



Grand Jurors' Journal

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California
Grand Jurors'
Association

CGJA
MEMBERSHIP MEETING

ONLINE
OCT. 25
2021
1 p.m.

McCormick and Franco Headline Annual Meeting

For the second year in a row, we will hold our annual membership meeting via Zoom – on **Monday, October 25, 1:00 PM**. The meeting will feature **Neil McCormick**, Executive Director of the California Special Districts Association and **Dr. Josh Franco**, Professor of Political Science at Cuyamaca Community College in San Diego County.

Keynote speaker McCormick's talk is titled **Grand Juries and Special Districts**. Many of our members may remember him for conducting a webinar about special districts as part of our training, something he has been doing for many years.

Franco will address **Civil Grand Juries: An Underutilized Oversight Mechanism**. CGJA has agreed to collaborate with Dr. Franco for a study on that topic, proposed to the National Science Foundation for funding.

Until last year, we had held our annual membership meetings in person as part of our annual conferences. The last in-person conference was in 2019 in Sacramento. We had planned for the 2020 (and subsequently the 2021) conference and membership meetings to be in San Rafael. However, COVID-19 social distancing requirements and concerns caused us to again postpone the in-person conference to next year; hence our second meeting via Zoom. The by-laws require us to hold an annual membership meeting. We plan and hope to meet in person in 2022 at the Embassy Suite Hotel in San Rafael.

Let's take a look at the rest of the agenda.

continued on next page

Zoom link to the meeting

<https://us02web.zoom.us/j/83300501919?pwd=TlBic3gvR2x4VlppqNjdZL3V6MENCZz09>

Or go to <https://zoom.us/join>, enter the meeting **ID: 874 5089 8937**, and click **Join**. If you are asked for the **password**, it is: **500499**.

Audio Conference Only: call **1-669-900-6833**. See above for the meeting ID and password.

continued from preceding page – Membership Meeting

Lou Panetta, who was thrust into the role of president due to the untimely passing of Jim Ragan, will report on 2021 at CGJA – another trying year. Annual reports of each standing committee are posted online at the membership meeting [website](#) and will be published in the December *Journal*. Please read them. Panetta and the chairs of each committee will answer questions.

The **Board of Directors** will be sworn in.

CGJA Annual Awards

Best Grand Jury Report and **Best Media Coverage**. The nominees are introduced in this *Journal* (pg. 5). See [Past EIR Awards](#) on our website for a listing of previous recipients.

The **Angelo Rolando Service Award** goes to a CGJA member for outstanding participation at both the state and county level in support of CGJA goals and objectives. See [Past Rolando Awards](#) on our website for a list of previous recipients.

See the full 2021 [Annual Membership Meeting Agenda](#).

**Membership Meeting
Keynote Speaker, Neil McCormick**

Neil McCormick serves as the Chief Executive Officer of the [California Special Districts Association](#) (CSDA). In this role, he oversees and provides leadership for the successful implementation of board policy and strategic direction as approved by the CSDA Board of Directors.

Neil has over 26 years of experience in association management. In his nearly 20 years at CSDA, Neil has become well versed in issues related to special districts and local governments in California.

In addition to CSDA, Neil also serves as CEO for the Special District Leadership Foundation and CSDA Finance Corporation.



Membership Meeting Featured Speaker, Josh Franco



Josh Franco, Ph.D., is currently an Assistant Professor at **Cuyamaca College**. He is a first-generation college graduate who holds A.A. degrees in economics and political science from Cerritos College, and a B.A. in public policy and M.A. and Ph.D. in political science from the University of California, Merced.

His personal mission is to introduce political science to the next generation of leaders and scholars.

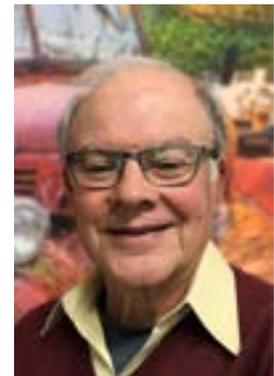
He co-authored *Introduction to Political Science Research Methods (IPSRM)*, authored *Polimetrics: A Stata Companion to IPSRM Workbook*, has a peer-reviewed publication in the *Journal of Political Science Education*, and has presented at over a dozen academic and professional conferences.

