



Grand Jurors' Journal

Vol.2 No.1
February 2001

An Association of Grand Jurors

Grand Jury wants info on Supes, County files a lawsuit

By Ourania Riddle

Excerpts from articles printed in the Mountain Democrat.

El Dorado County and the Board of Supervisors have filed a lawsuit in an effort to get an injunction against civil subpoenas served on County Counsel Louis Green and retired chief executive officer Mike Hanford by the El Dorado County Grand Jury.

The grand jury is seeking testimony from Green and Hanford regarding conversation engaged in closed session as well as documents the officials claim fall under attorney client privilege. Superior Court Judge Suzanne N. Kingsbury heard the case. Kingsbury took under submission arguments from the current El Dorado County grand jury and El Dorado County Counsel over whether the grand jury can compel testimony from county counsel and former Chief Executive Officer Mike Hanford concerning matters discussed in closed sessions of the Board of Supervisors.

County Counsel Louis Green represented the county at the hearing. Richard Nichols, a private attorney who is also a member of the grand jury this year, represented the grand jury. The specific information requested in those subpoenas have not been disclosed and the county in its filing inserted an end note dubbing the specific issues "not relevant".

Claiming that the "wrongful conduct" by the grand jury threatens to cause damage to the county by undermining the ability of Green to effectively perform his duties as county counsel, the integrity of the attorney-client privilege and the county Board of Supervisors in its duties as set forth by the Brown Act.

The grand jury's attorney argued communications between attorney and client are privileged only if the subject of the communication involves legal, as opposed to economic, procedural, policy strategic, political or administrative advice and that it is within the grand jury's rights to request the information and documentation pertaining to closed session discussion.

El Dorado County Supervisor Rusty Dupray said he has a problem with suing the Grand Jury, but that he supports the attorney-client privilege. Kingsbury said a written ruling would be issued, but did not indicate exactly when that would be. "I understand that time is of essence," she said.

President's Corner

As hoped, the Journal will be published more frequently. The next edition is expected in mid-April. For this we can thank our new editor, Ourania Riddle and our new publisher Bob DeQuattro, members from Solano and El Dorado respectively. We lost the services of Joe Joynt due to his unexpected travel requirements and Ourania and Bob stepped in to put together this issue on short notice. We are deeply grateful. Ourania and Bob will stay in their positions in the future.

The production and distribution of the Journal falls under the auspices of the Operations Committee and writing and editing assistance is provided by, at least, Marcy Bachmann, Elwood Moger, Steve Phipps and Mickey Strang, who act as an editorial board. Because this Journal goes to all Members, Chapters, sitting grand juries and others, it may be read by over 1500 people each time it is published.

You, the readers, are unique in that you're aware of the issues that confront grand juries, the ways they have handled them and the good they have done. Please use this vehicle to disseminate your views, experiences and opinions to the large audience of interested people that this Journal reaches. You have been there, you devoted a portion of your life to good citizenship, and you know what grand jury work is all about. You have things to say: Please Say Them Here!

The committee structure that the Board finalized in November has coalesced well and all five standing committees are actively into their respective projects. Their individual reports are found elsewhere in this newsletter. I urge you to read them because they reflect the day-to-day, week-to-week and month-to-month work that these Committees and their members perform on the Association's behalf. The Committees have daunting tasks and I second the request that some of them have made for additional member involvement. They have much to do and few to do it.

We have a new committee not mentioned in the December Journal: the Ad Hoc Committee to Review CGJA Bylaws. Our existing Bylaws require that an ad hoc committee review them every three years. New director Clif Poole of Solano as Chair, director Barry Newman of San Diego and members Clarence Dilts of El Dorado, Wess Huss of Marin and Mickey Strang of Humboldt have undertaken this significant task. This will be the first Bylaw review since CGJA started life anew as a 501(c)(3) public benefit corporation in 1997 and some changes will no doubt be recommended based on our experiences over the past three years. The Ad Hoc Committee solicits and welcomes member input.

(Continued on page 3)

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Mark your calendar!

