit some sort of a meeting taking place in this county, you'll have to point to the statute that identifies the meeting you are going to attend, and if you can't do that, tough.

I would like to restate just a little bit. I would like this organization to examine the possibility of determining what the general authorities are of a grand jury. And if they do find that they can list these in some reasonable manner, that that information be made available to the training team, so that it can be passed out throughout the seminars which you hold. I would like somebody in the organization be designated as a contact, so if there are grand jurors out there who have a question on this subject, they can call the state organization and get a response.

If those delineations of grand jury authority are a matter of public record, I think it would do an awful lot to inhibit public officials who are trying to dismiss out of hand any attempt by a grand jury to review their activities with the full knowledge that by the time the grand jury gets around to making a tough issue of it, their term will be over, and they'll have to start all over again the next year.

There was a remarkable thing in the paper this morning about Jerry Rice where a writer said that "It's pretty obvious that

Jerry can see the setting sun.; his problem is he has mistaken it for a searchlight that's pointed at him." Well, I can see the setting sun. I don't want to wait four years. I'm not sure I got four years. I'm middle-aged already. And so I urge this organization to give some consideration to this, because I think it would be a major contribution if some headway could be made here.

You have a question?

MR. COLBERT: Ormond Colbert again from Riverside. Do you see a common thread through all of this? The county counsel is not an independent counsel to the grand jury.

MR. ALNE: That's correct, although she is our primary legal advisor.

MR. COLBERT: She's working both sides of the street.

MR. ALNE: Yes, that's correct.

MR. COLBERT: That's our problem.

MR. ALNE: We would explain it to her, she would say that sounds good, and she would get instructions from the other side and come back and tell us, "Sorry, that won't fly."

MR. NICHOLS: That's really a political problem more than a legal problem.

MR. ALNE: It could be fixed by outside counsel.

MR. NICHOLS: It could be fixed by outside counsel, but some county counsels are very fair and honest about acknowledging the conflict and requesting their boards to authorize outside counsel. Other county counsels are not, and unless you have a county counsel who is going to be honest and fair on the subject, you have a serious political problem before you even

get to any of the legal problems that Bud is talking about.

MR. TARANTO: The only other thought I had -- of course, this has long been a chant of jurors. There is a conflict of interest between the county counsel giving advice to the county agencies, and then also responsible to give, you know, hopefully dispassionate counsel to the jury. And it's a mixed bag, and it changes from year to year. You might have a good counsel this year. Next year they swap chairs, and the new one is a little more reticent to be helpful. I don't know what the solution is. It would be a hell of a political battle to try to get that through the Legislature, and I suspect it would fail several times before it had a chance of succeeding.

There has been a suggestion, though, that I think might have some merit, and I don't know how it would be approached. It might be something to put on the agenda for consideration, but there is things such as, say, the Retired Judges Association that could possibly be approached to entertain pro bono counsel to grand jurors in need of an independent counsel where budgetary constraints would otherwise prohibit it, or other such ideas along this vein might bear some fruit if it were explored more thoroughly.

MR. ZEPP: Bud, you go ahead.

MR. ALNE: We have a very basic problem in fundamental difference of requirements. The people would like to see a transparent government. They would like to see what is going on. The public officials necessarily have to conduct part of their business behind closed doors, things such as union agreements, this sort of thing. The trouble is there is no

clear demarcation between the two, and those who oppose having grand jury reviews will stretch everything they can to get it under this umbrella of excluded things. If all else fails, they'll call it work in progress, which cannot be disclosed -- again, publicly disclosed. And I would not argue it's not being disclosed, it's being reviewed -- a distinction without a difference in the eyes of many.

I want to thank you for the opportunity to talk on this subject. It is important to me. And I want to thank Jack and the others for allowing me to do that. Thank you all.

(Applause.)

MR. ZEPP: Does anybody have any comments on what you have heard? I mean, this is kind of an intriguing thought.

Yes, Jack?

MR. VAUGHAN: Jack Vaughan, San Diego. I was a little shocked at your statement about the fact that it was illegal for the juries to have outside counsel.

MR. ZEPP: That's not what I said, Jack.

MR. VAUGHAN: I'm sorry?

MR. ZEPP: That's not what I said. What I said was for the presiding judge to authorize the expenditure of money for the grand jury to have outside counsel, a presiding judge has to go through a bunch of hoops, and they mostly won't do that.

MR. VAUGHAN: Well, in the 94/95 jury in San Diego, we were requested by the board of supervisors to investigate why a particular court case took so long to do it. They wanted us to investigate, which we went ahead and did. We looked at the possible people to act as our advisor. None of the people could

be, because they all, somewhere along the line, were involved in it. We got money from the board of supervisors to engage an outside attorney and everything went fine.

MR. ZEPP: Well, two things: One, you got the money from the board, not from the Court.

MR. VAUGHAN: True.

MR. ZEPP: If the Court is going to, in effect, order the board to spend the money, which is not what happened in your case, there's a list of things the Court has to do. And what I was trying to say is if the Court does those things, you won't get the money.

MR. VAUGHAN: Okay.

MR. ZEPP: But you got it from the board, so no problem. Okay.

Yes, Sherry?

MS. CHESNY: Sherry Chesny from Placer County. In Placer County, it is possible to get pro bono attorneys through your judge, and we did this on a particular investigation that we had where we needed legal advice from an attorney in a specific area. We went to our judge, and he didn't want to bother with the funds, plus we needed it in a hurry and we couldn't wait to get the funds through the county or anything else. So he pro bono found a lawyer with the area of legal expertise that we needed at a neighboring county who came in pro bono and met with our grand jury and gave us the advice we needed. And it was fast and easy and free. But we had a good relationship with our judge, which we had cultivated.

MR. NICHOLS: Sherry, was this attorney representing the

grand jury, or was this attorney simply giving advice to the grand jury?

MS. CHESNY: It was advice on an area of investigation that we were doing.

MR. NICHOLS: That would seem to me to be nothing more than calling any other witness who may have expertise in a particular subject, and he's doing so pro bono.

MR. ZEPP: Well, you know, Dick, I think has represented your grand jury for two years? Three years? A lot of grand juries have lawyers on the grand jury who will, in effect, become the legal advisor of the grand jury. There's nothing wrong with that. I mean, I don't know, you went to court on behalf of your grand jury.

MR. NICHOLS: That was the purpose of my question of Sherry as to whether the person she was talking about was an advisor or a representative.

MR. ZEPP: Right, right.

MS. CHESNY: It was an investigation and it involved real estate law. We needed some specific expertise.

MR. ALNE: Our pro bono attorney did not go to court, but we did get involved extensively in discovering these things, and his position was that the law deals only with the funding for outside counsel. If the funding is not approved, the grand jury cannot incur the expense. It's absolutely silent on pro bono work. There's no money involved, and according to our attorney, it isn't in the statute, and it can't be constrained.

The big thing is that the grand jury wants to look at a process, and all of the defenses that I've run into opposing

this have pivoted around the facts of the case. We want to investigate the investigation. We don't want to look at the investigation, per se. We want to look at the process that they went through. And every public official I've talked to has resisted that kind of interpretation and will almost demand that you consider that an intrusion into an investigation, an ongoing investigation, which I don't believe to be the case.

MR. ZEPP: Any other comments from the audience? Yes?

MS. BARDELL: Serena Bardell, San Francisco. This may be impolitical, Jack, and if it is, you can cut me off.

MR. ZEPP: It wouldn't matter. I can't hear you.

(Laughter.)

MS. BARDELL: You have indicated that because of the changes in the Legislature and one reason or another that there isn't a great deal of warm, hearty feeling at this particular moment in state legislature that we might expect for the grand jury. I don't think I'm telling tales out of school, I hope, by saying that. And while Bud was telling this fascinating tale, that was going through my mind. Could you comment, please.

MR. ALNE: Could you translate that in a baritone for me.

MR. ZEPP: If I understand the question, it's do I think that there would be legislative sympathy for trying to correct the kind of problem Bud was talking about? No, I think there would be none.

MS. BARDELL: My real question is do you think -- I mean, Bud hinted at it by saying we are farther down the slippery slope than he hoped. Is this really not the right moment in history to be considering Bud's request because of the climate?

MR. ZEPP: Well, I think you have to divide Bud's request into two components: One is I think he's asking that we do something to try and better inform ourselves and the training committee and other grand juries about what their authority is. I mean, I would agree with that. I don't know what we think, but I would agree with that. The other is would we want to go to the Legislature if we find that there was a problem in trying to fix it in the Legislature, and I think that would be a disaster. I think they would just -- I mean, we would end up with less than we have right now.

Anybody else on the panel?

MR. RUTH: I really want to dismiss that out of hand as part of what this -- let's call it an ad hoc committee would do. They would look at how we educate our new grand jurors in this particular subject. We have a lot of experiences here, and it would keep them from walking down the same path, and who knows what the legislative action might be. You know, you got to define that.

MR. ZEPP: Well, as I've already said, as far as the first half of that, I'm in complete agreement. As far as the second half, I'm also in complete agreement. Who knows what the Legislature would do. But the problem is the upside is very small compared to the down side.

MR. RUTH: We don't know what really is necessary to do legislatively to correct the problem.

MR. ZEPP: Let me give you an example. Supposing you went to the Legislature and you tried to carry a bill that said that we want the authority for grand juries to sit in on police

internal administrative -- what do they call them -- internal affairs investigations? Do you have any idea what you are likely to end up with?

So all I'm trying to say is I think that we, as an organization, I would -- and it's not necessarily important what I think -- but I think we would support what Bud is saying in terms of what we do and what we tell our trainers and what we tell new grand jurors. As a person who currently is a guy charged to go see the Legislature, I would not want to try to get them to get behind a bill that increased the authority of the grand jury to get into in-process investigations, because I don't think there's a chance in the world you could carry it. And if you can't carry it, what it's going to end up into is a bill that's much worse than what we have now.

MR. NICHOLS: I was struck by Bud's comment that he and his grand jury were interested in the process rather than the specific facts of the specific incidents. Well, there's a lot of ways to skin a cat, and you don't necessarily have to be present at a hearing in order to obtain information as to what process was followed at that hearing. And I would wonder whether your grand jury made any effort to subpoena the participants in the hearing in to interrogate them as to what processes they went through and why and how.

MR. ALNE: In the case of the officer-involved shooting panel, we did exactly that and we were told by the city attorney, "I will instruct every one of them to refuse to testify on the grounds it's confidential." So we did do that.

I'd like to correct also the impression perhaps I've left

with you, and that is, my views perhaps are rather clear on this. But my point is I'd like to hear what the organization has to say about it, and I would not argue with any of Jack's suggestions that there might be retaliation legislation if we proceeded. That's a possibility. But I think that this group should consider that and weigh the evidence and decide whether the game is worth the risk. So I'm not pushing a particular agenda. I'm not looking for answers for specific questions that come up here, but rather requesting that this organization simply review the whole issue and come to some sort of a collective conclusion. And I'll be happy to go along with that, whatever it is. I'm not pushing a particular agenda. I'll be around when you discuss this, if given the opportunity. But right now, all I'd like to see is the organization address the issue and come up with whatever their collective conclusions are.

MR. ZEPP: Dan?

MR. TARANTO: Yeah, I think we need to consider that. But there's one other thought that occurs to me in terms of trying to get the most done with the least amount of effort. We don't have a lot of muscle power. I think that the A.G. opinion is the best approach before you even consider going to the Legislature, and that would mean whatever pretext that you can develop somewhere around the state to get an A.G. opinion, I'm not sure how that would happen, but the next time one of these events occurs, if the juries understand the importance of an A.G. opinion on the matter of this sort of access -- when you get an A.G. to do an opinion, what is really beneficial about

that is they do an enormous amount of research. And the research that goes into generating that opinion then can be used to understand precisely what all the elements of the law are that are variously used by the counties to prevent the grand juries or avenues that might be open to the grand juries that aren't perhaps very well known, and it would also offer those of us who are promoters of grand juries the resource to make reference. But we are not an Attorney General's level of authority to where we can divine ways to do this. All we can do is encourage that you read your compendium and that you be creative and maybe hopefully come up with some ideas that you can contribute to the general pool.

But getting that A.G. opinion seems to be the shortest way to getting something very crisply defined on paper on where is that dotted line upon which the grand jury cannot cross. And then all of the legal research that goes into that opinion, which is all the case law and laws and the evolution of the laws and the changes and the intent of the laws, are really -- it becomes quite a document that becomes a good reference starting point for this kind of promulgation of information.

MR. ALNE: Again, I'd like to distinguish the problem and the answer to the problem. We are struggling here with the answer to the problem. My proposition is we should simply try to define the problem, and if a problem exists, then we will try to resolve the problem. So once again, I'm asking you collectively, do you think this is a problem and is it something that should be addressed? And we might do all of the things that have been suggested here if you conclude the problem merits

investigation. So, again, I'm not suggesting the solution. I'm just suggesting that you define the problem that you, as an organization see it, and then I would think what you do next would become obvious.

MR. NICHOLS: I would like to respectfully disagree with Dan about the amount of deference to be given to Attorney General opinions. In my case, I had an Attorney General's opinion dead smack on against me. The problem was that the Attorney General had failed to consider two specific provisions of the law that applied to the situation. And if you get garbage in, you get garbage out, and the Attorney General is just another lawyer. There's nothing magic about the Attorney General if his opinions don't hold up on the foundation for their conclusion.

MR. ZEPP: Any other comments from the audience? Bob?

MR. GEISS: Bob Geiss from Orange County. In our training seminars, we already offer, if you will, a legal source of information both on the web site and by specific names internal to our organization. So if your organization, like a sitting grand jury, requires a steer toward where the appropriate legislation is, we can do that. We have been doing it. So that part has already been done.

MR. ZEPP: Any other comments? Let me just ask for a show of hands, because we are probably all curious. How many people out here think that the issue Bud has raised is one that is of sufficient statewide concern that the organization ought to take it on?

MS. HARR: Are you talking about defining the problem?

MR. ZEPP: Yes.

(Hands raised.)

MR. ZEPP: Getting something like a third or maybe half of the people

All right. Well, obviously, Bud, we can't do anything about it right now, but we appreciate your talking to us. Thank you.

MR. MOGER: We have no announcement yet from our tellers. They are still counting the ballots, and I checked with them, and they indicated that they thought they could have it ready by a 5:30 meeting which is a special meeting of the board. So I will ask the board members to stand by for that special meeting that's been noticed at 5:30, and at that meeting, we'll elect our new officers.

But for the rest of you, the program is now adjourned until 6:30 tonight when we have a reception. So we look forward to you attending that reception, and we'll see you at 6:30. Thank you very much.

(Proceedings adjourned.)

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CGJA 2004 ANNUAL CONFERENCE

FAIRFIELD, CALIFORNIA

FRIDAY, OCTOBER 15, 2004

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MR. LEWI: Good morning, everyone. I'd like to call the meeting to order. We have our audio engineer working the system here. We now know who the truly dedicated people are: the ones who get up for the first session in the morning.

First thing I'm going to do is introduce back Donna Harr to the table. She has a few introductions she would like to make and then we'll get on with our program. Donna.

MS. HARR: Good morning. I hope all of you had a wonderful evening, when you were able to either return to your hotel room or your family, as I did. My husband is very glad to see me, and that's always encouraging after being gone all day yesterday.

I think that grand juries run well at the local level, and that's why we have grand juries at the local level, even though last night our speaker said we need to work very, very hard on the state level, because it's an area that is needed. So I'd like to reiterate that point, but I also want to say that in Solano County, we have one of the most dedicated group of people who worked very, very hard to put this conference on. Clif was the spearhead. I was on the committee, but a very small part of it, but Wanda Kiger-Tucker, who is the chair for the Solano County Chapter of the Grand Jury Association and her group really did an outstanding job. And we also have back Cathy Houck, our chairperson for this year's grand jury.

So I'd like to call on Wanda, if she would please stand, and maybe I could have all the people stand who are here who are on the Solano County Grand Jury. And, Wanda, would you introduce them, please.

MS. KIGER-TUCKER: My committee members. As Don mentioned, Clif was really the driving force. He has dedicated countless hours to doing all this, and we just all filled our little slot. But I wanted to recognize and give thanks to the two guys out front. They sat there and did all the registration for us. And I'll -- well, anyway, I'll mention Earl. He put together a really impressive survey and spent a lot of hours doing that. So there's Earl Heal, John Woods, and where is Tom? There you are, Tom. And they sat there and dedicated their whole time to taking all your registrations. And Don Enneking put together the sound system, and Ourania is our treasurer, and Donna just graciously stepped in to MC and, you know, filled Clif's absence.

Now, we were just saying, there's no good time for anyone to pass away, but this came at the worst possible time. Clif didn't get to see all the fruits of his labor, but we'll just remember him. He's dealing with a family death. And that's our little group. Thank you.

MS. HARR: Thank you, Wanda.

I did make a call to Clif this morning. He was in the shower, but I talked to Joanne, and since she did the majority of typing -- in fact, all the typing and organization of it -- I gave her a glowing report and told her that you liked your folders, and I hope you do, and that all her work was very much

appreciated, and I sent our good wishes to her and to her family, and that included Clif. If he's in the shower at the wrong time, that's his problem. But, anyway, we all know as grand jurors that we follow the money. The money is the most important thing ever, and so, Jerry, are you going to introduce Simona?

MR. LEWI: Yes.

MS. HARR: So your president is going to introduce someone I had the pleasure of working with for two years when I was on the grand jury, and she is an outstanding person to work with. She is very knowledgeable, very willing to share her knowledge, and I really want to say personally to her that I appreciated her efforts when I was working with her. And I'll turn it over to Jerry. Thank you.

MR. LEWI: I'm glad that Donna mentioned Clif's wife. All of us on the board know perfectly well that Clif would be totally ineffective without the support of his wife, so I'm very pleased that you acknowledged her. I hoped we would meet her, and since I've made a commitment to the chapters that I want to visit every chapter during my term, I assume I'll get a chance to meet her and thank her personally. So thank you, Donna.

I was quite fascinated with the topic this morning and the speaker because, on a personal note, one of the things I did when I served on the grand jury in Ventura in '98 and '99 is to work with the auditor-controller to learn where the bodies are buried. We did a report on the -- not the budget, per se, but on the budget process, and the budget book. If any of you have looked at a county budget book, it's a horrible thing to look

at. And I'm sure that Simona will tell us more about that.

Even more recently, I currently chair a committee in my town of Thousand Oaks called a budget task force, and we are doing kind of the same thing at the city level. And I work with her counterpart in Ventura. It turns out he's a good friend of our speaker, so I'm personally very much interested. It's a great topic for grand juries. And, hopefully, you'll pass the good words back to your sitting grand juries.

I also have found that a budget book, is a -- I say this in the continuity training -- is a great way to learn about a city or a county or a special district, because it's more than a bunch of numbers. They use a lot of good descriptive information about what that agency does. And I'm probably possibly taking away from your talk, so I'll shut up and introduce our speaker, Simona.

MS. PADILLA: Thank you. I want to thank our grand jury for inviting me this morning. When Clif approached me and he asked -- he said, "Simona, would you do me favor?" He says, "Will you speak to our Grand Jurors' Association about the role of the auditor and how we can better interface with one another?" You know, I was really delighted at the phone call, but I thought what a great idea that we start talking about how we can better interface with one another.

With his suggested, I guess, title for my presentation this morning, I thought how do I approach this so that it makes good logical sense? So what I have done is I'll be talking about what is the responsibility of the auditor-controller. So what is it that we are here to do? How do we do it? What is the

role of the grand jury? How do we come together? How do we overlap with the responsibilities that we both have? And then focus on what are the tools that are available for the grand jury and the auditor and look at some of the things that we are doing in Solano County with the grand jury and look at some of the things that we can do better. So that's kind of the outline of my presentation this morning for you.

So when we talk about the auditor-controller, most auditor-controllers, you probably know throughout the state of California, you have a mix. There's a variety of different titles, but most of us have the same responsibilities and functions. Throughout the state, you'll find auditor-controllers. You'll find auditors. You'll find controller and auditor as two separate department heads. You will also find department of finance, finance directors. But the bottom line is we all do the same thing.