Additionally, he has 5 years of experience working in the California State Capitol and U.S. Congress.

Lou Panetta Speaks at California Special Districts Association (CSDA) Annual Conference

The California Special Districts Association held its annual conference in Monterey, California from August 30 to September 2, 2021. Lou Panetta, CGJA President, addressed the group on the conference’s opening day. The topic of the session was “Civil Grand Jury Insight and Proactive Cooperation.”

Lou presented an overview of the civil grand jury process and the five foundational elements that make it an effective instrument of democracy. He also showed a demonstration video, produced by the CGJA Training Committee, demonstrating a grand jury investigative committee conducting an exit interview with the district manager of the fictitious Cleveland Community Services District.



The exit interview element provided reassurance to district managers that civil grand juries are determined to “get it right” and are available to review findings for accuracy before final reports are released.

The session focused on effective processes for special districts and grand juries to work together to make local governments more effective and efficient. The presentation led to several emails and phone conversations with attendees regarding follow-up questions covering specific county issues.

Please attend the CGJA Annual Members Meeting on October 25 at 1:00 PM. Neil McCormick, CEO of the California Special District Association, will be our keynote speaker.

CGJA 2021 Director Election Results by Shirley Boracci, Nominations-Election Committee Chair

The Nominations-Elections Committee established the 2021 Tellers Committee to verify and count all ballots cast in CGJA’s 2021 election for directors. Verification is based on the member being in good standing and voting in the proper region.

The 2021 Tellers Committee members were Ruth Henderson, Chairperson, Margaret Ansel and Cindra Wilfong of the Glenn County CGJA Chapter. The Tellers Committee received a total of 106 valid digital ballots and 6 valid mail-in ballots. Several ballots showed votes for only one candidate. The results for each region are shown below.

Votes Cast



Diane Lloyd, Central

Central

- 43 Janet Clark
- 37 Diane Lloyd
- 24 Carolyn Stinemates

North

- 21 Marsha Caranci
- 21 Tim Hafner

South

- 23 Travis Gibbons
- 26 Lou Panetta
- Write-ins
 - 1 Dianne Hoffman
 - 1 Jerry Lewi



Janet Clark, Central



Travis Gibbons, South



Tim Hafner, North



Marsha Caranci, North



Lou Panetta, South

As chairperson for the Nominations Elections Committee for 2021, I would like to thank the CGJA board of directors and committee members for their help in producing an almost flawless election. It has been a great experience in completing my first year as a director for the North Region and an honor to chair this committee. And an immense thanks to the Glenn County chapter members for providing the tellers for the vote count/certification. Last but certainly not least, thanks to President Lou for giving me this opportunity. I have learned a LOT!!

Nominations for CGJA's Excellence in Reporting Awards by Barbara Sommer, EIR Subcommittee Chair

Four nominations were submitted for CGJA's **Best Grand Jury Report** award. One was submitted for the **Best News Media Reporting** award. The five-member EIR subcommittee of the CGJA Awards Committee has rated them. The evaluation criteria can be viewed on our [website](#). The winners will be announced at the **annual membership meeting** on October 25. We introduce the nominees here so that you can see how meritorious all are.

BEST GRAND JURY REPORT

ALAMEDA (2019-20) ***Oakland 9-1-1 Communications Center – A Center in Crisis***

Despite agency reports of problems in 2017 and 2018, the grand jury found continuing and lengthy delays in the City of Oakland's emergency response system. These were largely related to understaffing and funding.

SANTA CLARA (2018-19) ***Inquiry into Governance of the Valley Transportation Authority***

The grand jury inquired into long-term problems at the Valley Transportation Authority (VTA) focusing on the structure and operation of its board of directors; its oversight of VTA's operating and financial performance and the board's addressing hard strategic decisions and meeting the agency's increasingly complex challenges.

SAN LUIS OBISPO (2019-20) ***Paso Robles School District: A Cautionary Tale***

Between 2015 and 2018, financial problems resurfaced within the Paso Robles Joint Unified School District. As in 2012, they became subject to a grand jury investigation. The resulting three-part report describes how the district's leadership, financial management and planning failed to meet the district's needs.