This year the training seminars for new grand jurors will be held at:

Sacramento, August 6-7, at the American River College

Bakersfield, August 9-10, at the Holiday Inn Select

Concord, August 13-14 at the Concord Hilton

www.cgja.org

Committee Reports

Financial Development

Since initially organized the committee has met seven times (3 in person and 4 by teleconference). Two of the meetings were in conjunction with a two day course the committee attended titled "The Nuts and Bolts of Fundraising".

In addition to overseeing the financial operations of the Association, with recommendations for improvement as necessary, the committee has a Board approved charge "...to identify ways and means for increasing the financial resources available to the California Grand Jurors' Association...", so that it can more effectively carry out its mission.

There are three primary ways of achieving this objective: Donations (by members and friends), Events, and Grants. With the approval of the Board of Directors the "Celebration Fund" was initiated as a means for soliciting donations, including those to recognize individuals and major events.

In addition, the Board has endorsed a special fund raising and public relations event that will take place during the 2001 Annual Conference to honor "Excellence in Reporting."

The current focus of the Committee is to identify opportunities for receipt of grants, presumably for special projects. The Committee is also developing a budget for the period July 2001 through June 2002 using a new format to reflect the current Association organization and assignments.

The Committee invites the help and support of the Association's officers, directors, members, chapters and friends to achieve ambitious financial goals.

Boyd Horne, Chair

Reports (continued on page 4)

President's Corner

(Continued from page 1)

As required by the Bylaws a Nominating Committee consisting of three directors and three non-director members will be appointed by the board this month. Due to my error the appointment will be a month late and will occur shortly before you receive this Journal. Nominating Committee members will be identified in the April edition but anyone wishing to learn their identities at any time after the February 26 Board meeting can do so by contacting me or our Secretary, Jane Naify.

Regrettably, some of our best-intentioned contributors have had to curtail their activities for various personal reasons. Marcy Bachmann will no longer serve as Vice President- Editorial or as a director, but will remain active as a member of the editorial board mentioned above. Joe Joynt has had to relinquish his position as a director, as Secretary, which position Jane Naify is taking on, and as Editor of the Journal, which role Ourania and Bob are now filling. Joe remains a dedicated member and has offered to help on special projects. Kay Kauffmann and Del Pehrson have resigned as directors but both intend to remain as active members. Ron Miguel has decide to concentrate his Association energies on juror training and to that end has relinquished his directorship. Although the counsel and efforts of each of these directors will be missed, we are fortunate to have their continued energies, as members, available to us in the future.

New to the Board as of this writing are Clif Poole, mentioned above, and Jeanne Forbes of Tulare. Among other things, Jeanne is keen on getting the civil role of regular grand juries taught in the public school systems.

As a result of some of the leadership changes we are not able to summarize prior board minutes in this issue of the Journal. We will begin to do so for the meetings of September 2000 through February 2001 in the next Journal.

This issue inaugurates our Chapter Reports, a way for the CGJA Chapters to communicate among themselves and with the membership at the same time. These Reports are a great addition to our knowledge and communication lines. CGJA is proud of the efforts the Chapters have undertaken, as reflected by their reports, and looks forward to finding better ways to meld the ideas, and energies, of the Chapters with the broad goals of the state association.

As reported elsewhere by the Membership and Chapters Committee, Elwood Moger has been

designated to lead the Chapter communication effort; Roger Loper will be his alternate.

In closing, I would like you to take a moment with me to honor the memory of Jack Sanger. Jack, who served on the Del Norte grand jury in 1990-92, was a tireless worker on behalf of the CGJA. Among his many other contributions, Jack, who lacked the use of hands, organized and typed our GRIP report, an 85 page document indexing grand jury reports from counties all over the state, with over 2800 entries.

Most recently released in 1999 the GRIP was and still is the most comprehensive index of the subjects of the Reports of California's regular grand juries. Our need to keep this project alive is discussed by Les Daye elsewhere in this issue. We owe it to Jack to keep this project current so that future grand juries will have a solid foundation from which to begin their work and so the media can access the important contributions grand juries have made over the years in this state. This is an ideal project for a Chapter that wants a meaningful ongoing role.

Jack Zepp, President

CGJA Member Address Corrections

Please note these changes for CGJA members.