So with that is, what do we do? What is the responsibility that we have been given by law? There are code sections that specifically prescribe what the duties of auditor-controller are. Primarily is we are the chief financial officer, the chief financial officer of the county. What does that mean? Well, that means that the auditor-controller has full responsibility to work with county departments, offices, special districts under the control of the board of supervisors, and also special districts that deposit money into the county treasurer.

The auditor has the authority and responsibility to prescribe to these entities the forms, the financial system, and the processes that they will adhere to to process financial

transactions. In addition to that, the auditor-controller has the responsibility and authority to perform audits, the audits of the same entities, offices, departments, under the control of the board of supervisors, and also special districts that keep their money in the county treasury.

The last responsibility that the auditor has, per code, is that we are to conduct audits of special districts or if we are not contracted to conduct these audits, we are to work with the special districts and insure that an audit is conducted. So the auditors do have some responsibility: one to either audit or one to have an audit conducted. So how do we do this? Those are the requirements by law. How do we do this?

Well, first we see our mission statement. We see that we are to provide -- we provide information. We provide services. We provide professional advice and provide professional technical assistance to the board, to the county administrator, county departments such as grand juries and other agencies insuring fiscal accountability. So now we are getting to a common thread. Fiscal accountability. We are interested in fiscal accountability. How do we perform these functions? What information does the auditor or the finance department have in their possession that is good information for grand juries?

Well, we establish accounting policies. The auditor is responsible for establishing the road map, direction and accounting policies for our departments to adhere to. That's our job. We insure that we participate proactively. We have to proactively take a part and become a part of the team in the county organization to develop better ways of doing things. And

so we get ourselves in the mix with the county administrator's office. We get ourselves in with county management, because we have to get in there and understand what is going on out there. So we have a responsibility to identify opportunities to better track our public dollars and insure that our money is spent in accordance with the purpose for which it was intended.

The controller function in the auditor's office, in my mind, is a very important function because this is where we control. This is the controller part of our title in that we do manage the county's financial information system. Everything that comes through our system, the auditor insures that there's proper documentation, that their expenditures are in accordance with the law; that they pass the smell test; and that's always my thing to departments. You know, don't send us anything if it's not going to pass the smell test. If it's something that the grand jury is not going to be happy with or if it's something that the newspapers are not going to be happy with, don't send it to us. You know, we don't need to see that. So that's the criteria that we often use in insuring that our payments, we make them in accordance with the public intent.

So we feel in the controller function, you have a lot of information available to you. You have all the original documentation there of every public expenditure. It's in the auditor's office. Many counties, though, you do have a decentralized system. So you do need to check with your own county to see how are they processing these payments. Generally, the financial system is managed by your finance director or your auditor-controller. But many counties have

decentralized the recordkeeping. So a lot of your original documents, invoices, sometimes are kept at the department-level, rather than the auditor or the finance department. So you would need to check with your county to determine where is the supporting documentation for the expenditure of public funds.

Generally, the auditor's office is also very active in insuring complete accountability with fixed assets. You know, fixed assets is probably one of the largest expenditures in government. So we really work very closely with our departments to insure that all of the computers, especially now that everyone has a computer and laptops that can go home, we don't want them to stay home. So we want to make sure that there's good policies in place to insure that the public assets are accounted for, are tracked and that we, the auditor, do spot checks with the departments. So we are out there, and the departments know that.

Of course, you know that we process payroll checks. Most of your finance departments is where your checks are processed. So time sheets, we work again with the departments to insure that they understand the rules, they understand the Fair Labor standards, that they understand the federal and state laws. And so that's all information that you can also get from your finance department.

We administer the property tax system. This is probably the biggest area for most entities, and all of your local agencies, just county. Because this is where the property tax money gets allocated. The auditor calculates the factors every year, and I know with all the things that are going on with the state, with

all your ERAFS this year in particular, there's going to be a lot of stuff going on that is changing how much property tax your local agencies are going to get. And it has to do with all the proposals on the table with swapping with BLF. You have probably heard that we are going to be swapping license fees. We are going to be swapping sales tax. There's going to be another ERAF shift. What is an ERAF shift? You probably know that we have taken local property tax money, and we've shifted it to the state. Since '92, '93, we've had two shifts. This year the third one kicks in. So there's a lot of that information that your local agencies are probably going to be concerned about what is happening here. Why am I not getting my property tax money? Go to the auditor. They can help you.

This year, like I said, there's going to be lot of changes because you are going to be seeing a decrease in property taxes. Local property taxes are going to be going down, but they are going to be swapped. We have to give up BLF. They are going to give us property tax. We have to give up sales tax. They are going to give us ERAF. There's a lot of stuff going on. So the auditor is who has to make it all happen.

And, of course, the last area is probably one of the most important areas, and that's our internal audit function. And the internal audit function, that's where we do your financial audits, your process reviews, we do internal control reviews. And so that's the watchdog. We have the controller function that we do a lot of auditing prior to making payments. But we also have the audit function that goes out there and looks at just the processing and look at how things are being done.

So that's what the auditor does. That's what the auditors throughout the state of California are responsible for doing. In one way or another, we are all doing the same thing.

So, now, what is the role of the grand jury and how do we come together? And so the grand jury, one of the key roles for the grand jury is your civil watchdog responsibilities. And what are those responsibilities? Those responsibilities include the examination of city and county government and special districts. Okay. And the grand jury's role is you want to insure honesty, efficiency and fiscal accountability. Okay. We have some common threads here. Okay. The grand jury has the authority to inspect and audit the books of public agencies. And you're interested in making sure that the public funds are spent in accordance with the legal compliance and that they are expended for the purpose for which the money was intended. You're interested in accountability of public funds.

Okay. So we have a lot in common. The auditor has a lot in common. The difference is, how I see it is, what is your scope? What is the scope of the grand jury? And what is the scope of the auditor, and how can you tap into us to fulfill part of your responsibility because your scope is much broader? Your scope is broader in that you are not just interested in county government. I'm interested in county government. You are interested in county government. You are interested in city government. And you are interested in special districts, dependent and independent.

Okay. And a question was asked as to where do redevelopment agencies fall? You know redevelopment agencies are kind of one

of those animals that we are all kind of wondering about. Where do redevelopment agencies fall? You know, I see that right under the city umbrella. So grand juries have authority over redevelopment agencies. Grand juries have authority over city government.

Another question that's often asked in my office is: What about all the money that county government spends for contracting for social services or mental health services with nonprofit organizations? What's up with that? You know, I'm really interested in getting my hands in the books of that nonprofit organization because the county spent a million dollars of public funds. But we don't know if that nonprofit organization is really spending it for our services or is spending it for other things. So, auditor, help us out. And this has been an issue for years with us, the auditor, the grand jury and county management in Solano County. And I'm sure it's an issue for most of you out there in the state with these nonprofit organizations.

The response is that neither one of us has the authority to go in and audit nonprofit organizations. The grand jury doesn't have the authority; the auditor doesn't have the authority not by law. So we thought, well, wait a second. You know, we should have some say or we should be able to go in if we feel we need to go in. Well, the only way that you can go into the books of a nonprofit organization, which we've adopted in Solano County, is when we contract, when we enter into contracts with nonprofit organizations, we have an audit clause right in there as a provision and contingency on their ability to receive our

money. If the auditor feels or deems it necessary that we want to audit, that we have some concerns, if it's in the contract, we can go in and audit. That's how we've done it in Solano County.

So if you do a lot of business with nonprofit organizations out there, and a lot of your public money is going outside the county, and now we're losing control of our public dollars, put it in the contract. You can put it in the contract, and that allows the public scrutiny. Otherwise, we can't get in.

The other duties of the auditor, and I understand you're interested in, is what is the process for the budget? What is the budget process and the financial process, and where does the auditor fall in in the budgeting? Generally speaking, the budget responsibility throughout the state, it depends on how your board prescribed the duties, you know, through your ordinance. It can be either given to your auditor or given to the county administrator. So it's a shared responsibility. But most of us, either auditor or CAO, at some point, we come together in the final budget, because the final budget is the auditor, the green shades, compiling the numbers and making sure things balance.

But, generally, the requested budget comes through your departments. Your departments put forth their request. The county administrator, working with the departments, determines the level of funding that each of the functions will receive, keeping in perspective the board priorities. So if your board of supervisors has identified the priorities, that's really what's driving the budget process. Once the budget is proposed

to the board, the board can make changes. The auditor then takes the budget, calculates it, compiles it, and that becomes your legal authority for the auditor to now allow a department to spend the money.

And it's a very important function because this is where the auditor or your finance department needs to insure that the spending is held to that budget, and that there needs to be controls in place. You have to have the controls in place to insure that the departments are not overspending. In Solano County, we have not only the controls in place to insure the departments are spending only what they have been legally authorized to spend by the board, but we have what we call mid-year reviews and third-quarter reviews of the budget process. And what these two reviews allow the county government to do is it allows you to do a check of not just your spending, because you can be spending in accordance with your spending limit, but if you are not bringing in the money, you are going to have a problem.

So what our mid-year does, and I don't know how many counties out there -- I don't think many have mid-year and third-quarter to my knowledge -- but the mid-year is really a good thing, and the third-quarter is really a good thing, because it really does put you in a proactive managing of your budget and your finances. And I think that's why Solano County, not to brag, but I think that's why we are in good shape, because I think we are proactively having a lot of controls in place to make sure revenues are coming in. If revenues aren't coming in, then you need to look at your spending limit.

So the auditor plays a very active role with the county administrator's office. We have regular meetings to insure that we are all on the same page. You know, we don't wait until the end of the year to find out that their budget is way off from reality. The bottom line is the auditor keeps the official books, and that is what it is, irrespective of the budget. So if the budget in the books are not in line and they are not communicating, you are going to have some problems. They need to be joined by the hips. We don't need to like each other, but we have to work together.

So what do we do in Solano County with the grand jury? Now that we know what our responsibilities are, now that we know where the information is, what are the things that we do in Solano County? Well, the grand jury's finance and audit committee is very active in the selection process of the external auditors, and you all have external auditors. I know our grand jury committee meets with us at the beginning. Well, first of all, this year we're going out with an RFP. We go out every four years, four or five years. So when we go out with an RFP, the grand jury's finance and audit committee, they are a participant of the evaluation process in selecting the external auditor. So they play a part in the selection process, which is very important.

They also participate in the entrance conference. Each year, they come out to do a county-wide audit. So they do the high-level, the cappers. You probably heard the comprehensive financial report. They do the audit of the big financial report. The grand jury comes in with us, and we all meet

selected management members from the larger departments, health and social service, public safety departments. We all come to the table and we talk to the external auditors and we all come to the table with what are the areas of concern? What are your areas of concern? What are the auditor's areas of concern, and we provide those to the external auditors as sort of keep this in mind while you are auditing.

So during the exit conference, it's really important, because this is an opportunity for both of us to provide input to the external auditors and identify the areas of concern to insure that they address those areas of concern from a county-wide perspective.

Also, we always make a point to the grand jury that all the audits that we perform are available to you. All the audits that the auditor-controller performs are available for your review. I know, a couple weeks ago, our grand jury members came into the auditor's office to review budgets, and they also reviewed audit files for all of the fire districts. So there's information there for you. You don't necessarily have to reinvent the wheel unless you feel it necessary. So that information is available.

So how do we continue -- how do we continue to increase relationships? How do we interface better with the grand jury? Where are the opportunities? Well, build relationships. Communicate with the auditor. Get a relationship going. Make sure that you meet with them at the beginning of your year, July is a good time. July is a good time because new members are coming in. So come in, make an appointment with the auditor.

Talk to them. Find out what is going on. What is on the audit plan? What are the risk areas? What is high on their agenda? What are the significant audit findings that have been in the past? And how can we work together with county management and the board to insure that significant audit findings are properly and timely corrected?

That's it. (Applause.)

MR. LEWI: We'll have time for a few questions. I'm going to ask her a question first, Bob, make a comment. Your comment about the ability to look at nonprofit organizations is absolutely correct, as we understand it. I also believe it's true -- and if I'm saying this wrong, I can certainly stand to be corrected -- that if a nonprofit organization exists for the purpose of supporting the government agency, that nonprofit organization could be reviewed by a grand jury. I believe that I'm correct on that, not necessarily just for our purposes, but just review as an organization.

MS. PADILLA: I'll tell you, I worked with county counsel. I've been working with the nonprofits in what we have found to be more effective. They can tell you no and say wait a second, you know, you are not our governing board. I don't report to your board. I don't report to any county organization. They can tell you no, and the way we have found to be more effective is put it in your contract. Put it in your contract. If it's in your contract, they can't tell you no.

MR. LEWI: Okay. That's certainly effective. Bob Geiss. When you stand, please identify your name and county for the record. You are being recorded.

MR. GEISS: My name is Bob Geiss from Orange County, and I'm concerned about one of the comments you made. I wonder how a grand jury that participates in a contracting process can provide a watchdog function? I mean, who is going to audit the auditor then?

MS. PADILLA: Well, like I said, many in the organization, we do have the controller function and we have the audit function. But we have the function of auditing from the very beginning. I mean, our whole mission is insuring public accountability and public funds. So we audit the departments. We are an elected office, and even if you are not an elected office, like some of your counties that are appointed department of finances, typically have an audit committee, an independent audit committee. So in addition to that, you have an external audit function. And the external auditor comes in and also audits. So I believe that you can be independent, and you know, you have the checks and balances built in.

MR. LEWI: Boyd.

MR. HORNE: Boyd Horne, San Luis Obispo. One of the primary functions of the jury is to evaluate government performance, and that's different than evaluating the flow of money.

MS. PADILLA: That's correct.

MR. HORNE: Could you comment on the relationship between auditor-controller and the chief administrative office of either a city or a county in terms of their respective roles in evaluating performance?

MS. PADILLA: In Solano County, typically, there's -- and this varies throughout the state, because I know some county

auditors, Orange County, Los Angeles County, San Francisco, some of your larger counties have, within their audit division, they have the money, they have the resources, they have large operational auditors which are focused more on program audits, efficiency and effectiveness.

In Solano County, we do a little bit. We've not done a lot. Most of the management reviews are either done by the county administrator's office or they've contracted them out, if they are large, because you are looking more at the program effectiveness. But some of your larger counties do have a significant amount of auditors within their controller function that that's all they do, day in and day out.

MR. LEWI: Ron.

MR. MCGINLEY: Ron McGinley, Los Angeles. I wanted to go back to the comments you made about communicating better between the auditor-controller and the grand jury body. Do you have the ability to share business automation plans, management information systems for each department, the integrated version for the county that would be a good tool for the grand jury to get a road map of where to go, what to do and how it's done?

MS. PADILLA: Typically, in the meeting with your auditor or your finance director, as the case may be, we would have knowledge as to what systems are out there, because we have to be involved. You know, we say that the official financial system is the system that is managed by the auditor, but there are subsidiary systems out there that may interface with us that are more program-related. So we are involved with those departments. When they're implementing those systems, we have

to be involved with them, so we would be able to provide you with some direction and assistance with that.

MR. LEWI: Sig.

MR. WATHNE: Thank you, Jerry. Sig Wathne from Santa Barbara. Who is the external auditor for your county?

MS. PADILLA: Currently, it's Mathias & Giugni.

MR. LEWI: Richard.

MR. RUTH: Richard Ruth from Santa Clara. You say that the grand jury and the audit agency department works together on these external audits. Is the grand jury allowed an opportunity to frame the scope of work on these audits?

MS. PADILLA: Generally, at the high level, the scope of work is generally pretty much already framed for all of us. Where the grand jury and the auditor can maybe provide input into the process is in identifying areas of concern. But what they're going to do, because they are looking at it from a different perspective, they are looking at it from a financial opinion. They are looking at it, does this financial report fairly represent the finances of this organization? So you and I, generally, we're concerned with smaller issues that may not be a problem at the big picture, but it may be an issue for us because our tolerance is smaller. We are interested in a million dollar problem. We are interested in a half a million dollar problem. Their tolerance is much higher. So you may be able to influence some of the areas that you are concerned about, and if it makes their risk assessment threshold, they'll pick it up. If it doesn't make their risk assessment threshold, they'll tell you it didn't make it to the risk assessment

threshold and, therefore, you or I should pick it up. So this is where we have to work together.

MR. LEWI: One more question over here on my left.

MR. JULI: Dieter Juli from Nevada County. I'd like to ask you what kind of a control or audit you do on your franchise taxes that you are collecting annually.

MS. PADILLA: Franchise taxes.

MR. JULI: Franchise taxes you collect from PG&E, from your cable companies, does anybody ever go and verify those numbers? Does anybody ever look and see that the county is getting the adequate return on the contractual obligations from the franchises?

MS. PADILLA: I know that the auditor, we have not. But I know that the county administrator has in the past contracted with consultants that have the expertise to go out there. Most of your franchises, for example, with PG&E, an auditor wouldn't be able to really determine whether we are getting the right amount or not because it's based on miles of cables. And so some of this stuff is so technical and very specialized that I know in Solano County -- and I know some counties, this is a big ticket item. And it all depends on, again, how big is it to us. You know, sales tax for the counties is not a big ticket item. So for us, we've contracted that out, I know. But the audit function has not engaged in that area.

MR. LEWI: I think we do have time for maybe one or two other questions. Way in the back there, please.

MR. TARANTO: Irwin Taranto, Marin. I have, I guess, three questions. Do you request an audit? Do you initiate an audit

of a department or agency, or do you wait for them to ask you?

MS. PADILLA: We do both. We can't wait for them to come to us. We have to go to them. But we also provide to them a professional kind of -- you know, if you've come to us, if you've identified the problem, don't wait until it becomes a crisis, because we can help you with solutions. But if they don't come to us, we go to them.

MR. TARANTO: Second, how much authority do the departments have to change the budget? In other words, they exceed a line item in the budget, so you kick it back to them.

MS. PADILLA: They have zero authority. Zero authority.

MR. TARANTO: Okay. And last question: do you do cost allocations within the departments?

MS. PADILLA: Yes, we do.

MR. TARANTO: Thank you.

MR. LEWI: Excuse me. Audrey.

MS. LYNBERG: Audrey Lynberg, Los Angeles. You made a statement when contracting with nonprofits, you have an audit clause to receive money in the contract because you could not go in and audit. That's what I understood.

Now, my understanding of nonprofits, if you are registered with the Department of Corporations, which most nonprofits are, you could go through the Department of Corporations and audit that agency.

MS. PADILLA: You know, my understanding, and, again, through just working with many nonprofits in the county and some of the issues that we've had where we have been challenged. We have government code sections that specifically gives us audit

authority over certain entities, and those entities did not fall under our umbrella. So we felt that in going through, again, our county counsel, that no, we did not have the authority. You could show up at their front door, and they are not going to let you in and they don't have to let you in.

So we have worked it with the board because, you know, we were concerned and the grand jury was concerned. We've decided that, okay, you know, you need to perform. You need to perform, and you need to have clear performance measurements and deliverables built in your contract, but if we are concerned about the way you're running your operation, we wanted to have the explicit authority to send an auditor. And we found it to be through the contract. That's just the way we are doing it.

MR. LEWI: Audrey's question was whether or not one couldn't kind of back-door it, if you will, through the Department of Corporations.

MS. PADILLA: We have not looked into that approach. You know, why go through the back door, if you can go through the front door.

MS. LYNBERG: Well, Phil Oftiar, I think he spoke here about three years ago and said that was one of his targets was to shape up nonprofits that were not in compliance with the state. And the really good nonprofits are all registered with the state of California. The directors are registered, and they have audit processes in those contracts or in the bylaws.

MS. PADILLA: What is the name of the organization that you said?

MR. LEWI: Department of Corporations.

MS. LYNBERG: Department of Corporations. All of the nonprofits are registered with the Department of Corporations, and Phil Oftiar spoke to that very issue about those that were in compliance with the department.