HUMBOLDT (2018-19) ***Les Misérables: The Criminalization of the Homeless in the City of Eureka***

The grand jury investigated the effectiveness and impact of the law enforcement tools the City of Eureka put in place to deal with homelessness.

BEST NEWS MEDIA REPORTING

New Times, San Luis Obispo weekly, for its in-depth articles on the grand jury report titled ***Paso Robles School District: A Cautionary Tale***.

*Note: The nomination materials are retained by the **subcommittee chair**. A nomination may be resubmitted in 2022 for reports and/or coverage dated 2017 or later (5-year window).*

[Click here](#) to view a list of past award recipients.

Letters

Send your thoughts or opinions on CGJA or grand jury matters to editor@cgja.org.

A Shout-out to Chapters

by Jerry Lewi, Chair, Public Relations Committee

I would like to take this opportunity to thank several chapters for their support of Public Relations Committee activities.

Tim Hafner (Humboldt), Tom Borden (Marin), and Joann Landi (San Mateo) routinely provide me copies of articles about grand juries in their local media and send them to me as candidates for posting on our news blog (www.cgja.blogspot.com). On a more challenging task, Jerry Kunkle (Butte) and Janet Clark (Alameda) went out of their way to help decipher some grand jury reports and responses in search of some important grand jury activities for documentation in our book, the *California Grand Jury System*. In both cases they had support of other members of their chapters.

I have no doubt that other chapters would also respond if asked, but thought it worthwhile to mention these.

Welcome, new members!

County	Name	County	Name
Alameda	Sandra Smith	San Joaquin	Bonnie Vistica
Inyo	Danielle M Sexton	San Joaquin	Pamela Sloan
Marin	Larry Bauer	San Mateo	Joseph Cali
Monterey	Rita Jacques	Sonoma	Katherine Cantanzarite
Monterey	Jody Hansen	Sutter	Heather Esemann
Monterey	Gwen Usher	Ventura	Carolyn Landon
San Francisco	Will McCaa	Yolo	Steven A. Oldham

Report Writing Workshops Register Now!

Improve the quality, readability, and effectiveness of your grand jury reports. Gain hands-on practice and tips on writing persuasive and effective reports and learn how to conduct an exit interview based on your final draft.

The workshop fee is \$50 per juror to attend a remote, multi-county workshop (see dates below). Or a remote, single-county workshop costs \$900 and may be scheduled at a time convenient for your county.

Find out more or register [here](#). *On Zoom, from 9:00 am to 12:00 pm*

Thursday and Friday, October 14 and 15

Tuesday and Wednesday, October 19 and 20

Wednesday and Thursday, October 27 and 28

Thursday and Friday, November 4 and 5

Monday and Tuesday, November 8 and 9

2021 Grand Jury *Per Diem*, by County¹

Per Diem				Notes
\$15				
Alameda	Napa	Lake		<i>.39/mile</i>
Amador	Nevada	San Benito		<i>If 2 hours or more</i>
Calaveras	Plumas	Contra Costa		<i>Max per day; nothing for interviews</i>
Colusa	San Francisco	Del Norte		<i>Not paid for interviews or site visits</i>
El Dorado	San Joaquin	Tuolumne		<i>Plenary sessions; no committees or interviews</i>
Fresno	San Luis Obispo	Sonoma		<i>\$12.50 interviews and committees; max \$30 per day, \$15 plenary</i>
Glenn	Santa Cruz			
Imperial	Shasta			
Kings	Siskiyou			
Lassen	Stanislaus			
Mariposa	Sutter			
Merced	Tehama			
Modoc	Trinity			
Mono	Yolo			
Monterey	Yuba			
\$20				
Humboldt	Santa Clara	Kern		<i>\$10 Afternoon Session, \$20 Morning</i>
Marin	Solano	Madera		<i>\$10 committees, \$20 plenary</i>
\$25				
Riverside	Sierra	Inyo		<i>Full panel meeting only</i>
San Diego	Tulare	Mendocino		<i>Plenary session</i>
Santa Barbara	Ventura	Placer		<i>Plenary session</i>
		San Mateo		<i>\$15 committees -- max 2 per mo.; nothing for interviews, \$25 plenary</i>
Sacramento	\$30			
Butte	\$36			
Orange	\$50			
Los Angeles	\$60			
San Bernadino	\$60			

¹ gathered by the Shasta County Superior Court and the Shasta County Chapter of CGJA.