DeQuattro, Bob Tel (530) 672-2272 and
new email dquattro@cwnet.com

Forbes, Jeanne new email: gggenie@earthlink.net

Hann, Edna new email rfhann@pol.net

Huss, Wes new email wjhuss@juno.com

Joynt, Joe new email TahoeRockyPoint@aol.com

Newman, Barry Tel (619) 557-2700

Poole, Clif new email: jcswimm@aol.com

Reeves, Charles new email: cgreeves@msn.com

Riddle, Ourania new tel/fax (707) 678-9468 *
Internet fax (914) 678-2857

Rien, Howard new email howdix@earthlink.net

Wolf, Stanley Add to address Apt #22.

New tel number (650) 566-0131

Zepp, Fredric Jack. Please add Jack to his name

Committee Reports *(Continued from page 2)***Government Relations**

The CGJA Government Relations Committee has met regularly each month and its main goal is to thoroughly monitor legislation, which may effect California Civil Grand Juries.

As of February 16, 2001, almost 700 bills have been introduced, none yet concerning Grand Juries. This may change by February 23rd, the last day for legislation to be introduced during this legislative session. We will alert the Journal Editor and CGJA Board as soon as any bill has been numbered and its text printed in the official daily file.

A comprehensive Guidelines For Legislative Action Teams was developed by Dan Taranto and submitted for Committee approval (received). It is intended as an orientation (action document) to those who are "on the ground" for CGJA Board-approved positions. The passage of bills, amendments, analysts views, support & decline positions and action history are items covered. Whether written, oral or visual elements are involved, experience is a great teacher when dealing with the dynamic legislative process.

The Committee has active leads for web site monitoring, goal reporting, Grand Jury reform liaison, Committee minutes and planned as needed activities during the active Sacramento session (generally March-September). Your input, through your elected CGJA Board Members, is always welcomed. Local concerns are often an indicator of shortcomings which effect Grand Juries all over California. We will keep you informed in this Journal, on our Association web site (www.cgja.org), through the CGJA Board of Directors and at our Annual Conference & Meeting of Committee activities and goals.

Les Daye, Chair

Operations

The Operations Committee is responsible to the Board of Directors for the Association's operational functions including the Annual Conference, Central Data Base Management, Compendium of Grand Jury Law, Grand Jury

Report Indexing, Grand Jurors Journal, Office Planning, Policies & Procedures, Public Relations, Publications, Teleconferencing, and Web site.

Individual functions of the Operations Committee will use the Journal to communicate with the membership relative to special announcements, progress reports, informational requests, and forms

for member participation on planned activities.

Our strengths as an Association will be reflective of our membership's interest and participation and the Operations Committee looks to all members for its support.

This year's Annual Conference is planned for Orange County on September 14th and 15th with Jodie Harrod as our Conference Chair. Former CA Assembly Member, Marilyn Brewer and San Diego Superior Court Presiding Judge Peterson are currently confirmed for this year's conference, which will have as its theme "The California Grand Jury in the New Millennium." Jodie will be updating you in future issues of the Journal but mark you calendars now for September in Southern California.

As Chair of the Operations Committee, I will be working directly on developing CGJA's first centralized data base of our membership and growing number of contacts being established through our Association Chapters, Regional Training Programs, educational efforts with California governmental officials, County Grand Juries, and Court representatives throughout the state. As we develop our data base efforts, we plan to survey our membership on their experience and interests in contributing to CGJA's future development.

The Association's Compendium of Grand Jury law will need an updating this spring and your Operations Committee is currently seeking members with some legal background and experience in using the legal search devices to update Grand Jury law developments. Our Association President, Jack Zepp performed this function last year and will be pleased to discuss what is involved in this essential effort.

Les Daye is leading our Grand Jury Report Indexing efforts and plans a separate article in our Journal on this effort.

The Grand Jurors' Journal is being lead by the team of Ourania Riddle as Editor and Bob DeQuattro for Layout, and Publication. Ourania and Bob have exciting plans for our Journal, all to keep those interested in CGJA better informed.

As a result of the Board of Directors Retreat in September 2000, Jane Naify is leading an effort to evaluate establishing a presence for CGJA in Sacramento while Roger Loper is forming a team to update and eventually revise the Association's Policies and Procedures.