MS. PADILLA: Again, I've not been exposed to that. I'll make a note, and I will look into that, but from our perspective, we feel that we have it covered, because we have it very explicitly in the contract. So we don't have to arm wrestle. There's no arm wrestling necessary to open the door for us.

MR. LEWI: I think the IRS looks into nonprofits, also, Audrey. That's a whole other ball game, of course.

I think that maybe takes care of it, and I want to thank Simona for her presentation.

MS. PADILLA: I do have some little handouts that are kind of driven by my presentation. I'll leave them here, so if you are interested, you're welcome to it, and if you are not, that's okay too. And I thank you so much for allowing me to be here. (Applause.)

MS. HARR: Okay. Our panel today will be a panel of one, and our panelist is Diane Barney. And she is the editor for an award winning local paper, The Vacaville Reporter. And they have been very, very generous in their support of the grand jury over the years. And the booklet they put out is -- well, no one else does it, I guess is what I should say. No one else does it, and it covers the grand jury report, and it is so thorough and so very much appreciated. So with that, I would like to present to you Diane Barney.

MR. LEWI: Before Diane starts to talk, I'm going to do something very unusual. I'm going to ask a question before her talk. Maybe she's going to cover it in the talk and maybe not, and we'll see.

It goes like this. Something that the association board has somewhat determined is kind of a consensus -- and we talk about it in our public relations committee, and we talk about it in our training sessions -- the observation is this: The media is pretty good about reporting good grand jury reports, as they're issued. We get good coverage. I think everyone agrees that's generally true throughout the state. The media is pretty bad about reporting on the responses, and one of our challenges in the association is to see if we can find a way to improve that side of the coin.

MS. BARNEY: Well, I definitely plan to address that, so I'm going to hopefully cover it, and then we can let you ask it again at the end if I haven't.

MR. LEWI: Excellent. Thank you.

MS. BARNEY: First of all, thank you all for having me today. I don't know how, but somehow I managed to be "the media." This was originally intended to be a panel that would represent broadcast, radio and print journalism. And yet, here I am alone on the podium, and I said, "Gee, I'm not sure I can talk for 45 minutes." And somebody said "A woman that can't talk 45 minutes? There's something wrong with this picture."

Let me clarify. I can talk for 45 minutes. I don't know if you want to hear me for 45 minutes, but I'll do my best to try to cover some of the issues and some of the areas where I think

we can work together. Let me clarify, though, I really am here speaking on behalf of a community newspaper, and there are differences between broadcast journalism, radio, print journalism, and even within print journalism, the way community papers operate and the way major metropolitan newspapers operate and even weeklies. So we all have different sets of sensibilities and deadlines and levels of experience and really everything that I say will sort of be how we do it in Vacaville. But that doesn't necessarily mean it's how it's done in Los Angeles or Long Beach or Eureka. So keep that in mind that I can really only speak to my experience.

I thought that I would start by talking about how we are different, because your organization and what I represent are different. You work under a veil of secrecy. It's optional for us. We have the ability to have anonymous sources, but whether or not we choose to go that route or not is our discretion. We do try to protect our sources. You have to by law. For us, we believe we are protected by law, and yet we do have reporters that are facing contempt of court rulings and possible jail and prison time for not revealing sources. So your protections are a little better than ours, it seems.

Your deadlines are certainly longer. You've got a year. I've got one day. Sometimes I've got thirty minutes. It just depends. We work hour to hour, but each day, at least at my newspaper, we have a deadline, and so I have to make sure all the news is fit to print by 11:30 p.m., off the floor, out the door, on the press. And we have to be as accurate as we can within that time frame which, as you know, you are spending

maybe months gathering information. I'm spending hours. Maybe I'm spending days, and if I have the opportunity, months on a story, but sometimes we have to turn it around rather quickly. There is competition. Competition can be very good. It can keep us on our toes. It can make us more aggressive. But sometimes a story needs a little more time, and that is a difficult decision for any editor to decide whether to give it more time and do a more thorough job of the research and reporting, or to go with it because we know the competition is reporting it as well. It's day-to-day. It lives. It breathes. It walks. Okay. So we are kind of nurturing a story that keeps growing.

You can subpoena your sources. I haven't been able to do that yet. Maybe we can talk. But, of course, forcing cooperation is a different issue, and I'm sure you guys have discovered that, you know, the agenda they bring into the room is going to dictate what you get, and how easy it is to get and how quality the information might be. You're appointed. We are hired. You're somewhat hamstrung by certain regulations, and the only way that you guys can really change that is to change the law. And that is not an easy process. That can take a long time, and it may not even happen. No matter how good you think it is, you can't necessarily make a decision to change the way you do things. We can. We can say, you know what, we didn't handle that well. We are going to do it different. From now on, we are not going to use anonymous sources anymore. If we are, we are going to make sure we have three backups and documents. You know, we can kind of say what works, what

doesn't. We can try things. But you guys have very specific regulations that you have to measure up to.

And you are somewhat limited in your ability to follow up, especially when your term is up and you are passing on the baton, and you are hoping that that next grand jury picks it up from there. And sometimes, that might be in the form of those responses we were talking about. The responses might come in after you have already left your position and you are hoping that it's going to get some attention, and that it's not going to be just, okay, moving to the next subject. Forget about that. Oh, well. So you don't necessarily have the ability to maintain the continuity. Now, maybe you can sign up for another year. Maybe that's another possibility. I'm not sure if you all have that option or not; is that right? Optional?

But how are we the same? Okay. There are some things that unify us. Well, first of all, I think the pay is about the same. And, again, I'm only speaking for community print journalism and not broadcast there. Basically, most print journalists -- and I am talking about the small community papers -- we are in it because we absolutely love this career. This is a career of passion. We are not in it for the money. The money is -- well, you know, it helps me pay my mortgage, and I have a husband that has an income, too, so that helps. But really, we are in this because we want to make a difference. We passionately believe we can and we have those responsibilities.

We both gather information. Okay. We are both doing the same things there. We are conducting interviews, and we both have to report our findings. And sometimes we are viewed by

those we interview as threatening. Right? And sometimes we are viewed by the folks that we interview as heroes, that we are going to take their cause and we are going to make a difference. And I don't think any of my journalists go into it viewing themselves as either evil or a hero. I think our mission is to get to the heart of the matter, which is the truth, and I believe we share that as well.

We both use people who are relatively new to the concept. And in your case, it's volunteers who are stepping up to do a civic duty, and they need some training. I'm sure all of you had to go through the process, and there's so much complicated stuff with the grand jury. I mean, I was just perusing your web site trying to get a feel. You know, what is the scope? What do you look at? What is your power? I mean, it must take a month or two to kind of get your bearings and figure out where you are going, and then you've only got twelve months left and, wow, it moves quickly. But you've got to do training. You've got to teach people how to effectively interview and how to ask the right questions. Isn't that important? I mean, you can bring folks in and you can ask them questions, but if you don't ask the right question, you know, you may have blown it.

I have to train people, too. This is part of my ongoing job as a community editor. And it never stops. I have frequent turnover. Somebody said to me this morning, oh, yeah, something about that reporter that covered the county beat for you a few years ago, and I had to go through about five names to try to figure out who it was. At a small newspaper, we are not paying these folks a wage where we really expect them to stay, and it's

unfortunate. I wish that our owner saw that there was great value and we were paid at least as good as garbagemen. But we are not.

And the fact is that most of the folks that work for me are either just out of college, and we are their very first job in their business, or we might be a second job. For some they have worked at a smaller paper most likely or sometimes a weekly newspaper, and we are seen as a stepping stone. We are the place they come, and they stay two to three years and they learn as much as they possibly can, and hopefully we teach them as best we can, and then they move on. So as a result, I have people who have worked for me that now work for the Associated Press, the San Francisco Chronicle. They are all over the place. They are all over California. They are all over the United States, actually. And I'm very proud of their accomplishments. But it is sort of a shame. You spend all this time training them and then they are gone.

And I think you guys can probably relate to that feeling. You spend all this time training, and then they are gone. So I suppose when you do have the option of getting somebody to stay a second year, that's really the cream. That's where they understand the mission, you don't have to start over. You are really able to sink in and hit the ground running, and that's where we get the good stories. That's where you get the great research and really learn a lot in your mission.

You see the same sources I do in the grocery store. That can be a little uncomfortable sometimes, but they are out there, and I think that's good. I really think that's good community

journalism. The fact that we do run in the same circles with the people we are covering. We have accountability whether we want it or not, because we are going to get called on it. You know, if we blew the soccer score, okay, I'm going to have 12 parents calling me, and I'll probably run into number 13 at the grocery store. I'm going to hear about it. It makes us very committed to accuracy, but we are human, and we do make mistakes. And that's what I have to tell people time and time again, especially when you're training new folks just out of school, in their first jobs. We are all learning, we are all training. We learn from our mistakes. We are a better newspaper.

We both address social justice issues. Those are very important to both of us. We all listen to whistle blowers. We need to. Somebody has got to listen to what those folks have to say and see if it's viable. We both really serve as a watchdog for the public rights and best interests. And I think we both want to be agents of change.

So communication is really a big part of it. We can do the research, but if we don't share it, where does it go? What good is it? And so that is really key to both of us, key to a newspaper, how we communicate to our readers, and key to the grand jury. How do we communicate to the public that we are serving? So how do we work together to accomplish this? Okay. Well, I've got a few ideas, and hopefully you guys will, too, and I promise I'll take some notes.

I really think we have more in common than we have differences. And I think if, number one, we can understand each

other better, that's going to go a long way. Now, again, you all have different newspapers and different broadcast media in your district, and I'm only representing Solano County. So I can't speak for everybody. But I can say that when folks have made an effort to try to explain to us how it works and how we can work with them, it's a better relationship, and we can do a better job. And so if that's a possibility within your district to make sure you understand the media that you are trying to reach, how they work, what they are looking for, how it needs to be provided in the most effective way, you will go a long way towards getting what you want to see in print.

Understanding our business means knowing what we need when we need it. Now, you guys, you are working on all sorts of reports through the year. And a lot of you will spend all year doing an amazing job gathering reams of statistics and information and sources. And you boil it down into a report, and you drop it on our lap on the last day it's due, and we have a report this thick to go through. And you know what, I've got that hour and a half to deadline. How am I going to take this huge report and instill it into a single front page story for tomorrow? That's not really fair to you and all the work that you have invested in it for a year to boil it down to an 18-inch story. And it's not really fair to me to have to take all of these many varied reports and to try to do it in two hours. Sometimes those reports come at the end of the day. And, boy, is that a mess! Anybody that's put out a press release at five o'clock, shame on you. What we really need is we need it in the morning where we at least have all day to try to research it, to

try to get feedback, you know, comments from the people involved in the story. You know, trust me, when I put a call through to the warden, I don't always get a call back that day. Sometimes it's three or four days before I get a call back, if I get a call back. So the more advanced time I have to work on something, the better.

Let's see. We have to pick and choose, and that's not always the best thing. You don't always want us, on deadline, picking and choosing what we think the biggest stories are because we might overlook something that you think is pretty important.

The other thing is when you issue that great big huge report all at once, about the farthest we can stretch that is three or four days. If I look at it and say I'm going to do this story for tomorrow, I'll do story B for Saturday, story C for Sunday, story D for Monday, now I'm into next week, and a grand jury report filed last week has a really old sound to it. Okay. The city editor looks at that and frowns and says this is old news, why are we still talking about the grand jury report that was released a week ago? Well, you know why. There are good reasons why, but if we could avoid that, if there are other ways around it, I would ask that you might consider that because I think putting an entire year's worth of work in three days is just not fair.

And when we lead with what we think is the biggest, and then say, oh, by the way, in other business, they did this and this and this and this. You may have spent eight months on this and this and this and this, and that just doesn't seem like a fair

representation.

I wonder what if reports were issued sporadically throughout the year, and that would make getting it in a one-topic report. You guys could stagger your reports. You could say, you know what, we are really going to put all our horses into trying to get a report on this particular item done by what, March. Okay. So we've got, say, four months to three months to focus on it, and at that point do the report. The story is only going to focus on that issue. Not only that, but -- does it run January through December, is that when the term is?

MR. LEWI: It's usually July to June.

MS. BARNEY: So I should use different months. July, August September -- let's say October. Let's say you got off and running, you are doing your first report in October? Not possible? Well, what about when you got people who have reupped a year, and they are there for two years, and they are able to maybe keep something going? Not possible? Well, you know --

MR. LEWI: We'll answer your question later.

MS. BARNEY: Okay. If there were certain topics that you could time it and maybe, okay, let's say that it's once a week for once we get to the tenth month, and maybe we are doing a report a week every week for two months. You know, okay. So the window is a little bit smaller, but it would still allow the news report to focus on a single item, instead of being overwhelmed with so many.

And it also would give a couple of months for those responses to come back while you are still there and can issue an alert to the media that so and so, say the prison, has

responded to the report on CMF, and you are calling it to our attention that it's on your web site, or you are issuing it. You know, this is a formal response to the grand jury, and here is what they say and here is what we think about it. That is not altogether impossible. It has happened.

I know a few years ago in Solano County, they did have some reports that came out at separate times, and it was very effective. It was very useful for your purposes and ours, giving us as much time as possible. We understand the report has to go to agencies three days ahead of time. If you release it to them on a Friday, and we get the report on a Tuesday, maybe that's just a little less time for them to circle their wagons and say we are not going to talk to anybody. Maybe we'll have a little better chance at trying to get some report. And, again, having it to us early in the morning that day so we can spend all day trying to gather responses, instead of getting it at five o'clock and everybody has gone home and all we have is your report. Those things would help.

You know, making sure it covers everything possible. I understand that you can't name sources. But I wonder -- and maybe you can answer this for me later -- is it possible to quote folks in general ways -- "At least one supervisor on the wing said..." quote, because if there's some concerns or allegations that you have explored, those things are going to play into a new story in ways that we don't have that material right now, if you found that those were to be true, if the information backed it up.

I think it would be helpful for you to educate the public on

your mission. Perhaps the former grand jury chairman or the foreman in your area could write once a year on the challenge of grand juries, their mission, and help to demystify the whole process for the general public. It might also help you to get folks to sign up or to indicate some interest.

I was really thrilled to see your web sites. That's an impressive page, just county after county after county. Now I did not go into each one. I'm sorry, I didn't have the time. It's election season, so I've been a little busy. But I did look through there, and I was so impressed to see that. I encourage you to use use web sites as much as possible. If you are staggering reports, every time you put a new press release out about a report, at the bottom "Visit the grand jury's web site for information," and keep adding those responses. Every time a new response comes in, you can put a press release out to the newspaper. They may jump on it as a new story, but even if they don't, even if they say, oh, so what it was a love fest, and the superintendent said, oh, thanks to the grand jury, this was just so lovely. And if we don't see news value in it, we could still do a little brief in the paper that says the grand jury notes that a response to their report on the competency of Vacaville schools is now on line. Check out their web site at. Those are possibilities.

Most papers will accept briefs like that, but don't expect them to go looking for them. You kind of need to e-mail it to them, so it's in a usable form. Most papers prefer e-mail. I get all sorts of things truly. I get press releases that are typed up. I get press releases that are handwritten on the back

of napkins. I get phone calls where they expect me to come up with a five-inch story on why kids should go to the library training session for kids who want to learn to make masks. And I simply don't have the time to put together all the briefs that really belong in a community newspaper. So what we have to do, because of our staffing and our time, is we ask the groups that want that information in the paper to work with us, to type it up, and send it by e-mail, and that way we can get it in the paper much more quickly. And you know, you are typing the phone number, not me, so there's a better chance that the numbers aren't going to be transposed, and the accuracy is there. Of course, we reserve the right to edit. Some people give us 21-inch stories that really deserve two-inch press releases. But that's fine. I think we have to look at it and say, "Does that serve the public?" Does the public need to know? Is it something that's valuable? And in the case of a response to one of your reports, I think it is. It may not be a news story, but it could be a brief.

Let's see, what else? Okay. I think supporting this organization is a terrific way to promote professionalism and training. I think it's so important, and I really laud you for doing this. I think it makes you better sharing your success stories, and information is so key. We find that in our business. The networking that we do, we share the projects we are working on. "I did this project and it was really good. You might want to look at it in your area." Same for you guys. There might be a problem in your county that could be a problem in my county. So I'm guessing that the networking you do is

invaluable.

And I want to let you know that there is life after the grand jury. You've been trained, and you have really valuable skills. Why not work with your local newspaper on a project. That's what we did, and we had wonderful success.

Back in 2002, I got the bright idea of putting together a report on the California Public Records Act. We wanted to know how well our public agencies in Solano County responded to the law. Were they complying? Could members of the general public walk in and ask for a document and get it? How much time, energy and information would it take to do so.

And so we launched on a six-month project. And my very best volunteers were former grand jury members, because they understood what it took. You know, they kind of went in with their eyes open. They understood the concept of the project. They saw the value that could be in it. And it was a real eye opener. Although, I would say we were better than some of the statistics that came out on the state level, we found the compliance rate was about -- oh, gosh, I should have brought my statistics -- it was sort of like 20 percent. And then there was another 40 percent that was sort of wobblers. They sort of complied, but you had to give them information that you really shouldn't have had to give them. In the end, we said 60 percent failed, but 40 percent passed. So that's -- you know, that's not bad, but it's still not where we need to be. We sent out 28 people, different folks, not all former grand jurors, but they made the bulk of it, and we asked for 50 different public records, and then we reviewed it. And that was a great way for

us to use a resource and form a bond with these folks that have some really great insights about what the paper should be doing.

I'm reminded that all papers are not alike. We have different ways of handling proposals and projects and briefs and how we handle stories. Line us up side by side every day, you will see that we have made different decisions on what is important. I mean, there are certain stories -- you know, the debates always got big play in all the papers. And when you have major catastrophic events, those are always going to be big stories for every newspaper. But day-to-day you'll see a difference between how community newspapers cover the news and how the major metropolitan papers cover it. And, you know, our mission is local. So I know we are different.

But I'm guessing that most of you probably do have some local papers within your districts, and I encourage you to work with them and find out what they are interested in and how you might work together. If you know their areas of interest, you are not going to waste your time targeting part of the media that maybe is not interested in digging as deeply as another part.

For example, print journalism, I know when I get the grand jury report, we've got days and days of reporting to do. We've got a lot of material here. But I also know that if you give the same report to broadcast journalists, they might not be able to sit down and sift through it the way we will. However, a day later, once they've seen our headlines, they might be ready for the story. So sometimes it's a nice little e-mail follow-up sent on "See how the reporter handled this story; maybe you guys

would be interested in a follow-up" or "We are still waiting for a response; maybe you'll be interested when we get that response." Some kind of a liaison, a person to have that discussion with, at least with broadcast. I mean, obviously the reach of broadcast is much, much greater, but I think that they are sitting down and they are really reading every inch of these stories. They know them very well, especially because we are reporting about the problem that's just down the street or maybe in the city next door, but it impacts their lives.

I mean, Sacramento may be broadcasting a story about Vacaville, and of their total audience, only a small sliver might be interested in that story. For us, all 20,000 readers are going to say, "Okay, I really care that they are canceling bus service," or they're doing this or that, whatever the case may be. So you have to kind of know who their audience is, what they are looking for, how they convey it, and how best to communicate with them. And. I think that's it. So I'm ready for questions.

MR. LEWI: Okay. Thank you, Diane. Let me answer your question about releasing reports early. Everyone in this room knows that not only is that allowed, it's encouraged. And when we train new grand jurors, we encourage our juries to release reports as early as possible. And one of the reasons is to spread out the press coverage, and another reason is so that the responses will come in within that grand jury's term and that can be publicized. So we are absolutely in agreement, and we do encourage that extensively. And thanks for the comments on the web site. Appreciate that.

MS. BARNEY: I think it's fabulous.

MR. LEWI: Okay. Let's have Diane take questions. Again, please identify yourself and your county.