Serena Bardell: Long-time Member, Now a Life Member

by Jerry Lewi



Serena Bardell of San Francisco is one of several long-standing members of CGJA, paying dues continuously since 2003. She recently renewed, converting her annual to lifetime membership. We honor her commitment. The following is an account of her contributions, background, and reflections on CGJA.

During Serena's first months as a new juror, she and Ron Miguel represented the 1996-97 sitting jury at a grand jurors' meeting in Marysville, Yuba County, a precursor of what evolved into the CGJA Training Program. Serena was a founding member of the San Francisco Chapter in 2003. She was elected CGJA director the same year and served until 2009.

Among her many positions was chair of operations and chair of the 2007 annual conference in her adopted hometown of San Francisco. The conference had a significant number of very qualified outside speakers including the San Francisco presiding judge and the president of the board of supervisors. It was well attended and financially successful – a challenge in a very expensive city. (Serena loves to cook and bake, and, having been more than a little disappointed at both the taste and nutrition of snacks provided at previous conferences, baked a variety of muffins, scones, and pastries to serve conferees with the hotel-provided morning coffee.)

She grew up in a food-centric family in Lawrence, Long Island, and moved to San Francisco in the '50s. She participated in establishing the San Francisco branch of Mensa in 1964 and chaired its "Gourmet Group" – holding dinners in restaurants dedicated to authentic renditions of ethnic and national culinary styles. That led to publishing and editing *à la vôtre!*, a "little" wine and food bimonthly magazine from 1971-79. Then she started revisiting old and trying new restaurants in preparation for her first book, *SF's Winners, An Exceptional Approach to Round-the-World Wining and Dining in the San Francisco Bay Area*. She has always only half-jokingly referred to that book as in lieu of a PhD thesis, so deeply did she research each culture's foods in those pre-Internet days. She later wrote a second book on Bay Area restaurants. When visiting restaurants, she shielded her identity in order not to curry extra service, a credit to her sense of fairness.

During the first half of her life, Serena spent time volunteering for causes such as equal housing. During the second, she turned her attention to organic gardening with husband Bob in their city backyard and serving in various neighborhood groups. She even started and ran a dining-out group for "Ladies over 65" through her local NextDoor branch before the pandemic.

The following are her responses to our questions about her involvement with the grand jury.

What has been the biggest benefit to you from your service?

Serving on the jury was like going to grad school. Made me sharpen my research, writing, and editing skills. In retrospect, my three terms on the CGJA board were like a long glimpse at the deep divisions later to nearly tear asunder our country. I had no boardroom experience and felt at a constant disadvantage because of preconceived notions about me, possibly because I came from San Francisco by way of New York, worlds quite broader in perspective than those of most of the other directors. In chapter work, I loved interviewing prospective jurors.

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continued from preceding page – Serena Berdell

What do you believe has been your biggest contribution to the grand jury system?

Every time I read that the grand jury “had no teeth,” I would write the author of the comment with a strong contradiction of that old saw. I brought up the grand jury whenever and wherever I could, promoting its value to recipients of reports, jurors, and democratic society.

What would you like to see less of or more of from CGJA?

I’m out of touch with the current group. I would certainly hope that no one else who falls in love with the grand jury ethos gets treated the way I was. *Author’s comment: I witnessed that at times, she was treated shabbily. I am happy to report that that was long ago, and we now have a very congenial and collaborative board and supporting members.*

There is a need for the same kind of fair-mindedness in CGJA’s board relations as is ideal in grand jurors. To answer frankly, although I appreciate the reassurance of my interviewer – Jerry Lewi – that there’s collegiality on the current board, I’m not certain any board of directors can be truly healthy without a functioning mechanism for disagreement and thorough airing out of different world views, with the understanding there may be abysses too deep to be bridged.

If CGJA could develop a mechanism for decision-making that benefited the grand jury system and thereby society, it would provide a possible template for healing the world.

Why did you sign up as a Lifetime Member at this time?

Laziness. I hate bills.

Ask the Trainer by Marsha Caranci, CGJA Training Chair

This regular column allows the CGJA training team to share with Journal readers our responses to questions we receive from grand jurors. Please remember: Do not take any response as legal advice, and contact your local legal advisors to answer any question that might divulge confidential information.