Our efforts in the areas of public relations, publications, and web site are in immediate need of help from our membership. Dan Taranto has handled the

(continued on page 5)

Committee Reports (Continued from page 4)

Operations *Continued*

Association's publications in recent years and now needs a backup or successor as our publishing efforts grow in the future. Please contact me directly if you have an interest in filling these immediate vacancies.

In closing, I invited all members with an interest in working in any of CGJA's operation functions to call or e-mail me with their interests. It is only with your help and personal involvement that our Association will grow.

Elwood Moger, Chair

Training

The Training Committee is responsible for planning the training seminars for new grand jurors, establishing the programs and developing the Grand Jury Training Seminar Manual and other training materials.

While many functions are done by the Training Committee, many tasks are performed by members and local chapters close to the seminar site.

This year the training seminars will be held at:

- * Sacramento, August 6-7
at the American River College
- * Bakersfield, August 9-10
at the Holiday Inn Select
- * Concord, August 13-14
at the Concord Hilton

We have formed a Local Support Committee (LSC) for each of the three seminars. These LSCs will assist with the printing and assembling of the manuals, organizing registration, making name tags and a variety of other tasks. They also work as volunteer staff during the seminar.

This year we are pleased to have the help of some of the CGJA Chapters. The LSC for the Concord Seminar is the new Solano County CGJA Chapter, along with Linda Baker and Pam Meeds, both from Contra Costa County.

For Bakersfield the LSC will be volunteers from Tulare County and Kern County CGJA, along with Janet Praria, Monterey County.

The Sacramento LSC only has two members. Sherry Chesny of Placer County and Jane Naify

from Sacramento County. Anyone who lives near Sacramento and is willing to help, please call Sherry at (530) 878-8248.

Along with the committee goal of expanding the number of training seminar sites we also established a companion goal to increase the number of workshop presenters. We are working towards forming a CGJA Training Team for each regional area, which will be a two-three year project.

We developed an application and screening process and just recently selected additional workshop presenters. Joining us as trainee presenters will be CGJA members Wilbur Beckwith, Los Angeles; Wolfgang Hass, Monterey; Deborah Nagle-Burks, San Mateo; Barry Newman, San Diego; Clif Poole, Solano; Janet Praria, Monterey; Ourania Riddle, Solano; and Talley Wade, Placer.

Together they bring many years of grand jury experience, considerable talents, a wealth of background experiences and a lot of enthusiasm. We welcome their involvement and feel very fortunate to have them join our training team.

Sherry Chesney, Chair

The Grand Jury Reports Indexing Project (GRIP)

The project originated in 1993 to establish a GRIP "protocol" and a statewide program to index the contents of all California Grand Jury reports. A first edition of Final Reports with Subject Index was completed in 1995, with thirty-two pages containing about 950 entries from nineteen counties.

The further efforts of Dan Taranto, Ginger Reed and especially, the late Jack Sanger (see President's Message column), led to a third edition in 1997, with entries from fifty-four of California's fifty-eight counties. Today, all Final Reports and Responses are subject to (effective date 01/01/1999) provisions of Penal Code Section 933(b), which state, "One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk."

(Note: Government Code Section 68114.6 permits the court to transfer these duties to the Court Executive Officer, where one exists). "The county clerk (or Court Executive Officer) shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity."

GRIP (Continued on page 6)

GRIP Project *(Continued from page 5)*

Is your county in full compliance with these requirements? Ask them to verify their compliance. Counties such as Orange, Humboldt, Marin, Sacramento and Santa Barbara have been leaders in actively "indexing" (finding all published Final Reports and/or placing the subjects of the last 10-20 years on a Webster).

Where would you begin the quest for missing Final Reports and Responses in your county? At our Webster (www.cgja.org), click on Information and Publications, then view and print (PDF, Adobe Acrobat) your own GRIP Phase One, Field Research Workbook. It contains self-instructions to begin a "detective" search in your county. Its easy and fun and rewarding. Historians, scholars and the Society of Professional Journalists are cheering for you to be successful in identifying subjects of Grand Jury Reports going back 150 years in the twenty-seven original counties and 93 years in Imperial County. We can assist in getting all discoveries linked to the CGJA Webster. Thanks and happy hunting.