MS. STAPLE: Tom Staple from Orange County. I want to reinforce some of your ideas about releasing the reports as they come up, and it's a much easier way to do that. We always made sure that the reports were released at nine o'clock in the morning; that they were faxed to a large number of news organizations. And one of the things that it would be good to have, and we were fortunate to have that, is that somebody who has had experience in news or publicity writes a press release that has a great deal of the format that a newspaper would normally use. And what we would do is when we were ready to submit the report to county counsel, we would also submit the press release, because you have to remember, that has to be also certified by county counsel and the presiding judge. So those would both go to county counsel and then the presiding judge, and when they were both okayed, then we would then schedule it for release. If there were several reports that came due at the same time, we would release them one day at a time, and that way, one, they had all the information very easily available and were able to then print it as they came out.

One of the things, you mentioned something about, well, they print the good news. I can tell you that most of the time when the newspapers called you up, it was about the bad news you were reporting, not the good news. And not only that, if any of you had a good one, they kind of search around and try to find out what is the one bad thing that you said in there that they could

use. Even if you were mildly critical, the report would say, well, weren't you people all terribly upset about this thing? We said no. You know, that just takes the wind out of their sales unfortunately. But it certainly is worthwhile to have the press releases and bring those out to make it convenient for the newspapers to print them.

MS. BARNEY: Great point. And I love the one-day run on the report day by day, because, absolutely, then the reporter and the newspaper can focus on one issue at a time and really give it the coverage that it deserves. And you are right about looking for the so what. I mean, okay, he's doing his job. Is that the headline? Well, you know, let's hope everybody is doing their job. And if our business is to every day pat somebody different on the back, it's probably not really meeting that watchdog role. I think we are looking for the problems, and we are looking to see that they get fixed. And we are putting the heat on the folks, so that they'll be accountable and that there will be follow-through.

One interesting comment I heard this morning was that in Solano County, they did some of their reporting on a staggered release a few years ago, and one of the recipients of, let's say, the criticism responded, as I'm sure you have all seen a response, and because of the timing, because they were so early, they were able -- the grand jury was able to come back and do a response to the response. And I understand that the individual who wrote the response from the agency said, "Well, if I'd known that, I wouldn't have done it." And that's really unfortunate that he felt that way, but I think that's kind of what you are

after is that you do want them to be held accountable. It's not enough to just say, "Well, because..." What you really want them to say is "Maybe we ought to reexamine how we are doing things, maybe there is a better way." And I think that is sort of the point is to weed out the issues and make sure they follow through.

So, you know, in a community paper, I certainly want a lot of good news stories, too, and I'm not opposed to it, and I think there needs to be balance. But it would possibly be naive to expect us to do the big banners on "School district does its job." You know, it's what I'm hoping they are doing anyway. I'm hoping that's not news.

Yes?

MR. AVERA: Diane, I'm Lew Avera. I'm the current foreperson of the Orange County Grand Jury. When we were sworn in on July 1st, my daughter who lives in Sonoma County, Santa Rosa, sent dad a special section out of the Santa Rosa paper on July the 1st, which included -- it was a special section that included every single report that Sonoma County Grand Jury had done. It included all of their complaints. It included all the visits they had done. It was a virtual historical record of the grand jury.

I took that and showed it to our grand jury. They were very excited about it. So we have embarked on some efforts with the Los Angeles Times and the Orange County Register to see if they would do that for us. Well, obviously, it's an uphill battle for a lot of reasons. I suspect the Times won't do it, but we may get the Register to do it. But I would be interested in

your thoughts on what we might do or what the obstacles are, what we might do, et cetera, around that, and frankly, the thoughts of anyone else who might have experience and would have some thoughts on that. But we thought it would be a fantastic way to reach the public in a way that they wouldn't otherwise know what the grand jury is doing and, you know, recruiting, too, as well. So your thoughts on that.

MR. LEWI: There are quite a few counties who do that, and I think people will probably come up to you and share their experience that it's a common practice, and we in the association certainly encourage it.

MS. BARNEY: I do not really know what the specifics are in terms of funding for it. Donna, do you know? I don't know if they are paying for it.

MS. RIDDLE: We pay for it.

MS. BARNEY: I would assume it's run at one of the newspapers and then distributed to the rest.

MS. RIDDLE: Solano County publishes their report in every newspaper in every town. But I know the year that I sat on the grand jury, it cost about \$20,000 to be distributed in the newspapers.

MS. BARNEY: Can you answer for me: Do they waive the insertion fee?

MS. RIDDLE: No.

MS. BARNEY: I was not aware of how they handled the specifics on that, but I know that we do publish it every year, and it's a wonderful resource.

Yes, sir?

MR. MCGINLEY: Ronald McGinley, Los Angeles. Just adding to the special section of the newspaper, the Los Angeles Grand Jury has, in the last two cycles at least, published an executive summary which goes through the county counsel and the judge approves it. It is considered our report, and it is released to the Long Beach Press Telegram that does a special section. And that is the only newspaper in the Los Angeles basin we have been able to get to do that. But they produce a special section which goes out on the weekend. It does a special supplement, a special section that just gives a general overview, an executive summary, in color, of the grand jury report and each of the grand jury reports, each of the investigations therein.

MS. BARNEY: That's great. Is the content written by the reporters, or is it provided by you?

MR. MCGINLEY: It is the grand jury's words, but it's a paid entry.

MS. BARNEY: So it's exactly the same way as Ourania was discussing in Solano County that they pay to have it printed and then inserted in all the different papers.

MR. MCGINLEY: Correct.

MS. BARNEY: Sir in the back.

MR. CLAYTON: Jim Clayton, Madera County. 2003, last year was our first year of publishing in a newspaper. We put out 13,500 copies in three newspapers in the county of our report. It cost us \$4,400. As a result of the printing of that -- you may have read my little missive in the Journal -- our board of supervisors has predicted there will be no more printed in newspapers, period, in Madera County, end of story.

MS. BARNEY: Sounds like a First Amendment violation.

MR. CLAYTON: They will not allow them, even if they are free.

MS. BARNEY: That's a First Amendment issue. They can't do that.

MR. CLAYTON: I'd love for you to go down and tell them that. I'm not on that grand jury, thank God, after four years. They've got their own problems now. I'm out of it.

MS. BARNEY: That's absolutely outrageous.

MR. CLAYTON: They were not happy with our report. So watch the pitfalls, what you have them print. And they printed our report verbatim.

MS. BARNEY: One thing you might consider doing is raising that to the attention of CalAware, which is a group that's basically First Amendment supporters.

MR. CLAYTON: I have a comment about them, but that's all right.

MS. BARNEY: Yes?

MR. JULI: Dieter Juli, Nevada County. What we did, we are renting or we are paying for one full page of The Union, which comes out in Grass Valley, and we put in all the conclusions and all of the recommendations: the report, conclusions and recommendations. How much do we pay for that? \$1400.

MS. BARNEY: So a summary --

MR. JULI: It's a summary, one full page at the end of the year, and the reports are being staggered so we are getting --

MS. BARNEY: Beautiful.

MR. JULI: -- coverage throughout the last three and a half

months of the grand jury year.

MS. BARNEY: This gentleman right here.

MR. TARANTO: Irwin Taranto, Marin. In Marin, we start releasing our reports in March, and we release them one a week. We get not only good press, but within that, towards the end of the week, we tend to get an editorial. So we've had great press this past year.

But my real question is this: As former grand jurors, I think we would probably like to work with the newspaper. Would there be any reluctance on the part of the newspaper to want to work with us, that we would be stepping on their toes?

MS. BARNEY: Well, there shouldn't be, but yes, there's a possibility. Like I said, all the papers are different. Even the small community papers operate different. You know, whenever I have a chance to go and speak to a community group, I jump at it. I try to always get out the word about how to get your news in the paper. I put on a workshop once a year telling folks how to get their news in the paper. And I'm mortified when I find that there are other community editors that just don't think that that is the best way to spend their time. And so we are all different, and I can't promise that you'll have a good response from, you know, whoever you might happen to go in.

But I think if you go in armed with some examples of how other papers have been successful, for example, if you took my project on the California Public Record Act with you and said, "The newspaper in Vacaville did this, they used a lot of former grand jury members. We have a lot of former grand jury members who would be happy to work with you, if you ever want to take on

such a project." You might open a dialogue. I can't say that they'd be willing to do it.

We spent six months, a lot of time, and it's really unheard of for a paper our size to do that. I think I'm just nuts, because I keep doing these projects that I really don't have time to do, and I keep convincing the staff that we can do them and for some reason they believe me. I don't know.

MR. TARANTO: Would you mind if we contacted you to get some more information?

MS. BARNEY: Not at all. And I still have some copies of that from 2002 that I can share about the California Public Record Act.

MR. LEWI: Let's take one more question from Irwin's brother, Dan Toranto.

MR. TARANTO: Dan Taranto, Humboldt County. Humboldt County has been publishing the entire grand jury report as a Saturday insert since 1999. And then in '92, '93, they started following up with about three to four months later with a complete reprinting of the entire report with the responses juxtaposed throughout the document in a little different print.

It's been very helpful in educating the public and one anecdote that shows the power of publishing in the newspaper, and it's a much better distribution. One official said right after we started doing that, "If we had known that you were going to publish it in the newspaper, we would have responded differently." (Laughter.)

MS. BARNEY: I think that reaffirms what the prison said earlier about their response. One question: Was that paid for,

the follow-up with the response?

MR. TARANTO: It varies with who happens to be in charge of the newspaper at the time. It's musical chairs with newspapers, but there have been a number of cases where the newspaper absorbed the entire cost of their public service to the community. They serve a parallel activity here to report what is going on to the folks. There were others where the grand jury would do the layout. I think the newspaper would give the newsprint -- the newspaper for free, but they'd have to pay for ink or something, but it was a discounted arrangement. So it made it more easy for the grand jury to access that way of getting the material out.

MS. BARNEY: If you don't already have an agreement or relationship that exists, I would certainly suggest that you go in and negotiate the best you can get. If you already have a relationship that exists, you are going to have a real hard time going back forward, and say why don't you donate the whole thing. If they've been used to getting that paid for, you will have a hard time. They may count on that. That's why I was asking whether the insertion was charged or not, because it does seem like it might be possible if you paid for the printing costs, that they might donate the insertion as a public service. And that's certainly a negotiating point if you are going in fresh.

MR. LEWI: We are out of time.

MS. BARNEY: Sorry. Thanks everybody. (Applause.)

MR. LEWI: Thank you, Diane. That was very helpful, and I think you did answer our questions.

MS. BARNEY: And I talked for 45 minutes.

MR. LEWI: Yes, you certainly did and very well.

We are going to take a break now, but just one final comment. I understand Diane is going to stay, at least try to stay for the Excellence in Reporting awards, and maybe you will be starring in tomorrow's paper. Who knows.

Thank you, again. We'll take a break. Please be back at eleven o'clock.

(Recess._)

MR. LEWI: I'd like to resume the session, please. Will you all take your seats.

Maybe we can have someone hustle in the people from outside. If you don't take your seats, you are going to be late for lunch.

We are back in session. I'm very pleased that we are able to do this next item on the agenda called Excellence in Reporting Awards. This is something we did three years ago, and it was dropped for a couple of years. The beginning of last year, the operations committee -- two people specifically, Beverly Hill and Dan Taranto -- felt that we really should try to get this back into the program.

And, so, Beverly, with the help of Earl Heal, Linda Baker and Les Daye put together a subcommittee to recreate this Excellence in Reporting Awards. It's one of the things that I think will provide acknowledgement to good grand jury work, pretty much along the lines that our previous speaker spoke about. It ties in rather nicely.

Beverly Hill would ordinarily chair this, but she was unable

to make the conference. So Linda Baker has graciously agreed to step in, and she'll explain the program and make the awards.

Linda.

MS. BAKER: Hi. I speak in public frequently, but I seldom do public speaking. So be patient, and help me here, you guys.

I've been assigned today a pleasurable task. We are here to recognize those who have been selected to receive the 2004 Excellence in Reporting Awards.

The Excellence in Reporting Award was developed by the California Grand Jurors' Association to recognize grand juries and the media who have created positive change in their communities by increasing the awareness of the California grand jury system.

The 2004 selection committee -- Les Daye, Earl Heal, myself and Beverly Hill are happy to be here. Only Beverly isn't. I heard her mumble something about "better offer."

The committee's task was difficult, as all of the nominated material was indeed excellent, but persevere, we did. And on behalf of the California Grand Jurors' Association, it is my honor to announce the 2004 recipients.

The first honorees nominated by Earl Heal are the 2002-2003 Solano County Grand Jury, Thomas Hansen accepting, and the reporter, Jason Massad, and Diane Barney, will you please come forward.

MR. HEAL: To tell a story, we had written this up as a citation, so I will simply read the citation, if I may be so formal.

The Certificate of Merit for Excellence in Reporting is

awarded to the 2001-2, 2002-3 and 2003-4 Solano County Grand Juries for special achievement in investigating and obtaining resolution of a long-term flood control problem. The investigations found that an area paralleling Sweeney Creek had been flooded numerous times and with increasing frequency and severity in recent years. The increase correlated with a 1988 county government reorganization that assigned only optional flood control responsibility to the newly formed Solano County Water Agency.

The 2001-2 Grand Jury recommended actions to establish legal requirements for corrective measures, as well as completing some requirements that existed but were ignored. The 2002-3 Grand Jury concluded from the responses that no correction was forthcoming and initiated a second investigation. Armed with knowledge of government defenses and excuses, they launched the new investigation with defined focus. An unusual tactic was employed with spectacular success -- a neighborhood group meeting was called that not only yielded abundant information for the jurors but joined neighbors into a common front, because the water agency had made some attempts to divide and conquer.

Thereafter, monthly water agency meetings were well attended and captured the attention of the local newspaper. The final report of the investigation was released on February 28th to insure responses would be received while the 2002-3 jury was still in session.

The combination of public interest, newspaper support and quick release of the investigation to focus attention brought swift action for the residents. Agreements were reached and

considerable progress was accomplished before the coming rain season.

The 2003-2004 Grand Jury conducted a third investigation to evaluate the results. Their findings validated satisfying success. Responsibility has been accepted by the Solano County Water Agency for long-term maintenance of the water, and a strong and respectful relationship has been established between residents and county employees. These results demonstrate the potential for a grand jury to improve government accountability. (Applause.)

And for the newspaper, this Certificate of Appreciation for Excellence in Reporting is awarded to Jason Massad and to the staff of The Reporter newspaper of Vacaville. The newspaper, independent of the grand jury investigation flood control issues, had reported extensively on the flooding experienced by county residents in December 2002. Subsequent Solano County water agency meetings were attended by the newspaper staff, grand jurors and an angry public. When the grand jury Final Report was hand-delivered to The Reporter's staff following its February 28 release, several accurate articles were thereafter published, citing grand jury findings, concerns of flood-damaged residents and responses of officials. A subsequent editorial promptly recognized the first positive steps of the county and astutely commented that, regardless of legal interpretations which denied county responsibility for flood control, the moral responsibility remained. The efforts of The Reporter staff contributed significantly to strengthening the impact of the grand jury report and to the correction of this community

problem that had been unresolved for 14 years. Thank you.

I'd like to present the certificates.

MS. BAKER: The next recipients nominated by Jack Zepp are the 2003 Madera County Grand Jury, James Clayton, Foreman, and Glenna Jarvis of the Madera Tribune. Will you please come forward.

I think I heard you say Glenna is not here.

MR. CLAYTON: Yes, I'm sorry to state that Glenna will not be here today, so I will accept for her and for our grand jury. Thank you very much.

MS. BAKER: A Certificate of Merit for Excellence in Reporting is awarded to the 2003 Madera County Grand Jury for its persistence in continuing the investigation into years of uncollected court fees, court fines and bail forfeitures that may total as much as \$20 million. While total collections had not increased over a period of about ten years, the number of fines increased substantially. When called to testify before the grand jury, the Court Executive Officer took the position that the grand jury had no jurisdiction over Superior Court operations because court staff were state employees and, therefore, had no obligation to account for collections to the county.

When counsel attempted to quash the grand jury subpoena, the grand jury consulted with the California Grand Jurors' Association and subsequently urged the board of supervisors to exercise its authority to oversee the documentation of collection of the court fees and fines belonging to the county by conducting an independent audit.

Prior to the audit, however -- okay, listen up you guys -- a presiding judge terminated the Court Executive Officer and opened the court records to the grand jury and state auditors for the administrative office of the courts. (Applause.)

MS. BAKER: As a result of the investigation by the grand jury and with a new Court Executive Officer, the unpaid fines were computerized, payment due notices were reinstated, and collection procedures were centralized, thus insuring increased county revenue that will benefit its citizens. The 2003 Grand Jury final report prompted remedial action and further highlighted a statewide problem that the Judicial Council has undertaken to review for all courts.

Mr. Clayton and the 2003 Madera County Grand Jury is commended for its persistence and once again demonstrating grand juries do make a difference.

MR. CLAYTON: Thank you for your kind words. It was a blood bath, I can tell you that.

MS. BAKER: A Certificate of Appreciation for Excellence in Reporting is presented to the Madera Tribune and its staff writer, Glenna Jarvis, whose coverage of the grand jury's report on uncollected court fees informed the community and its leaders of an untapped and potential revenue stream. Ms. Jarvis is commended for her accurate and timely news articles on the activity of the Madera County Grand Jury and their helping to insure open county government.

MR. CLAYTON: There were 35 articles, by the way, to help us and I'm sorry she could not be here. And all those articles, I believe, are in your presence now on a CD.

Thank you so much.

MS. BAKER: We are pleased to make our first award for bilingual efforts to the 2003 Ventura County Grand Jury and the Ventura Star, nominated by and accepting on their behalf, Jerry Lewi.

MR. LEWI: I feel a little awkward having nominated these two agencies and accepting the award on their behalf, but they were unable to be here. And basically, all I want to say is here are the inserts, and this is not a grand jury report. This is an insert about what grand juries do, clearly aimed at educating the public as well as recruiting new grand jurors, which as we all know, is a problem statewide. And I think the thing, as I understand it, the committee was mightily impressed with the fact that we published it in two languages. I think that really got their attention.

By the way, there are extra copies of this out on the table if you are interested in trying to emulate the process in your county. The one thing the association did, we sent a copy to every sitting grand jury, so they would know, and several counties did acknowledge and thank us for doing that. But there are more copies out there, and I will be happy to accept these certificates and take them back to their rightful owners. Thank you. (Applause.)

MS. BAKER: Nominated by Beverly Hill and presented by Les Daye, the 2003-2004 Lake County Grand Jury, Sandi Dimitz and Jane McKnight and the Lake County Record Bee, Elizabeth Larson, will you please come forward.

MR. DAYE: A Certificate of Merit for Excellence in

Reporting is awarded to the 2003/2004 Lake County Grand Jury for its edifying article on the history and function of regular grand juries that was published on March 31, 2004, in the Lake County Record Bee. You are commended for educating the citizens of Lake County and for creating a document of lasting value. The article stimulated letters to the editor and community discussions among readers about awareness of what the grand jury is and what it does was heightened by your efforts. And since Sandi is here, will you make that presentation, please. And the Lake County Record Bee Recorder, Elizabeth Larson, could not be here, also Jane McKnight.

A Certificate of Appreciation for Excellence in Reporting is awarded to the Record Bee for coordinating with the Lake County Grand Jury in publishing its article and for presenting the article with eye-catching appeal and germane symbols. You have furthered the cause of fostering close working relationships between grand juries and their local media that is informing the community of the grand jury's significance and its unique role in providing oversight of governments closest to the people. And, like, Jerry, you know, you really can't appreciate it, but it's a very colorful insert, and it basically says "Serving on the grand jury can be rewarding and enlightening for both jurors and the public." And we thank the reporter and the jury.

Do you have a separate certificate, or did you already present it?

MR. HEAL: Yes.

MR. DAYE: All right. Thank you.

MS. BAKER: It's been a privilege and an honor to represent

the California Grand Jurors' Association today in recognizing these outstanding efforts. To all of the honorees and to all grand jurors everywhere who have survived "the final report," please remember that the grand jury system makes a difference and so do you.

MR. LEWI: Thank you, Linda. Thank you, Committee, and thanks to all the honorees. I think this is a wonderful effort and what the association is going to try to build on because documenting good work is a very important goal of this association. Keep this microphone from tipping over. There we go. Change the center of gravity.