Please submit your questions to me at cgjatraining@cgja.org. Our response to your edited or redacted question might appear in a future edition of the Journal.



Q. What are the requirements for an inquiry? How robust must it be?

A. An inquiry can be conducted on any topic within the grand jury’s jurisdiction. It’s most often used for detention facility inquiries, because PC §919 requires inquiries into the public prisons. But it can also be used to take a preliminary look at any topic – and this happens when the full jury (the plenary) wants some initial evidence to be gathered before it decides whether to go forward with a full-blown investigation.

The inquiry can be based on a topic raised by a complaint or a juror’s suggestion for an investigation. The plenary might assign the topic to an investigating committee and tell the committee to limit the inquiry to certain activities – perhaps some document requests or just the interview of the complainant. Then the committee will report to the plenary what information it discovered, and the plenary will consider whether to authorize a full investigation. Both examinations (an inquiry or an investigation) require a supermajority vote.

Remember that a grand jury report must be based on verified evidence, so a report can only be released if a full investigation has been conducted.

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Q. My grand jury has a question regarding the continuity report we're writing about the responses to the reports from the previous grand jury. Does it matter if the recommendations were "requested" or "required?"

A. Yes, it matters. State law determines who is mandated to respond to the findings and recommendations in a grand jury report. Penal Code §933 requires responses from any governing board (like a board of supervisors, a city council, or a district governing board) or from elected county officers. As to the latter, these are individuals who work for the county (not for a city or district) and who are elected county-wide (like the county auditor, assessor, DA, sheriff, treasurer, etc.)

So even if the grand jury only "requested" responses from them, rather than "required" them, governing boards or county elected officials must respond.

As noted at page 8 of Tab 1 of our Report Writing Workshop manual, the grand jury can also invite other "responsible" officials to respond, but the report should not indicate that these people are "required" to respond. State law does not require responses from appointed department heads, district managers, or elected city officials. Instead, they should be "invited" to respond.

We recommend that a grand jury's report clearly state who is required to respond and who is invited to respond, and to which findings and recommendations – the report should not misstate the respondent's legal obligations.

When writing continuity reports, the grand jury should not criticize a requested or invited person who chose not to respond if they are not required to do so. In fact, the entity they work for might have a rule that all responses to grand jury reports come from the governing board.

Q. Can our grand jury investigate something that is also under litigation?

A. The Penal Code does not prohibit a grand jury from investigating a matter that is being litigated. However, the jury might want to refrain from doing so in order to avoid confusing witnesses, interfering with the attorney/client relationship, or appearing that the jury is "taking sides" in the dispute.

Civil trial procedures and the California Evidence Code allow for a detailed and fair discovery of the evidence in a trial in a manner that is far more thorough than what grand juries typically can accomplish during a grand jury term. The legal rules that govern the admission of evidence and the examination of witnesses at trial are designed to ensure a fair consideration and determination of the credibility and evidentiary weight of the evidence and testimony.

There is also the risk that a plaintiff or defendant in a trial might try to use the grand jury, hoping they write a report that will support their position in a lawsuit.

CGJA believes that the grand jury should always strive to remain objective and unbiased, so it is our best practice suggestion that grand juries stay away from investigating a matter that is the subject of pending lawsuit. However, CGJA does not provide legal advice to grand juries, so we would strongly recommend that you discuss this further with your own legal advisor.



Recent Board Actions

Board Meeting, Sept. 28, 2021

No actions taken.

All approved board meeting minutes are available on the CGJA [website](#).

NOTE: We encourage members to attend meetings of the board of directors. They are held on the fourth Tuesday of the month via Zoom (rarely in July and December). The agenda along with Zoom information is available a week before the meeting. [Read more](#).

Keep us Posted

Send us your chapter or association news and accomplishments. Format articles in Word and send as email attachments to Barbara Sommer editor@cgja.org. For more details see [How to submit an article](#).

DEADLINE for submitting articles for publication in the next issue

November 22, 2021

Change of address - Please notify the editor@cgja.org of any email address changes.

The mission of the CGJA is to promote, preserve, and support the grand jury system through training, education, and outreach.

Contacts: [Officers and directors](#), chapter and association [presidents](#).

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Visit our website

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