Okay. Moving into other awards, Les, don't go too far. We have a couple of other awards and some announcements here. The first award Les Daye will present is the Angelo Rolando award. I'm sure Les will explain the criteria for the award. Angelo was one of our first presidents and this award is established in his honor.

Les.

MR. DAYE: Thank you, Jerry. As last year's recipient of the Angelo Rolando Service Award, El called me and asked me if I would serve as this year's chair. I of course said yes, and I must tell you that I was very, very pleased when he told me who the other four people on the committee would be. And as luck would have it, all five of us are here today. So I'm going to ask that after the presentation, if Roger Loper and Bob Abeling and Sherry Chesny and Richard Ruth could join me in a picture opportunity, so that we'll be able to edify that. I should also tell you that both Roger and Sherry who served on the committee

were also former recipients of this award.

The criteria for this award is based on meritorious service. The only requirements are that you be a member of the association, and it was the committee's responsibility to suggest people who have given such meritorious service, chiefly, I would say within the period of 1999 through 2004. Although that wasn't a specific criteria, I think that's in fact what we came up with.

It's not surprising there were more than a handful, I believe eight nominees, and each in their own way, whether new in service to CGJA or contributing years of service to CGJA, all were nominated for that kind of service.

To give you an idea of the kind of service that I'm talking about and which was suggested by each of the committee members in making nominations of a potential awardee, we had people who had working with the training committee, we had people who worked with the overall membership drives of our association, we had people who worked with chapters, and we also had people who had performed more than one type of service to our association.

I will now open the award, and as you can tell, I'm attempting to string this out so you that won't be able to tell who the awardee is, but I won't go too far. The Angelo Rolando Service Award being presented in 2004, the committee, in all cases -- I'll tell you simply the process was nominees were made, and each committee member suggested who their number one choice was, that was awarded five points on a scale; who their number two choice, that was awarded three points; and who their third choice was, that was awarded one point. So with five

people making various nominations, I can tell you that our awardee received no less than a second place within the membership of the committee. So it was widespread and widely held, obviously.

The awardee performed most of this service during the period of 2001 through 2004. The types of activities that the awardee provided were, in the words of one committee member, this person did whatever was necessary, not only when asked, but offered to make contributions to our association. And I think you will find that in the areas of the operations of our association, in the area of the membership and chapters of our association, in the efforts of our annual meetings and the efforts of our public education, that this person was truly deserving and why this person was so richly recognized by each member of our committee.

I'm now going to ask Donna Harr and Ourania Riddle and Wanda Tucker to come up here, please -- are you all here? -- and accept the 2004 Angelo Rolando Service Award for meritorious service to the California Grand Jurors' Association to this year's nominee, Clif Poole.

MR. LEWI: What a terrible shame that Clif couldn't be here to accept this. Maybe we can find some way to do this ceremony again somehow, Les. We really need to do that. It's a wonderful choice.

I have an award to make. It's not on your program. El Moger, would you please come forward. He thought he was through with getting up here. Fix his wagon.

We all know El has stepped step down as president of a two-year term, and we, the board of directors, felt we had to

provide some acknowledgement to his service. It's been a tumultuous two years. We've had a lot of internal problems, and he helped us work our way through it. I hope they are behind us, and we didn't always agree with El on everything. We sometimes disagreed with him at least once in our term, but he persevered, and no one could question his dedication, his hard work and his effort to try to keep the association moving forward. We heard in his report that we made a lot of progress. We got a lot achieved. I was kind of amazed when he recapped it for us and thinking back how much we got done. We're in excellent financial shape. We have a growing membership, and while he'll give credit to everyone else, his leadership has certainly helped us move forward in that direction.

And with that, on behalf of the board of directors, I'd like to present this little token. It says on here El Moger, President 2002-2004, in recognition of outstanding service to the California Grand Jurors' Association presented by the board of directors, October of 2004.

MR. MOGER: I really appreciate this and thank our board of directors. It has been a tough two years, but I think this association is well on its road to being very, very successful, growing much larger than it is. I think we have a real road ahead. It's going to be very bright for us. So I'm pleased that you are all here today. I know we have a lot of volunteers besides the people in this room, and I thank you very much for all your dedication and support. Thank you, again.

MR. LEWI: Well, it says here I'm supposed to announce the location of next year's conference. It's no big secret. I

think you've already heard that consistent with our practice, not necessarily a rigorous policy, we move the conference kind of north to south and back. And therefore, next year, the decision made by the board at our last board meeting is that we are going to go to beautiful downtown Burbank, California. The conference will be the Burbank Airport Hilton, which is picked as much for location as anything else because it's convenient to trains, planes and automobiles. I've proven that to myself. Gone there by Metrolink and it's right off the I-5 freeway. It's more than just a hotel. It's a major conference center, and I think from a facility standpoint, it will work quite well. The room rate will be exactly as this hotel, being another Hilton. And I think that will work out quite well.

The Los Angeles chapter is going to be our official host chapter, and Andy -- is he here this morning? There he is. Andy Bliss who just stood up in the back there who just got elected to the board will be the conference chair. I know he'll get a big assist from Audrey Lynberg. Both of them helped me last year in Ventura, so we've been through the wars together. And that should help us put on a fine conference. So that's the site. The dates are October 28 and 29th. We'll go back to our traditional Friday/Saturday conference schedule. And the weather should be lovely in that part of the world, and we hope you can all make it. And you'll be hearing a lot more as the months roll along, so I think that will work quite well.

So that takes care of the formal announcements. And we're actually running a little bit ahead of schedule.

Bob Abeling, do you have a question?

MR. ABELING: Jerry, Bob Abeling. Could you ask that the sitting jurors stand and announce them.

MR. LEWI: You are jumping way ahead of me. You are stepping on my lines.

Yes. I think we would all like to know how many currently sitting grand jurors we have in the audience. I know we have at least two, because they've been introduced. Are there any others? Would you stand, please, any current sitting grand jurors.

Well, that's disappointing we don't have more. I recall in earlier conferences, we had -- as a matter of fact, my first conference I attended as a sitting grand juror in '98, and I think that may be a challenge for the organization and for the chapters to try to get more sitting grand jurors to attend. I know I learned a lot about being a grand juror by attending my first conference as a sitting grand juror, and I'm disappointed we don't have more. So maybe that's another challenge for next year's conference, Andy, that we work on that together with the help of the chapters and the rest of the association.

I think it would be a good time -- when we started the conference yesterday under the previous president -- doesn't El loved being called past president now -- to reintroduce the new board based on the election of the board. And I'll try to do that, and I'll try to do it by region. Starting with the south -- notice we are going to start with the south. The south has risen. The holdover jurors from the south -- and many are here and some are not -- are Jack Zepp, Bob Geiss, who just left, he was here earlier and made his presence well known.

Let's see, who else is from the south as a holdover. My list is a little strange. Jeanne Forbes and Barbara Dabul. They are both here.

The new grand jurors -- the re-elected and new grand jurors from the south are Andy Bliss, newly elected to the board, who you've just been introduced; Dian Picone, who is not here. Let's see, who is the other new from the south. I know it's me, one of them. Thank you. Rose Moreno. Thank you. Welcome aboard, Rose.

From the central region, the holdover jurors are Earl Heal. I've seen a lot of Earl here today; Serena Bardell, San Francisco. Let's see, who is a holdover from the central. Linda Baker. Yes, thank you. My list is organized alphabetically, so it's hard to look this up. Richard Ruth from Santa Clara County. And the newly elected, re-elected or new from the central region are Joann Landi, who is also going to be our secretary for which I'm tremendously grateful. Joann is an excellent secretary for the association; Clif Poole, who unfortunately cannot be here; Ourania Riddle, and newly elected central region Betty Mattea from Marin County.

And from the north region, the holdover jurors from the north are Carl Kyle, who is not here; Beverly Hill, also not here, and Richard Nichols, who has been here, but I don't see him here this morning. Let's see, who else was from the north. Yes, Diane Masini, thank you. And the re-elected or new jurors from the north region are Sherry Chesny, El Moger, who is still a committee chair, so El is going to continue to work for the association. Let's see. Beverly Hill. And then newly elected

from the north is Wayne Mason. So that's your board. We have 12 elected for two-year terms and 12 holding over for one more year. Oh, and Les Daye. Thank you. I've got to reorganize my list clearly, but we got through it and thanks for your help.

So that's your board for the current year. And, again, for those who may not have been present for announcement of the officers: myself as president, Beverly Hill is vice president; Joann Landi is secretary and Linda Baker is treasurer. Committee chairs are Jack Zepp for legal; Sherry Chesny for training; Clif Poole for membership; El Moger will handle public relations.

I will be nominating to the board a new member to be finance chair, and nominating a position on the board. The president has the authority to appoint up to three additional directors and bring in special expertise to the board with no regional identification. And I plan to nominate to the board a gentleman, who some of you may remember from last year. His name is Ira Grooms. He helped me last year with the roving microphone. And some of you may remember that we arranged for train pickup service, and Ira picked up Betty Mattea at Ventura last year. So we know he can do that well. He's an accountant and a lawyer, and he's going to chair our finance committee, assuming the board approves the nomination.

And the operations committee is kind of a to-be-determined. I need to decide who I would like to nominate to be chair of operations. And did I forget any committees? I think not. So that's your new board and your new officers and your new committee chairs. We'll talk a little bit more during the open

forum this afternoon. I do want your feedback. I want input from members and chapters. We have a little meeting this morning, informal session with those chapter presidents or chapter representatives who are here to talk about how we can improve our relationships with the chapters. It's the one part of the association I know the least about, and maybe that's good, and maybe I can come in with a fresh perspective and bring in some new ideas and I look forward to doing that. I have made a commitment to the chapters. I will attempt to visit every chapter during my term. I might go to Nevada during ski season, things of that nature. But I really seriously intend to do that.

I'd like to learn more about chapters and find ways that the association can help the chapters, and the chapters in turn can help the association. I think a lot can be helped by that. It will make us stronger in all ways. So I look forward to doing that.

So I think that's it for the morning session, and we'll adjourn for lunch and we'll resume at one o'clock. I think a lot of us probably have to go check out as well, but we'll be back in session at one o'clock, and we'll hear the chapter reports at that time. Thank you.

We are adjourned until one o'clock. Thank you.

(Noon recess.)

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MR. LEWI: We'll come to order again, please.

First thing I want to do -- and I see we are getting somewhat of a diminishing audience, and I regret we hadn't

reminded you of this earlier -- we absolutely need you to fill out those evaluation forms. They are vital to our future planning, and I know they were extremely helpful to me in planning last year's conference. And I know Clif's year's committee did the same from our data, and I know Andy will want to see the evaluation forms. So, please, before you leave, fill it out. I hope you've been filling out some of the comments as you go. That's actually the easiest way to do it.

Before we get to the next session, Donna has another introduction she'd like to make.

MS. HARR: Good afternoon. We are very fortunate here in Solano County to have the support of literally almost -- or almost all of our public officials. And today for lunch we were joined by Vacaville's Mayor Len Augustine, and so I'd like to welcome Len. He shared lunch with us, and he'll be leaving shortly to attend to other business, but I'd like to welcome him to the grand jury convention. (Applause.)

MR. LEWI: Thank you, Mr. Mayor. Thank you for being here. We appreciate that.

MAYOR AUGUSTINE: Thank you.

MR. LEWI: We are now going to have our section on chapter reports, and I'm going to turn the chair over to Richard Ruth. He is the -- are you the vice chair of membership relations?

MR. RUTH: I think so.

MR. LEWI: Anyway, he's responsible for chapter relations, so he's going to chair the next session.

MR. RUTH: Thank you very much. I guess Jerry didn't say that attendance was going to be taken. Before we close off

here, demerits will be issued. (Laughter.)

This is really an exciting part of the whole presentation because it really highlights the chapters and what they are doing and provides inspiration to all of the rest of the former grand jury population in California to form chapters. Incidentally, what I do on the membership committee is to help new emerging counties to form chapters, supply information that they need, sample bylaws and things like that. I have a list of the ten chapters we have currently active, and what I'll do is go down through the list and ask anybody who is here representing that chapter to maybe come up to the front and say a couple of words about what they are doing and what they have done in the past year.

Starting off, of course, I'm president of the Santa Clara chapter, Santa Clara County, so I'll kind of start the ball rolling with some of the things that we've done. We are a relative new and small chapter in spite of being in Santa Clara County which is about the fourth largest in population in the state. We have eleven sustained members, meaning that they pay dues. We have about six or so active chapter members in that they come to our every other month meetings and participate. Then, I can also throw in our grand jurors who are currently empowered, and we all count those as members because we give them free membership for the first year.

What we have done is embarked upon a speaker program. WE have one of our members, John McCashman, who is kind of putting that together. We are outreaching to all of the organizations that would like to see and hear about the grand jury, California

Grand Jurors' Association and what we do, what the chapters do and, of course, the importance of grand juries in their everyday life.

So we've got that going. We are working on fund raising. And, of course, in my newsletter that I send out every month, I beat on everybody who receives them to help out with some sort of budgetary help to keep us going, pay stamps, because the mailers -- of course, we don't get good rates at 37 cents each. I send them out to about 120 people that may be interested as an effort to increase our membership.

One of the things we did this year -- and I think you saw a part of it yesterday when we had the panel with my member, Bud Alne -- is we got together and kind of, because we were in Santa Clara County and there have been some problems in getting into some of the meetings and the police shootings that they've had there that was discussed yesterday, that we thought that it might be helpful to get CGJA to help in bringing the word forward to new grand jurors about what their authorities might be, and that is going to be an ongoing thing for this year. We hope that yesterday's discussion kind of got that little seed planted and will start up an ad hoc committee and work it and report back at the next year's conference.

That's about the extent of our activities this year. We're looking forward to increased membership and increased activity this coming year. I'll be bringing back to our membership a report on what went on here and, of course, gather up all the papers that have been passed out in voluminous quantities, and we'll kind of make everybody aware of what what they missed here

if they didn't come today.

I'll go down through the list. One of the first is Los Angeles. Andy Bliss doesn't like to have it called L.A. just like San Francisco doesn't like to be called Frisco. But Andy Bliss or somebody from the L.A. chapter?

MS. LYNBERG: I'm here from Los Angeles. I don't know where Andy is.

MR. RUTH: Audrey, would you like to step up here, please, and use the amplifier.

MS. LYNBERG: My name is Audrey Lynberg. I'm a past president of the Los Angeles Chapter, past board member of CGJA for five years. Los Angeles continues on, and we have quarter meetings. We also have a new president who is a charming woman, has a business that she travels a lot. We just had a meeting there about a week ago. And, of course, we are planning on this meeting next year, the annual meeting, which will be in Burbank. And we'll be having the southern counties meet to help us plan this program. What else can I tell you? We just have speakers that come and talk to us intermittently. We have our annual meeting always in June of each year. We still mail to about 165 former grand jurors, so that they know what is going on. And we culled that out of a list of about 350 that we carried for several years. And we finally took it down to five years if we had not heard from them. And a couple years ago, we brought it down to three years, because we had such a large list to mail to. But I did turn that whole list over to Clif Poole. Many of them, their addresses had changed or they passed away. So, anyway, we still keep in contact with a lot of people. Any

questions?

MS. BARDELL: Audrey, how about an example or two of the kinds of speakers you get?

MS. LYNBERG: Well, various. In fact, we've had Gloria Allred speak, who was dynamic, and she even brought her own television, and we've had judges speak. We had the dean of the Los Angeles Whittier College of Law. She was dynamic. It's just various speakers and health services or, you know, anyone we think of that would be giving us new information. Thank you. That's a sampling of it.

MR. RUTH: Thank you, Audrey.

Serena, we don't have speakers like Audrey does, you know, famous people that go out. Ours is more an educational kind of thing where we, as former grand jurors, go out to the community and kind of let them know what is going on. Also, Gloria Allred, I guess, has been in the news lately because she's associated with the Peterson trial.

MS. BARDELL: She was famous long before that.

MR. RUTH: I understand, Serena. Let's see. The Marin Chapter.

MR. SMITH: I'm Lowell Smith. I served as president of the Marin Chapter for the past two years, and being succeeded by Owen Haxton, who has taken over in July. But we have a very active chapter. It was organized in 1998 and affiliated with the California association in 1999. We currently have 62 members. It's a very strong membership organization. We really rely on our meetings to make decisions and take up new activities. We meet every month, except August and December.

And we meet in the very elegant chambers of the board of supervisors in our very beautiful Civic Center complex, those of you who went to the Marin meeting two years ago. We have four officers and currently have seven committees that keep us active. Our ongoing key activity is a training manual that I brought a copy of that. This is a very excellent document that's been emulated throughout the state, but this is an ongoing continuing project that is used as the basis and the syllabus for our training session which is held every year, a two-week training session for new grand jurors. Those are very key activities and take a lot of our time.

Another area that we have worked on is a continuing thing, but it's the Continuity Committee to establish a liaison with the sitting grand jury and to provide support to see that responses are properly documented and disseminated. And we currently had a very important break-through that the County of Marin has agreed to publish in full the responses from the prior grand juries. I think it goes back to five years. So we will encourage the community and interested members of prior grand juries to access that web site and check up on those reports.

I think accountability and follow-up is really a -- it's a dilemma for most grand jurors. We are trying to address that. We have a very excellent web site of our own that is current and maintained. Bob Abeling here has worked every year. We have a video, an hour-long video that's put on public access television throughout Marin County every year that highlights the work of the grand jury and is used as a recruitment vehicle. And our Archives and Records Committee maintains a manual and works on

maintaining all our proper records.

The last two years during my term, one of the important things we do is establish a work plan, lay out our objectives and some measurements as to how we can achieve those. And one project that is still a work in progress is an excellence in local government project. We thought that what are the criteria, what makes good government, what are the ways that we can recognize that, maybe document that, possibly develop a white paper, a journal article that might outline that. And as part of that, this past year we invited various speakers to come in and address that issue. We had city managers, people from the press, a columnist. We had people from local agencies come in and talk about their views of how they see performance, how do they measure performance. It can be a very academic and complicated issue, but it also boils down to just good common sense and judgment.

We work very well as an organization. We have good e-mail. I think all our members, except one or two, are connected by e-mail. So we have good communication that way. Another of our members, a former history teacher, has developed a syllabus, a teaching plan for high school seniors, so he has a block of time, it can be from three to six hours for the high schools in our region in our county to access, and outlines the work of grand juries and has different opportunities for the students to learn about the grand jury.

We also go out into the community to raise interest. We have speakers. I think last year we had six opportunities to speak before service clubs and outreach groups. We are also

trying to increase the diversity of the grand jury, the sitting grand juries. So we've gone to Hispanic and Black areas in the county to address and interest members of those communities in our work.

And, finally, we did work on bylaw changes to conform with the state association. Owen, would you like to join me? I'd like to introduce Owen Haxton again, who is coming in as our president, has come in as our president. He has a little special award.

MR. HAXTON: Thank you, Lowell. I'd like you to know that a couple things Lowell didn't say, our former Presiding Judge, Lynn O'Malley Taylor, presented Lowell with a plaque commemorating his two years of service with the grand jury, and we all appreciated that, and I'm sure Lowell did.

The other thing I'd like to mention is last year we had 22 CGJA members and this year we have 45. And the other thing that I have been sabotaged with -- Jack Zepp was supposed to be here -- we were going to issue a proclamation that:

"Whereas Frederick Zepp has decided to leave the wondrous magnificent environs of Northern California to live in the nether region of this great state, and whereas Jack has served long and faithfully in many roles of the grand jury," and I will skip a couple of things, "whereas this chapter is loath to lose the talents and grand jury wisdom of Jack Zepp; therefore, the membership hereby proclaims Jack Zepp an honorary member of the Marin Chapter of the California Grand Jurors' Association with all the privileges and rights attendant thereto." By our hands, Lowell Smith and mine, signed.

Now, we are going to have to mail it to him, and it's going collect. (Laughter.)

MR. RUTH: I've been kind of watching what's been going on with the Marin Chapter. They seem to be the gold standard, and I told you a little earlier that this talk was going to be inspirational. Well, it has been to me. I'm real interested in the part of their efforts with regard to responses. That's one of the things that really kind of bugged me, you know. I went through two years there, did a fantastic report and never did find out precisely how the responses turned out and what -- whether they were good or bad responses. So I applaud the work that you guys are doing, and I think we'd like to try and follow along that. But with all of the activities that they have up there in Marin, I wonder if you guys have established a "Hug a Grand Juror Week"?

MR. HAXTON: It's an idea.

MR. RUTH: The next one, Nevada County. Do we have somebody? Diane Masini, come on up here.

MS. MASINI: Can't you hear me from back here?

MR. RUTH: Well, we could, I suppose, but this is for the court reporter. See, the environment that we are in, a little of that rubs off on us.

MS. MASINI: My name is Diane Masini, and I am representing the Nevada County Chapter of the California Grand Jurors' Association. I'm on the board of directors there. I also serve on the board of directors for the CGJA. I don't have much to report on this year because we are a brand new chapter. We were finally formed in July. We have had one meeting, and we do have

another meeting planned for the early part of November. I'm taking back a lot of the information I got here at the convention. There's a lot of interesting things that I can go on and take back to my county. And we are going to have to do a lot of planning, and hopefully, next year we'll have a better report about our chapter. So I thank you.

MR. RUTH: We have Jim Connick back there from Sacramento. He's in the position you were in a few months ago probably. He's in the process of starting up a chapter. Maybe you can give him a couple of words of encouragement.

MS. MASINI: Stick with it, and it took us a couple of years, but we finally did it.

MR. RUTH: Thank you, Diane.

San Francisco? Will Bowen. Come on down. You fellas are a new chapter, too.

MR. BOWEN: We are a little less than a year old as a chapter and we are going through a learning curve. And this session is really helpful to at least help me think about some of the issues that we are dealing with and see how other people deal with them. We are fortunate. We've had a very good Presiding Judge. She moves on at the end of the year, so a transition to the next one will be priority for us.

She's been very good in letting us kind of get involved in the things that we felt where we could add some value. Serena Bardell who has been on the board here for a short while is on our board and has led our Outreach Committee to help in recruiting. The population of San Francisco is somewhere around half or more than half minority. We have a good number of

minorities on our grand juries, but not that portion, so among other things, we need to improve there.

We were able to interview all of the applicants this year and kind of separate them into a pile of "absolutely's" and a pile of "maybe's". And all the "absolutely's" are on the grand jury and, you know, some of the "maybe's" to fill up the 19. But we feel we got a pretty good group of people and added some value by being able to provide an opinion there. We also made recommendations on who the foreperson should be, and we gave the Presiding Judge a pool of three to choose from, and she did, and we are pleased with the foreperson that we have.

We wrestled with training. We redid our local manual, feel good about it. We put on about probably four hours or five hours worth of what we call orientation and chose to rely on the state association to do the real training. We probably will wrestle with that a little bit more for the next year or so. For me, I think that's the right answer. No need to duplicate what the state does. You do a wonderful job on it. It would be helpful for us if it came a little earlier. Our folks go to Concord and that's really too late in the season for the state association, so if you could accelerate that, that would be helpful.

Probably the other area -- well, two other areas we wrestle with. One would be continuity and I'm not really exactly sure what the definition of that should be, but it's kind of how you make sure that there's some impact of reports in the recent years. We've assigned the past foreperson as liaison to the new grand jury and chair of the continuity committee, and he's done

a good job of assembling, you know, information for the new grand jury on the recent reports. And we've given them a prioritized list of things for the last three or four years of what we think is worth following up on.

We are unique in that we are both city and county, so we have one board of supervisors and we've established a good rhythm with the board of supervisors to have all of the grand jury reports heard by one of the committees of the board, and the number of members of the grand jury association go and testify on old reports as well as the new ones.

I think we're lucky, for those of you who know San Francisco politics, we've moved from Mayor Willie Brown, who was very much an opponent of grand juries, to Gavin Newsom, who is very much an advocate of the work of grand juries. Gavin had a group of 125 people that did position reports in a very kind of corporate study kind of way. He came into office and relied pretty heavily on grand jury reports on what government policy ought to be on one thing or another. And I think most of us in our association, this is really our reason for being involved is to try to impact good government policy in San Francisco. So we are interested in helping the association statewide. We are interested in helping, you know, the structure of how we work locally, but fundamentally we are there to try to help improve government in San Francisco.

I was encouraged just last week. I was at a hearing where Tom Amiano, who had been the president of the board of supervisors, referred a couple of times to the report the grand jury did last year on disaster preparedness in the context of

earthquakes and 9/11 and really giving the grand jury report credit for a year or so ago pointing out what needed to be done and getting the City moving on that. So those are the kinds of things that energize us to see where we do make kind of a difference.

Public relations is a mystery, and I appreciated listening to the session this morning. It's difficult to get The Chronicle in San Francisco to deal with us as the association. They have done a good job in the last couple of years in terms of reporting our grand jury reports. We've made progress in that regard. But they are not interested in telling the public who the grand jury association is or running, you know, pieces on what the grand jury itself is. So we've got work to do in terms of figuring out how to get along with the media in San Francisco and getting enough attention.

But it's energizing to be here, to listen to people, to get ideas. If there's anybody particularly that has ideas on continuity and how to make things happen once you publish reports, we'd love to hear from you. Look forward to working with the organization going forward.

MR. RUTH: Thank you very much, Bill.

It will be interesting to watch San Francisco grow, and I'm looking forward to the day when they decide to host one of our conferences because San Francisco is a great place to visit. Okay.

Next, let's take San Mateo. I got Joann, our secretary, to come up and say a couple words from the San Mateo Chapter, another one of our gold standard groups.

MS. LANDI: My name is Joann Landi. I'm the secretary of our local chapter, also. We continue to have our speakers groups going out speaking to Rotarys and senior groups. We have about 50 to 55 members in our local chapter. We have an E-script program that we have a fellow named Angelo Carmasi. I call him the Energizer Bunny. He's really the spark plug. He really hustles and gets his friend's card numbers, their Macy's numbers, their Safeway numbers. So it looks like we are up to about 85 members in our program, and we are averaging sometimes a hundred dollars a month on the E-script program.

We have a few of us that are working with a couple of judges in the county, trying to kind of work with them to develop a sort of protocol that can be passed from one Presiding Judge to the other to kind of get that more standardized. The two terms that I served were under Judge Kopp and he -- at least those of us who served under him felt like he did some things that we would like to see continued, like the training. I'm very disappointed that San Mateo County is not really participating in these state trainings any longer. So that's kind of a goal I think that should be for our chapters to try to work on that. So we've had a couple of meetings with the judges, and as a matter of fact, Monday is our -- twice a year, our meetings are more of a social event. Our board meets every month, but twice a year we have member meetings and usually one will be a speaker, county manager or other county department heads, maybe someone from the press. And this Monday we are honoring Judge Kopp. He's going to be entering into our hall of fame. He's only been fourth for this award, and the first of whom who has

never served on a jury, so that will be sort of interesting.

We also have what we call an E-ticket. We have some folks that have been working with the county board of education, who are willing to help distribute information to educators for us to make them aware of our web site. And on the web site is a unit of study that teachers can use as a source of like an extra credit kind of project for students. And we also do have a web site which the county has been generous and has hosted for us. We are on the county site. That's about it.

MR. RUTH: I met Angelo. When she describes him as an Energizer Bunny, that's true. And Angelo really works hard. And to Angelo, who -- I don't know how old Angelo is.

MS. LANDI: 80-ish probably.

MR. RUTH: He's something to aspire to. I hope when I get there, I can be half as powerful.

Solano County, Wanda.

MS. KIGER-TUCKER: Before I say anything about our chapter, I wanted to say a thank you to Donna Harr for stepping in and filling Clif's shoes when he couldn't be here. I don't know a busier lady in the whole county, besides monitoring all the supervisor meetings that she can get to and the counsel meetings and the committee meetings and agriculture meetings. Anyway, we have Donna to thank for our Jelly Bellys, and she's been our Chamber of Commerce Liaison in getting all the things out there. And I think we owe Donna a big thank you. (Applause.)

Now, I've been told that our chapter was formed in 2000. Don Enneking was my predecessor, and I've been president for two years now. And we are a small chapter, but a dedicated one, I

must say. Our mailing list to all of our county jurors is about 102 people. However, we have about 30 people who are partial dues payers, either in one section or the other, either for the state or the local, and actual voting members, we have 12. I've got promises from our sitting jurors that next year when they were done with their current duty, they are going to be looking us up. So we hope that comes to pass.

We had our election of officers this year. I was reinstated. John woods is our new vice president, Norma Hutchinson is our secretary and Ourania is our treasurer. And for our activities for the year, we kicked the year off with a spaghetti feed. We sent letters out to all of our members, and they didn't have to bring a thing, it was all on us. We just fed them all the spaghetti they could eat, and we did get a couple of associate members out of that. We have hosted a picnic and invited other counties, and we had a few counties show up at our annual picnic. I'm trying to think of what else we've done during the year. We've visited our court officials to discuss changing the way we select our jury pool. Our county is really desperate for jurors to put in the jury pool, and we are one of the few counties that still do this archaic process of just being recommended by a Supervisor or a City Council person. They did open it up to the college administration to do recommendations, and we got a, you know, a little bit larger jury pool, but it seems like every year they are scrambling for new members.

Our organization is looking for ways to get out into the community and we have, you know, suggested going to schools. We

are going to be offering sending a letter to the high schools and maybe offering to come in and talk about the jury process. I had a chance to represent the grand jury to a church group and got two prospective jury pool members.

One of the major things we did this past year was lobby Sacramento. We got a phone call saying that this legislation was in, and it was bad news, and so we went down there en mass. I think we had eight of our members that showed up in the committee, and we all spoke to the issue, and it didn't get out of committee. So I view that as one of our main goals. I mean, one of our main duties as a county chapter is to be there and be ready when these things come up. And I guess that's about it. We are looking forward to a good year coming up. That's it. Thank you.

MR. RUTH: Thank you, Wanda.

The next in line is San Luis Obispo. Boyd Horne.

MR. HORNE: Thank you, Richard. Boyd Horne, San Luis Obispo, former grand jury association. I'm vice president. Don Blythe is the president. And we are a brand new chapter, just like San Francisco. In fact, I would say that we are like a baby chapter, and a baby chapter has to learn how to walk, and then learn how to run, and that's basically where we are. I wanted to thank the state association and more specifically Clif and Richard for making the process of becoming a chapter as easy as possible. And then I'd like to thank the state association generally because you have to convince members to become a chapter, and so the evidence of the benefits of becoming a chapter were clear. So that's been very helpful.

I have been asked -- one of the actions we've taken as a new organization, just to give you a sense of that, I've been asked to draft a letter, which I'll go right back and do, to sitting jurors announcing that we are now a chapter, and I'll state it with some pride. This is to inform the sitting jury that now there's a chapter in town. We chose to be a director-managed chapter, which I think frees up the membership meetings for speakers, good speakers and general discussion. We have monthly meetings of the members. We have about 40 members. We do have a mailing list that exceeds 100, 120, 130. But we have 40 members, and we have 10 to 16 attendees at each of our monthly meetings. And we are having monthly board meetings, so we are going to be meeting frequently to set priority action items.

We have a secretary. This is part of the organizational improvements. We have a secretary taking minutes at both the membership meetings and the board of director meetings. We send out an announcement of each meeting saying who the speaker will be. That's to encourage people to attend. We have begun that, and we have a telephone calling process to urge people to attend. One of the projects that's been ongoing, I just want to recognize Barbara Dabul, who is also a director, who is part of our new chapter, and Jean Beck, also a member, have been very actively searching out grand jury reports from San Luis Obispo County from the previous years, going back to 1850. I don't know if they found 1850 yet, but they have made significant progress in finding those early reports.

Future agenda. It's under development, but what we are moving into or what we are beginning to focus on is, one thing

we've done is that we've offered a course on the grand jury -- and this is something that you may think about -- under the aegis of the California Polytechnic State University in San Luis Obispo Continuing Education Program. We offered a short course in the grand jury, and a few people attended, and out of that, we had four individuals that applied to become a member of the jury. So that's another opportunity for you at your local educational institution.

We plan to follow up on certain grand jury recommendations. We spent some time dealing with the issue of the Paso DeRobles Penal Institution, also child welfare services as a continuing concern. We talked about forming a speakers bureau to inform the public about the grand jury. And we plan to continue efforts in recruiting new jurors, and we did an orientation of juror applicants this past spring. But that just gives you a flavor of a baby chapter getting organized to more fully accomplish its goal and mission.

MR. RUTH: Thank you very much, Boyd.

Ourania wants to say something.

MS. RIDDLE: I'm Ourania Riddle, and I'm the Journal editor, and I really want to ask the chapter presidents to send me what their chapters do for the Journal. It doesn't have to be a very big article. You don't have to do it. You can assign somebody in your chapter to do it, but please share what you are doing with the rest of the membership. So my e-mail is in the back of the Journal. You can send me the name of the person that is going to be responsible for the article so I can send them reminders of my deadline. And also anyone who has any newspaper

articles about the grand juries, please send them to me. I cannot spend a lot of time on the Internet looking for articles in the newspaper. And then once you do keep me posted, I thank you. Serena, thank you very much.

MR. RUTH: Ourania is doing a fabulous job on the Journal and is always out there beating the drum to get information in. And it helps us all really, because it's part of a cross-fertilization process, like the conferences. It spreads information around through the whole universe.

Napa County. Anybody here from Napa County that would like to get up?

(No response.)

All right. Last one is Monterey. My daughter saw Roger here. Maybe he has left. Okay. Well, that concludes the chapter updates of everything that's gone on. I return the gavel back to Jerry.

MR. LEWI: Thank you, Richard. To those chapter presidents or chapter representatives I was unable to hear, I had some other pressing business. I apologize. I said earlier, I intend to visit all the chapters. I think they are a very strong and vital part of the organization. I've been impressed with the very vital Solano Chapter, a small, but mighty group. And one of the things that impresses me is how closely tied you are to your local officials. It gives you a good access to your community. It's a good thing you are not doing grand jury reports, because you might be accused of being bought off by the other side, but you are not, so that's okay. So that's great.

And to Bill, his comment about continuity, we mentioned this

last evening, and I would maybe offer this to others interested. Since I teach continuity in the workshop, maybe I'll bring my presentation to your meeting and run through it with you. Might be helpful. I've gotten some good ideas, and I hope to follow through on them, and I certainly echo what Ourania said. She's a sponge. She absorbs anything that you give her to put into the Journal. That's in a nice way, Ourania. So that's a good comment, and I endorse what she's asked of you.

Okay. That concludes this session. We are now ready to move into a series of reports which I guess is the good news story. Where is Earl? There he is, right in front of my nose. Earl is going to chair the beginning of the session, and then we will do the open forum as scheduled. I hope you all can hang around for that, because that's your turn to speak up and say anything on your mind, and for us who are on the board to listen attentively to what you have to say, and we'll define the ground rules when we get to that session.

Earl?

MR. HEAL: Thank you, sir. I'm here really to discuss a success story issue that we raised this year. Before I do that, I want to give you a reminder about what Jerry said for us on the survey forms that are out there. We have copies of the survey ready to mail to each court executive officer, to each sitting jury, and to forepersons who are kind enough to respond to our survey earlier in the year. So I remind all of you to stop by there, because if you can pick up any of those forms for us and take them directly to their assigned location, it would save us 60 cents postage for each and every one.

Now, getting on to the subject at hand, success stories, Clif proposed this idea earlier in the year as we were planning the conference. As we got into the survey, it became obvious that we had a ready source of information for success stories, because the question at the back of the form said "What are the strengths and weaknesses of the grand jury system as you sit?" Authority to investigate is a common complaint, of course. Nothing new to you folks. We have no teeth. What is a watchdog without teeth? And contrary to that, though, these reports do show we have successes. I would say we are a watchdog, but instead of thinking yourselves as a Pit Bull, maybe we are just a little Dachshund. Maybe if we nip long enough, they'll get tired of us and do something. So I do think we have a lot of strength, but the key is probably repetition.

Anyway, to carry on with that, we've picked up about three or four examples of good successes. To open that up, I've asked Mr. Dieter Juli from Nevada County to tell how they saved the day for the county. I would point out, while he's walking forward, think of success as what Madera did. The money they saved as reported earlier this morning will pay for every grand jury in this state for a couple of years. So successes are important.

MR. JULI: I need to sit down.

MR. HEAL: That's fine. And on these successes, we did ask that as part of your story verification, because we've all seen a lot of good reports, and we know what the key is. You beat them enough until they finally get tired and solve the problem.

MR. JULI: Well, my name is Dieter Juli and I'm from Nevada

County. I have been the last three years on the grand jury. The first year, I was the chair of the audit and finance committee, and the last two years, I have been the foreman of the grand jury.

I just retired and I was asked by Earl to make a presentation. He's talking about a success story. By the end of my little talk, it may not be a success story. But anyway, it's certainly "E" for effort. So let me start. We are talking about Nevada County utility franchises. In the year 2000-2001, the grand jury came out, and the reason for the investigation was that the grand jury wants to insure that the appropriate procedures and practices are in place to guarantee that the counties were receiving agreed-to fees from utility franchises operating within the county.

At that time, the grand jury interviewed three county managers who were responsible for the franchises in the unincorporated areas of the county: The transit director for cable TV, the department for transportation sanitation for garbage collection, and the auditor-controller for gas and electric. In fiscal year 1999-2000, the county collected a total of \$610,000 in franchise fees. I won't read the whole report. That would be too lengthy. So I'm just going to give you highlights from it.

One of the conclusions was that there are no apparent procedures and practices in place to guarantee that the county is receiving agreed-to fees from all franchises operating within the county. The recommendations that the grand jury did -- at that time, there were only two of them -- one of them was that

the responsible county official should review and update the county code to include all the utility franchises operating within the county to establish a definitive method for calculating each franchise fee, to establish procedures to insure that the county is receiving all agreed-to fees from franchises operating within the county, and these procedures should include audits and/or other reviews of each franchise. The second recommendation was to perform the required audits and/or reviews as stated in the updated county code for each franchise at the earliest opportunity.

At that time, we sent requests for responses to the board of supervisors, to the county administrator, later called the county executive officer, and to the auditor-controller. That was in the first year. At that time, we got responses which were not always compatible to each other. One unit would promise one thing, and the others would promise another. So it was a little bit diverse. So last year, the second year that I was on, the county executive commissioner -- I'm sorry, the county executive officer went to the county counsel and told the county counsel that appointed people did not have to respond to grand jury reports. So we had a bit of a dialogue back and forth, and the grand jury agreed to that, so subsequently we just got responses from the board of supervisors and the auditor-controller who both were elected officials.

The first response that we got from the board of supervisors in response to the recommendations, they said the recommendation has not been acted upon and requires further analysis to be completed by January 31, 2002. Implementation is anticipated by

June 30, 2002. That was the answer to the first recommendation. And then the second recommendation about requiring audits, they said the recommendation has not yet been implemented, but it will be by June 30, 2002.

All right. So we go on to the next year. In the year 2001-2002, we investigated the status of the previous year's recommendation. Well, another big report come out. The conclusions at that time were that it said the requested review of the county code is a formidable task which needs to be tackled with focus and conviction. To date, the board of supervisors, the county executive office and the county counsel and respective department heads have failed to initiate any action.

Verifying fees collected by the county is a new concept. At present, the county does not know if the appropriate fees are collected. We again recommended that the county code be updated, and the county executive officer should spearhead that. And we once again recommended that the county code is updated and the auditor-controller should conduct regular audits of all franchise fees. Well, the responses thereto again were very good. The response to the first recommendation was the recommendation has not yet been implemented, but the plan and schedule to update the code will be developed by the county executive officer and presented to the board by January 14, 2003. The first was in September of 2002.

And as to the audit, at that time, they stated that the recommendation will not be implemented as stated, and then they said that this was due to limitation of time, personnel and

resources. And so the auditor-controller was waffling on the requirement that they should audit the franchise fees.

Now, we are in the grand jury 2002-2003. That's the third grand jury down, and we're again saying this report is follow-up on the recommendations from 2000-2001, 2001-2002. Additionally, then we say two of the six utilities franchises have now been audited with significant underpayments discovered. They finally went to it and allowed reviews, not audits, of two cable companies, one of them in the Grass Valley/Nevada City area and the other one up in the Truckee area. We came up with a long verbose report. The first underpayment was for \$24,837 including interest, and the second underpayment was for \$63,064 including interest, so roughly \$87,000 was underpayment on those two utilities alone. By that time, the 2001-2002 fiscal year, Nevada County collected \$798,000, so that was approximately ten percent of the total franchise fees that were collected.

The conclusions at that time were that for the two previous years, the board has failed to meet its commitment pertaining to the grand jury reports on franchise utilities, and then they were short. The recommendations were again that the board should take immediate, definitive and conclusive actions to update the county code, with all the requirements, and then immediately following the update of county code, the board should insure with auditor-controller that audits are immediately initiated and concluded. So we haven't changed our view with a long, long, long response, partially agree, disagree, partially agree and all of the findings, and let's see what the county said at that time.

The response to the recommendations were that the recommendation has not yet been implemented and requires further analysis to be completed by 2-1-2003. So time is moving on. They state that the completion of the task is presently scheduled for January 2004. So that's where we were two years ago. Last year, at the grand jury in 2003-2004, we now said that the reason for investigation that there were three previous grand juries which had issued reports that the board of supervisors had agreed with those recommendations each year, then issued and reissued board orders that required implementation of recommendations. After three years of board direction, many of the recommended actions are only now being completed.

And so now we are in the last report. Franchise fee hasn't changed much. We said last year it appears that the county is finally making head-way in establishing some meaningful control over a significant source of revenue, and then we say that the auditor-controller's office lacks a clear understanding of the methodology and documentation utilized by PG&E in their calculation of fees due to a county to insure that remittances are in compliance with the law and established procedures.

Recommendations, again, the grand jury strongly urges the board of supervisors to instruct the county executive officer and county counsel and auditor-controller to finally complete the update to the Nevada County General Code Chapter 2 Franchise. And then the auditor-controller should develop a plan. The response to it is a bit discouraging. Again, the grand jury strongly urges so and so, and then the response says

has not yet been completed, but will be by September 30, 2004.

That was just a few weeks ago.

I asked the president of the grand jury, the present foreman where they stood, and we are still pending, we are still waiting, and although, I said to Earl that probably this year's grand jury will drop the subject matter, I haven't spoken to the new foreman, he says they probably will not be able to continue because the county still hasn't done it. I think that's a sad case of follow-up by the people responsible for that. I realize that Nevada County had a change of executive -- the county executive officer was replaced, and the county counsel was replaced. The auditor-controller, in my opinion -- and I'm not just an individual who lives there -- is probably not qualified to hold a job down. He runs unopposed and so nobody else wants the job, and everybody is hoping that he is going to retire pretty soon, which may improve the situation.

The bottom line is that we have not been able to move forward on it. My comments in the survey is that the grand jury system ought to have a little more clout in forcing some of these issues, and bring them to the fore. We've been unable to succeed in that, but we will certainly not stop trying. And I'm sure one of these days, we hope to get all of the franchise fees that we are entitled to and see how we go from there.

If there are any questions, please ask, and I'll try to answer them.

Yes, sir.

MR. COLBERT: You as an individual have authority to go in and check and find out why that is done.

MR. HEAL: Repeat the question, please.

MR. JULI: He says that I, as an individual, have the authority to go and check if that has been done.

MR. COLBERT: Sure.

MR. JULI: That is correct, but I don't think that will move the board of supervisors or get the process going.

MR. COLBERT: No, but you can report back to the grand jury.

MR. JULI: Yes, yes. And I'm sure they will follow up. They certainly have enough examples from the previous actions.

The sad part is I don't think that we are going to get there. As I asked the auditor-controller from Solano County, she did answer me and said that they don't look into it. She says that the PG&E response goes by miles, which is true. It doesn't prevent anybody from going into San Francisco into their office and saying could you please explain to me how do you arrive at that, or just to keep their feet to the fire to make sure that they know that somebody is asking a few critical questions, and so we'll keep on trying, and we'll keep on pushing.

Anybody else for any questions?

(No response.)

MR. JULI: All right. Thank you.

MR. HEAL: Thank you, Dieter. This is probably only, shall we say, a partial success, but I still say a little Dachshund keeps nipping away, they'll get there sooner than later.

Now, the next example is a little more like a Bit Pull, so Duane, would you look to come forward and explain how Shasta County solved the problem more quickly.

MR. MASON: Marsha Caranci, one of the members of our Shasta County group, was to be up here to make this presentation, but she couldn't make it, so you get me by default.

On the 2002-2003 Grand Jury, which Marsha was the foreperson, the Shasta Lake Fire Protection District hadn't been inspected for a number of years. And also the grand jury received bang, bang, bang, three complaints with regard to the acting fire chief. This prompted them to go in and take a little closer look. And having got all the good advice from the association with regard to special districts, it was something that they were looking forward to.

The fire district was found to have not held an election for board members since 1987. All of the board members that were currently serving at that time had not been elected. They had all been appointed. They had been holding improper closed sessions, and they were playing "hide the agenda" with most of their meetings, so it was very difficult for citizens to find out what they were going to be talking about.

They had a contingency reserve that they were holding that was 30 percent of their annual budget. The acting fire chief had been accused of sexual harassment in a lawsuit that had been filed. Once this lawsuit was filed, the board decided they wanted to take some positive action, so they went into the staff with a survey, asking a lot of very personal questions that required candid answers, assuring the staff that it would be confidential and only shared by the board. Once the survey was in, the board shared it with the new permanent fire chief, the one that had the sexual harassment lawsuit filed against him.

They settled that out of court, by the way.

The fire district had gotten a federal grant for training. What they did was they went and bought some office computers that were used for anything but training. And the final -- it wasn't the final thing, but I think it was the thing that indicated what was going on in that board. A water tender was purchased from a company that was owned by one of the board members. Some of the difficulties that they ran into as they were moving into the investigation was the fact that this civil lawsuit with regard to the sexual harassment claim was in the process of being solved, and it put a limit on a lot of the things that they could do. But early on, that was resolved, so that roadblock was removed. County counsel had to recuse herself from the advising the grand jury, because she had just been giving them advice with regard to their bylaws and employment practices. But they were able to build a firewall and allow one of the deputy county counsels to come in and advise.

During the investigation, the district refused to release certain documents. County counsel had to write a demand under the Public Law Disclosure to get those. They began to get very, very fearful as this investigation progressed. They hired an attorney, and the attorney advised them not to have any contact with the grand jury, would go from their counsel to county counsel and don't have any more contact, and that included an exit interview. So they didn't have any opportunity to read these and answer to these findings and recommendations by their own choice.

And one of the principle subjects during the investigation threatened to file a lawsuit, and the grand jury had to seek counsel on what their liabilities were as grand jurors in that situation. The media, once this final report was published -- it contained 23 findings and 16 recommendations -- there were eight major newspaper articles. And by that, I mean either front page headlines or on the local section of the newspaper, headlines with pictures. There were 20 editorials written. The one that was written immediately after the report came out contained this quote: "What the jury discovered and reported quite succinctly was a shocking range of deficiencies, mismanagement, incompetence, and downright stupidity on the part of the fire district board and fire chief."

The fire district decided that they needed to call a special board meeting to review all of the grand jury recommendations. At that meeting, 40 very angry vocal residents showed up and let them know what they thought about the whole thing, and there were some very pointed questions as to what were they going to do about it.

Some of the things that happened as a result of that, an election was held on November 2003. There were seven candidates for three vacant seats. One of the individuals that had been serving did not get reelected. Brown Act violations were addressed by the district attorney, and the board received training on Brown Act procedures. Public meetings were held. They openly discussed bylaws and district procedures that needed to be written.

And last week, there was a headline in the paper. I don't

know if you can read this, but it says "Shasta Lake Fire Chief Retires." In the article, the attorney for the board says, quote, technically he was not asked to leave. The board has stated they will comply with a hundred percent of the grand jury findings. The district lawyer said it may be closer to 80 percent. But that's where it stands today. Any questions?

Yes.

MS. LANDI: When you said that -- I'm just curious -- the elections hadn't been held, do you mean that there never were any oppositions, so they didn't have to hold elections because no one ever ran against those candidates?

MR. MASON: Yes. There were no candidates. What they had was they would have a list of individuals in the positions. Someone would leave. They would appoint somebody. And if an election did come up, there were no candidates. I'm not really sure how that worked, Joann. It would seem to me like they would have to have them, but that's the claim.

MS. LANDI: That's why I asked because I do work for a special district, and there are five directors. In this year, two are up. Two years from now, three would be up. And they actually have no elections, just simply because there haven't been anyone who have run against those people. But they would have gone through the process if there had been competition.

MR. MASON: This leaves you with the implication that they just ignored the necessity of it, since nobody was interested in running, they just continued doing what they were doing. If someone got tired of serving, they would appoint somebody else, and just ignore the election. That's what the implication is.

Sherry?

MS. CHESNY: Just to back up what Joann said. She's absolutely correct. If there are five, you know, or three seats open and only three people, the incumbents are the only ones there, and there's no challenges, there's no election. You only have an election if there's more candidates than there are seats available. And I live in a district where we have a small water district. I lived there ten years. I thought it was my water district that supplied my water. I thought it was a privately owned water district because in ten years, they never had an election. The same situation. They were fishing buddies that just kept on in those seats, and they never had an election. They met the Brown Act requirement for posting notices by nailing an agenda on three trees throughout the district. And Brown Act violations -- they didn't know what the Brown Act was. So I mean, there are those types of districts, and it was not surprising that there are no elections. People don't know that they have the right to run.

MR. HEAL: Thank you.

Well, we've had two examples now of extreme resistance: one quite successfully overcome; the other still remains to be totally determined. But Dieter, keep trying. You'll get there.

Okay. One more. We'll fit the third one in now so we can have a break, and then get into the forum on schedule and take care of the issues. So, Wanda would you come forward.

Wanda's case is a little different now. Her report is a typical stonewall where the authorities act like the jury doesn't know what they are talking about. The difference was

with a little patience, the jury did nothing more, but the board finally found out they had to take corrective action. So here you are.

MS. KIGER-TUCKER: This turned out to be a real success story, but about four years later, they ended up doing what we advised them to do four years earlier. Anyway, in year 2000, the grand jury decided to issue reports on the county library system, and they ended up focusing on the Dixon library which was my town, and they came up with four findings and recommendations. And they said that the facilities were antiquated and the basement was unusable because of the water seepage problem. And so, like I said, we only had four findings and recommendations, but in their response, they come out with 20 pages of responses to counteract those four little recommendations, and they said that they were disappointed in how incomplete our report was and that we recommended that they leave the antiquated system that they were in and join the Solano and Napa system for the county where they could offer more and greater services. But they said that would be too expensive, and it was fiscally irresponsible. And so anyway, that was where it was left.

And then a couple years later, the Vacaville Reporter, the same gal that was just here a while ago, they picked up the ball and began to report. And here is an article they put in, and I'm sure that the support of your paper helps get some of these things accomplished. But they said that the Carnegie Library was built in 1912 and was one of more than 1600 libraries founded in the early 20th century by steel magnet, Andrew

Carnegie, and citizens throughout the nation. And then in February 2002, toxic mold was found in the basement, which we told them two years earlier that they were going to have a problem. So they spent \$20,000 to correct that -- no, I'm sorry, they spent \$30,000 to correct that problem. So then they decided to hire an architect. The library district hired an architect at the cost of \$20,000, so now they are \$50,000 in the hole. And that report revealed that there were numerous structural flaws and health and safety issues, which we had also pointed out.

And then in 2003, the Reporter began to write several more articles, and they even recommended that the administration of the Dixon Public Library, historically independent from the Solano County library system, should join the network of the county system where they can provide more professional and technical services for the community.

So then it finally turned around that the Dixon administration voted that they would contract with the Solano County system for their administration, and they are currently looking for funds and a place to relocate the whole building. So anyway, what we pointed out four years earlier and \$50,000 later down the road, they had to correct it anyway.

MR. HEAL: Thank you. Okay. The fourth story from Napa County will not be reported on, because the lady who was to report it had health problems that arose, so she won't be able to present that.

In closing, I would like to point out that the board right now is looking at how we can look at propagating this concept of

promoting ourselves a little bit better. This year, as I said, please, if you can fill out the survey forms, so if people gave us answers, all we had to do was contact them for some of the more exciting cases that came up with the stories. That possibility won't exist next year. We'll probably incorporate this in some manner with the ERR program. All I can ask is you go home and you talk to your local people. Be on the alert and be thinking about how you can promote a success story, and in some way, we'll try to present something like this next year.

Thank you for your time.

MR. LEWI: Thank you, Earl. Before we break, Roger Loper came in, and I think he would like to give a very brief report on the Monterey County chapter.

While Roger is coming up here, Sheldon, I wonder if you would like to give us an unsolicited brief report on the Orange County association. I know we didn't put that on the agenda, and I think that's an oversight and I think we should hear from you if you would like to address us for a few minutes.

MR. LOPER: Thank you. I'd like to say a word or two about the Monterey County chapter. One reason is that we are almost exactly on the fifth birthday of that chapter. I think it was the 19th of October in '99 that we were recognized by the association as a chapter.

I stood here and made a report four years ago, and I think they had \$354 in the bank at that time, and we didn't get carried away and spend it. (Laughter.) We have \$1200 now, so we are doing well on that. We have 23 members, and 15 of them are dual members; that is, they belong to the state association,

as well as to our chapter. But we have a mailing list -- a live mailing list of about 75 names and sort of a passive mailing list of about 200 names. So we get the word out, one way or another.

Our principle activity right now is to establish what we call a "country store attitude" with our legislators. Country store means to us people in the middle west who, in the middle of winter, come to their country store and gather around a wood-burning furnace, put their feet up and talk about what's going on. That's what we'd like to do with our legislators, and we think it pays off big to do it.

I'll give you an example. Simone Salinas is an Assemblyman who represents Monterey County. He's been a county supervisor for many years. And he's chairman of the local government committee of the Legislature, the Assembly. They were an influential committee on AB 312 that you know we set back last year. And we made it known to him that we represented a couple hundred people in Monterey County, and we were against AB 313, and he voted against it, and it never got out of his committee. And that is the kind of thing that we need more of, I think, by the chapters to get a collegial relationship with their legislators. That's really what I wanted to say to you.

The other things that we are are doing are pedestrian, I think. We have a speakers bureau. We keep a chart of all of the reports that have been made for the last 29 years. I'm sure next year, it will be 30 years, that show what organizations in the county have been investigated by the grand jury and when, so that a new jury will get an updated copy of that, and they'll

know right away that everybody in the world has been on the planning department almost every year for 30 years, but there are other departments that haven't been looked at at all. So we've been trying to do that.

We also have a summary of all the responses. Now, the responses show up on the county's web site, so it's a little less important to us. We used to put them in the libraries, 20 sets of responses. That cost us a lot of money. We are not doing that now, because they are on the web site. But I guess the bottom line is the Monterey County chapter is -- oh, we went through the revised bylaws that the state required of us. There was some complaints about it, as you might imagine, but we decided that we are good guys and we'll knuckle under, and I think Santa Clara County and our county were the first two that submitted new bylaws that met the requirements of the association.

We need a good project. We need an enemy to pull our people together. I don't know who it is. We'll have to find one somewhere. We are such nice people, it's hard to find an enemy. With that, I think basically that's our story. We are there. We are doing something. Not as much as we should probably, and we have a lot of people who have a lot to do and don't have the time to work with us, but we have a little nucleus of people who want to keep the grand jury working the way it is.

I should say that the president of our association is a wonderful person, 40 years experience in education. He was the new dean of students for Monterey Peninsula College for 15 years. He knows everybody in Monterey County, a very fine

person to have on our group there. So if you come our way during one of our meetings, we would like to have anybody who is interested attend our meetings. We meet quarterly. And we are busy working on Santa Cruz County to begin a chapter. That's my story. Thank you.

MR. LEWI: Sheldon, would you like to come up?

MR. SINGER: Sure.

MR. LEWI: While Sheldon is coming up, a brainstorm hit me. I made the commitment to try to visit all the chapters. I wonder if it would make sense, first of all, for me and secondly for the chapters, for example, could San Mateo and Santa Clara have a joint meeting that I might attend? And that way, you might learn from one another. You are not too far apart. Think about it.

MR. SINGER: My name is Sheldon Singer. As you can see, I'm from Orange County, and we accepted Jack Zepp very graciously. And he led us down a fine path. We met with legislators and fought all the bad things they were going to do to the grand jury, and we won.

We have a little over 200 members, paid members. We are very aggressive. Since we've had our per diem raised in the year 2000, we are \$50 a day now for the last four years. According to our presiding judge, the caliber of the people that come to us who are interested in grand jury, their backgrounds, he says are fabulous. We have over 200 coming each year, and he said you can close your eyes and throw darts, and there wouldn't be any problem as evidenced by our past foreman and our present foreman. People are interested in grand juries. And we get

out. We've got videotapes. We make a lot of meetings, talking about grand jury. And everybody is interested, and we are very happy in Orange County. So don't disturb. Don't make any waves.

But we have done a lot of good projects, and I think people believe that we are doing a good job. We meet quarterly for our membership and usually have 100 to 120 members. We subsidize meals. They pay \$15 a year. If they come to all four luncheons, they get their money back. But we have good luncheons. And if any of you are in Orange County and want to see what is going on, get in touch with any of our members, and they can steer you in the right direction. Thank you.

MR. LEWI: Thank you, Sheldon. Being not too far from Orange County, it's my impression -- I may be wrong -- but one of the reasons you get a large jury pool in addition to your absolutely outrageous fees is that there's a lot of things investigated in Orange County.

Okay. We are going to take a break now. We'll come back at 2:45 for what now will be the final session that I think you have all been waiting for, the open forum where you get to talk back to us. We'll see you in 15 minutes. Thank you.

(Recess._)

MR. LEWI: Well, we have looks like a few people still interested in hanging in here for the last session. Maybe we could round up the folks out in the hallway.

The open forum is the opportunity for people to make comments, ask questions. Sometimes you can make a comment about an experience you've had or something you have seen in your own

area and may not require a response, and that's perfectly okay.

If you have a question for the association, I still have a few directors here. If I can't answer the question, I'll turn to one of them, and I see at least three, four, five -- we have six, seven, eight. Excellent. Thank you all for hanging around.

So with that, the floor is open. Please, again, identify your name and county. We are transcribing this session, because it may result in some things that the board would like to look into. And our official secretary, Joann, is here, and I know she'll take notes. She's genetically programmed to take notes wherever she goes. So with that, the floor is open, and we have as much time as we need right up to the closing time of 4:00 p.m.

Owen.

MR. HAXTON: My name is Owen Haxton. I'm with the Marin Chapter of the association, and I'm speaking only as an individual member of the association, not as a chapter officer. Neither do my views represent the chapter views. These are only my views, and this is to the leadership of the association. The election procedures for the current election provided that each member could vote for the four candidates of their choice in each of the three regions. Please explain to the membership why the leadership permitted the election to proceed under procedures that enabled those counties with larger numbers of CGJA members to control by force or numbers of votes the successful candidates in each of the three regions, and also enlighten the membership of the rationale by which the board of

directors considered such procedures appropriate. Thank you.

MR. LEWI: I'll partially answer that, and I'll turn to others. And I see Dan Taranto is here. He may have more background on this. This is a practice we've been doing for some years, as long as I've been a member of the association. I'm not sure your rationale is accurate that one region could necessarily influence, because the regions are somewhat balanced in population. I might take a minute to explain something about the regions. When you look at a map of the association, you see where the boundary lines are between the three regions, it looks terribly skewed. People say, "What in the world is San Bernardino County doing in the south? They are not in the south. That's ridiculous."

Well, here is the rationale of how it was established. There are 58 counties. The rationale -- and Dan can correct me if I don't have this right, but I think I have it right, Dan -- the rationale was that the number of grand jurors in the state is literally proportioned to the number of counties. So the region was set up by number of counties. There are 20 counties -- 20 in the north, 19 in the central and 19 in the south. Well, we all know the south has geographically large counties, a few population large counties, but some that are geographically large, like San Bernardino and Inyo, et cetera. So it just turns out when do you do it that way, that's where the boundary lines go, because, again, equal number of population of grand jurors, because with the three exceptions, there are 19 grand jurors each year in each of the counties.

Dan, is that essentially correct as to the rationale?

MR. TARANTO: That's correct, without getting into too much history.

MR. LEWI: Okay. As to the fairness of it, I think the thinking has been that all members have an interest in electing directors. It's my experience -- and I would ask any of the other directors who have been on the board to share their experience -- but my experience is that when you are a director, you are a director for the entire association. You are representing the interest of the entire association. You are not representing the interest of the south or wherever you are from. I said laughingly this morning, the south will rise again, so I'll introduce the directors from the south to the north, or the other way around. That was a facetious remark on my part, and if it created a bad impression, I apologize. I think all the directors that I've ever worked with operate that way, so I think it's okay.

Any other director have a comment on that? Linda?

By the way, it's awfully good to stand. Everybody can hear you better, as well as the court reporter.

MS. BAKER: I probably didn't understand the question. What I understood was that the voting was weighted or something? It doesn't matter where you live because you vote for everybody equally. You get to vote for four in each region. So I'm confused what the concern is. I don't say it's not legitimate. I'm just saying I don't understand.

MR. LEWI: Go ahead, Owen.

MR. HAXTON: What I tried to point out is that a chapter with a large number of members, such as Orange County that

claims to have 200 approximately --

MR. LEWI: Correction. They are not a chapter.

MR. HAXTON: Well, but I'm using that number as an example.

MR. LEWI: Well, it's a bad example.

MR. HAXTON: It may be a bad example, but the number of chapter members, number of CGJA members in a chapter, however many they are, and I don't have a list, but if there is a chapter with a greater number of members, that happens to be -- and I'm in the central region -- happens to be either in the north or south region, that chapter has a larger representation voting for my representative from the central region, and that diminishes my vote and the vote of my chapter.

MR. LEWI: I understand.

MS. BAKER: So then help me understand. Are you saying central people should only vote for central?

MR. HAXTON: Yes.

MS. BAKER: Okay. Thank you. I understand.

MR. LEWI: Yes, that's the obvious correction to whatever problem Owen is perceiving.

Richard.

MR. RUTH: Richard Ruth, Santa Clara County. Not all CGJA members belong to chapters, so the vote really is among CGJA members for directors. I think that makes a difference, doesn't it?

MR. LEWI: What you say is absolutely correct.

MR. RUTH: Because you can have members outside of your chapter in Marin County that don't belong to your chapter, but they belong to the CGJA.

MR. LEWI: I might add this came up in our board retreat, and we probably are going to discuss this, because there were some other folks -- I won't say concerned, just kind of raised the question, so we probably will look at it.

Earl?

MR. HEAL: Well, basically, I was going to say the same thing. I don't vote for a representative in the northern part of the state, I vote for my representative. Now, I thought about that before and never raised the issue. I don't really see a lot of logic in the way we do it, but I don't care.

MR. LEWI: It's worth looking at.

Marianne?

MS. JAMESON: Marianne Jameson, Contra Costa County. I see his point of view in the sense that those of us who are members who do not have a local chapter do not have the opportunity to interact with other members of the chapter to talk with who may have some information about who is running from different parts. We are just sort of lost, and when the ballot arrives late, you have no time to contact people to talk about, you know, do you know anything about this person. We are just voting blindly.

MR. LEWI: One thing that I would recommend that was not in this year's ballot, and I need to talk to the members of the nominating committee to understand the rationale, although the region is clearly identified for obvious reasons, the county was not identified, and I thought maybe it should have been. We'll have to look at that.

Les?

MR. DAYE: Well, of course, while it's optional, each

candidate for the board who stood for the 12 seats was encouraged to submit a 100-word statement, and presumably, between that statement and your ability to contact other members to find out any other additional information about somebody who wanted to serve or was serving or had served, you could find out all the information you needed.

MR. LEWI: Is there anyone here who was on the nominating committee this year? You are hearing this, Richard.

Rose?

MS. MORENO: You finally saw my hand.

MR. LEWI: Yes, I did. Stand up, Rose.

MS. MORENO: I'm from Orange County, and I just want to reassure you that although we have 200 members in our local, I would say only a handful belong to the state association. But if you want to declare the election invalid, that's fine, because then I don't have to be here. (Laughter.)

Other than the board of directors, they meet once a month, the other members only get together like every three months. So I don't see them getting together and deciding who is going to be on the --

MR. LEWI: Well, as you say, the Orange County area of the CGJA has six members, therefore, six votes. Now, there may be other larger chapters that add to Owen's example. He just picked a poor example, but I think he's made the point.

Ormond?

MR. COLBERT: Ormond Colbert, Riverside. Actually, the one advantage of voting only for your own area and so forth is that you know more about the people in the area. I think it has been

brought out that some people don't know anything about the people in, let's say, the southern people know about the northern and so forth. Unless you have some personal contact with them, you really don't know anything about them. I think that's been pointed out, so there might be some validity.

MR. LEWI: There is merit in Owen's comment, and I think we can take a look at that. I don't think we'll resolve it at this point in time.

Serena.

MS. BARDELL: Serena Bardell, San Francisco. I think the regions are so big. I mean, the longer you are in this organization, the more people you know and the more directors you get to know, but, you know, I didn't know people from Solano County. I mean, that's, you know, just as far away as San Luis Obispo or something, you know. In other words, it's familiarity and time that helps you get to know these different people and not the fact that they may live 120 miles away from you, rather than 500 miles away from you. I'm not sure it makes a big difference when you are a newcomer. I don't think you are going to know more people. You might know one person if you live in San Diego or if you live in Anaheim or something. But you aren't necessarily going to know the people from the whole southern region, the whole central region, just because that's where you are located. So I don't see it as, you know, making that big a difference in terms of familiarity.

MR. LEWI: I think Owen wants to rebut here.

MR. HAXTON: I would just, if I may, take an opportunity to clarify something. At no point and under no conditions did I

mean to infer or imply that I thought the election should be taken away and then redo it. This election is over. But I noted from what I saw in this election that I believe it is flawed, and in future elections, it should at least be considered to be corrected or, you know, whatever. But I did not mean to say that I thought this election should be invalidated.

MR. LEWI: Never thought that for a second, Owen.

Boyd?

MR. HORNE: Boyd Horne, San Luis Obispo. Let me just underscore what you said, Jerry. I served for nine months on the board, and never once felt that I was representing San Luis Obispo or certainly not the south, L.A. and Orange County. I think you are representing the grand jury as a whole throughout the state. Those are the issues you are dealing with. So I don't think it's a question of representation. There may be a different approach to election and becoming acquainted with possible candidates. One point I would make is attending these conferences are the best way to meet people and meet candidates, and that's how you should form your opinion as to who you should vote for.

MR. LEWI: Thank you. One thing that I thought about as we've had this discussion, grand jury problems are pretty universal in some respects, but the main differences between counties, in my opinion, is not regional. It depends on the size of the county. L.A. County has a tremendously different set of circumstances and problems than Alpine County with a total population of 1200. That's a population-driven issue, not

a regional issue. Now, it turns out there are more smaller counties in the north and more bigger counties in the south and central, but that doesn't really affect what the regions do for grand juries.

Linda?

MS. BAKER: I would sort of respectfully disagree to what you just said. Linda Baker, Contra Costa County. It doesn't matter what the population, the general population we give a county is as far as the election for us goes.

MR. LEWI: No, no, I meant in terms of grand jury problems in general, not association problems. Thank you.

Sherry.

MS. CHESNY: Sherry Chesny, Placer County. One suggestion of a possible improvement to the election process I think would be a more thorough candidate statement. I think it was one or two years ago, we had a one-page ballot, and so each candidate only had 25 words. So it's pretty hard to summarize, you know, a candidate in 25 words. This year they went to, I think it was two pages, both sides, and you were allowed a hundred words.

MR. LEWI: 100. That's an improvement.

MS. CHESNY: Yeah, it's a big improvement, quadruple improvement. But maybe a more thorough candidate statement, along with, you know, each candidate maybe putting on there their e-mail, home phone, address or something so that an interested voter could contact them directly and ask questions.

MR. LEWI: That's an interesting suggestion. It would be up to the candidate, of course, to decide if they wanted to do that.

Maybe one more comment and see if we can get to some other questions. I think we have dealt with this pretty extensively.

Wanda, would you like to add one more comment and we'll go on to something else, I hope.

MS. KIGER-TUCKER: In our election process, the way it was now, members of all regions were allowed to vote for other members of the other regions.

MR. LEWI: Yeah.

MS. KIGER-TUCKER: If that is going to be the case in the future, I would suggest that the people running for the election be given a list of the membership so they can campaign and contact. Would that not be logical? They can campaign and talk to people and get their bios out to other districts. Since it's an open election, and everyone is allowed to vote for other regions, then the candidates should be able to contact those other chapters and present themselves.

MR. LEWI: The bios go to everybody, so that at least is done. They don't just go to your own region. One ballot serves all.

MS. KIGER-TUCKER: Well, the bios do, but the membership list.

MR. LEWI: That's an interesting challenge.

MS. KIGER-TUCKER: Okay. And the other point I wanted to make, when we had our elections for our officers, we made sure we read the bylaws. We made sure we got our things in the mail 30 days plus, so we wouldn't have any post office mishap laying down there an extra week and invalidate your whole mailing. My ballot arrived three weeks before the election. And we just

need to make an effort to get those mailed to be able to conform to our bylaws.

MR. LEWI: We will look at that. It is 30 days right now. Someone wanted to shorten it. We said no, the U.S. mails are too unreliable, so we can't do that, but maybe we should lengthen it.

Irwin, I'll allow your question.

MR. TARANTO: Irwin Taranto, Marin County. Just quickly, on page 9, the map, you have improperly drawn in that Santa Cruz and Santa Clara Counties, you have drawn in the southern region instead of the central region, so you might want to change the map a little bit, I guess. Am I the only one who noticed that?

Secondly, just to add a little levity to this, I should tell you that in two years on the sitting grand jury, Owen never won a vote. (Laughter.)

MR. LEWI: Okay. I'd really like to see if we can't turn to some other question or comment. These thoughts have been very interesting. The board will certainly take it into consideration.

Is this is a new question?

MS. MURPHY: Yes.

MR. LEWI: Okay.

MS. MURPHY: My name is Anne Murphy, and when I lived in Los Angeles County, I served on the 1976-1977 Grant Jury, and therefore, when the organization was formed, I am a charter member.

MR. LEWI: Excellent.

MS. MURPHY: So I don't see very many in the room, but it

was great putting it together. From 1990 to 1994, I served as treasurer of the association, and our dues are the same as they were in 1990 or '85, and how many places can you see that? And our budget used to be \$10,000. The only difference was at the end of the year, we only had 40 or \$50 left, but that's okay, we stayed within our budget. And that's what's of interest to me and my life. I like to read numbers as much as I like to read words. So I can say that I was vastly disappointed yesterday when I arrived and there's no budget in the book here.

MR. LEWI: Well, you heard the report from Jack Friesen.

MS. MURPHY: Yes, I thought --

MR. LEWI: Let me finish -- and the summary of that report will be in the Journal.

MS. MURPHY: Oh, it will be in the next Journal, not in the one that arrived this week?

MR. LEWI: Correct. We have an obligation to present that information to membership, and we will.

MS. MURPHY: Sure. There are bylaws.

MR. LEWI: Yes, and there's a thing called a state law, too. We will do that. And if that is inadequate or incomplete or you'd like to know more, there's absolutely no reason you can't get more data than we do present.

MS. MURPHY: With that \$10,000 budget, I'm very interested in how the balance is raised at this time, if we now have a budget of 46 or \$49,000, how are we doing that. I love the idea, and I understand that the training sessions have a leftover balance, how wonderful to add to that. But there are some people that are interested in it, and people that are going

back to their community and giving this to their association, and it just is incomplete with this much missing.

MR. LEWI: It will be provided.

MS. MURPHY: Okay.

MR. LEWI: Thanks for your comment and thanks for being here. I know you live in Arizona now, so we are honored that you should come here. (Applause.)

Does she get the prize for the biggest distance, or does Dan? I'll have to look at the map on that one.

Any other questions? I saw another hand. Marianne again. This is a new question now.

MS. JAMESON: Marianne Jameson, Contra Costa County. One is a suggestion and one a question. The suggestion is that I think this open forum should be early in the day, rather than late in the day. I think this is the most important event of the entire convention, and to put it late in the day where so many people leave I think defeats the purpose.

MR. LEWI: I personally agree with that, but it will be up to the board.

MS. JAMESON: Well, I would like to suggest to the board that this be done for further conferences.

My question is I do not have an up-to-date membership list. It has been a couple of years since I have received one. What does one do? Why are we not being sent a membership list?

MR. LEWI: That's been an issue before the board as to whether or not we should voluntarily send it out as we used to do. We haven't quite come to grips with doing that. There's some issues of some members don't like their name distributed.

MS. MURPHY: But to members.

MR. LEWI: I understand, Anne, please. Some members have expressed that concern, so we have to try to deal with and respect that as well. We haven't quite figured it out. However, as a member, you are entitled to obtain a membership list. So until we figure this out and decide whether or not we are going to do what we used to do, which is send it out automatically, you can make a request to Clif Poole and you will get one.

MS. MURPHY: I don't have his address.

MR. LEWI: It's on the web site. Do you have access to the web site or Journal?

MS. MURPHY: The Journal.

MR. LEWI: The Journal will give you that information, and he has a phone number and an e-mail and address and fax machine, and he can be reached in any number of ways.

Anyone else besides Wanda who has had one comment? I would like to give everybody a chance. All right. Wanda?

MS. KIGER-TUCKER: Could not that issue be easily resolved by just having that person who does not want their name sent out, just exclude it from the list much the same way as do when we put our names on the no-solicitation phone thing.

MR. LEWI: Something like that, yeah. Oddly enough, these things are not quite as easy as they may seem, but that's absolutely under consideration.

Joann?

MS. LANDI: Joanne Landi. That is one thing that the board may consider, but they almost would have to wait until the next

renewal period so there can be a box saying "No, don't release my information" or "Yes, you can release my information." You know, unless Clif has been keeping a list of people that have been disturbed by it.

MR. LEWI: Richard, you might see that Clif gets this information.

Ormond?

MR. COLBERT: Why not make it a part of the requirements for being a member to have your name there. Now, you don't have to put their address or telephone number or anything else, if they prefer not, but just their name, I think might be important.

MR. LEWI: Maybe.

MR. COLBERT: Every name should be there.

MR. LEWI: I personally agree with you, but you know, we have to deal with these issues. We had some very irate people. We can't afford to offend people in that respect as well. It's an issue. We will resolve it.

MR. RUTH: Do you want to use the example of why some of this transpired?

MR. LEWI: No. No.

Are there any other questions or comments?

(No response.)

MR. LEWI: The comment that Marianne made about having this forum earlier so more people can attend, it's always a problem for a conference. No matter when you schedule the closing, the last session always has people leaving, and it's bothered me. It bothered me last year. We had the same problem last year in Ventura. Maybe we should have Tom McClintock come at three

o'clock on Friday afternoon, maybe then people would stay. It's a good suggestion, and I'm sorry Andy isn't here to hear that, but we'll try to consider that.

Yes, Dan.

MR. TARANTO: When the open forum was started in 1997, it was always at the beginning of the conference and it went on for four hours. It was the most active, energetic part of the program. Since then, it seems to have atrophied and been kicked around and pushed toward the end, when most of the folks have left and they are somewhat exhausted from the two days of program. I've frequently wondered why there's a loss of interest on behalf of the board to continue that section.

MR. LEWI: Dan, I couldn't agree more. I attended my first conversation in '98. Dan was president, and what he said, I endorse in spades. And I'll tell you one thing that I think has happened, it goes back to what I said earlier today, we are not getting as many sitting grand jurors. And I think, Dan -- you can check me on this -- sitting grand jurors have a lot of questions and comments because they were new. What is going on? What do I need to know? They maybe had training in accounting, maybe they hadn't. Our own training program wasn't as active as it is now. And I think maybe, I want to take it as a challenge for the board, to find a way -- and here is again where the chapters can play a big role -- find a way to get more sitting grand jurors in these meetings. That's how I got interested in the association. I saw the flier. I went to my jury and said, gee, I think somebody ought to go. So they funded two of us out of our budget to go to that conference in San Diego and look

what happened to me.

So, Dan, you are right on, and I would like to see if we can find some way to make this a better part of the meeting, because the interaction is vital. You have raised some good questions for the board. Fortunately, I've got enough board members here to hear these comments, so it won't be just my opinion to report this out to the board. So this has been useful. But we need to do it in a way we can get more interaction, more people involved, and hear more comments throughout the stay.

Are there any other comments? Yes, Sheldon.

MR. SINGER: Yes, Sheldon Singer from Orange County.

MR. LEWI: By the way, you are all doing beautifully identifying yourself.

MR. SINGER: I may be naive in asking this, I've been to three or four of these, and I'm not a member of the California Grand Jurors' Association, but I'm very firmly entrenched in the grand jury association, period. Why is there not a selling job for those of us who are not members to become members?

MR. LEWI: Good question.

MR. SINGER: You got an answer?

MR. LEWI: I don't have an answer.

MR. RUTH: That's the PR of the membership committee.

MR. LEWI: Well, it's a little bit of all of us, I think, Richard, but probably primarily the membership committee's responsibility. But I think the board should share in the whole thing, so would you like to become a member, Sheldon?

(Laughter.)

Well, he's invited me to visit -- by the way, probably not

applying to anybody here, when I said that I intend to try to visit every chapter, I also intend to try to visit all the independent associations, and Sheldon and Jack already want me to come down and maybe I can do a selling job on your folks, Sheldon. Who knows.

Okay. Any other questions? Comments? Serena.

MS. BARDELL: Serena Bardell, San Francisco. I accosted Sheldon yesterday on my own and I have no idea how far out of line I was, but I said that I thought they should be part -- you know, they should become a chapter and be part of this association. And he said, "Well, why? What could you do for us?"

I said "We need you," and I just wanted to repeat that to everybody. It isn't just what we can do for them. We do need them. And being needed is not such a bad thing, as I said to Sheldon, and I just wanted to repeat it. Maybe other people could lobby those groups that are associations and tell us as directors what we can do on the board. I wasn't part of the board when whatever it was happened happened to change the way associations and chapters related, and that's what happened then. But if there are things we can do, I'd like to know about them. I'm sure other directors would like to, too. We don't want 200 people not being part of us if there's any way we can reach out and make them part of us. So we need Sheldon to help us know how to do it. And you know, I for one would very much like to find ways to bring -- this is a huge number of people, you know. So I just wanted to throw that out there.

MR. LEWI: Thank you. It's worth hearing. Any other

comments or questions? Owen wants the last word.

MR. HAXTON: The last word. If I may, as a point of personal privilege, if the chair would permit me the honor and privilege just to do away with my reputation of never having got a vote passed, I would like the privilege of moving at the appropriate time that the conference adjourn. (Laughter.)

MR. LEWI: Do you want to improve your record so you are ahead of Tom McClintock?

MR. HAXTON: Yes.

MR. LEWI: All right. Since that is the last word, I will accord Owen that privilege.

MR. HAXTON: I move we adjourn.

MR. RUTH: So moved.

MR. LEWI: Thank you. And thank you all for coming. It's been wonderful seeing you all, and I hope to see you again often. Thank you, again.

(Proceedings concluded.)

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