Les Daye, lead on GRIP, goal of CGJA Operations Committee

Chapter News

Marin County Chapter

During its initial year the membership of the Marin Chapter remained fairly static. By the fall of 2000 there were 21 active members. We felt the time was ripe for a membership drive.

We recognized that there were probably many former Grand Jurors who might be favorably disposed toward the Marin Chapter, sympathetic to its objectives, but lacked the time to actively participate. Therefore, we decided to establish two levels of membership: Active Members and Supportive Members.

Active members have voting rights and serve on committees. Supportive members pay a lower annual dues, are always welcome at meetings, and they need have no guilt of not attending. By having their names on the membership role they are supporting the Chapter and enhancing its influence. A periodic newsletter will keep them informed of our activities.

New members were recruited through a mailing to approximately 100 former Marin County Grand Jurors. Seven people became new Active

members, fourteen chose the Supportive category.

In addition, the Administrative Office of the County Courts decided to pay for the Supportive membership of the 19 sitting Grand Jurors. The Chapter can now represent itself to the community as an organization representing 61 people who have served on the Marin County Grand Jury. The challenge now will be to retain these new members.

Cal Kurzman, Membership Chairman

Solano County Chapter

Grand jury members in Solano County decided that the year 2000 was the right time for the formation of a CGJA chapter. The initial meeting was held on August 23, 2000. Sixteen former and current Grand Jurors attended the meeting. Elections were held on September 20, 2000. Officers and Directors were elected.

A Finance Committee has been formed to develop a proposed annual budget for the chapter. The Chapter is in the process of establishing standing committees.

The Chapter has obtained a permanent meeting place in Solano County offices, and will continue to meet on the fourth Wednesday of the month at 6:00PM.

At its January meeting, the chapter voted to co-sponsor the CGJA training seminar scheduled for August 13 & 14 at the Hilton Hotel in Concord.

Two members of the Solano Chapter, Clif Poole and Ourania Riddle have been selected to be workshop presenters at CGJA Seminars. Additionally, Ourania is the editor of this publication.

Don Enneking, Chapter President

20th Annual CGJA Conference
September 14th and 15th, 2001
Orange County
"The California Grand Jury
in the New Millennium"

CGJA Contributions

By Janet Praria, CGJA Treasurer

Our sincere appreciation to those who have made financial contributions to promote government accountability by improving the training and resources available to California's fifty eight grand juries and educating the public about the substantial local government oversight and reporting powers those juries have.

Contribution levels for the period of December 1, 2000 through February 15, 2001.
(* denotes member of the CGJA Board of Directors).

\$0-24.00

Linda Baker* Celebration Fund
To celebrate Roger Loper's 80th birthday.
Boyd Horne* Celebration Fund
To celebrate Roger Loper's 80th birthday.
Janet Praria* Celebration Fund
To celebrate Roger Loper's 80th birthday.
Barry Newman*
Albert Lozano

\$25.00-49.00

Linda Baker*
Peter Cresci
Wolfgang Haas
Mike & Nancy Miller*
Elwood Moger*
Glen Ratteree
Otto Schmidlen

\$50.00-99.00

Al Gabbs
Jodie Harrod* Celebration Fund
Boyd Horne*

\$100.00-149.00

M&M Jack Olive
Patricia Yeomans Celebration Fund

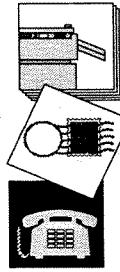
\$200.00-249.00

Roger Loper* Celebration Fund
To honor Rick Ostler.

\$300.00-349.00

Jack Zepp* Celebration Fund
To celebrate his daughter's good health.

Thank You !!!!



From the mailbox:

Dear Jack:

In discussing the process for our final report, one of our grand jurors suggested we review either the report or just our findings with the department head of an entity we were reviewing.

This person comes from an auditing background and they routinely show management what they plan to report prior to publication to give them an opportunity to refute any comments made by the auditor.

Unfortunately some previous grand juries haven't always gotten their facts straight prior to publication which makes the creditability of future grand juries a bit of an issue. This juror feels adding this to the process can help eliminate any glaring embarrassing errors. Does the CGJA have any opinion about whether it's advisable to review the fact/findings of our report publication with and head of a department being review by a grand jury? We appreciate the expertise in your organization and any guidance you can offer.

Sincerely,
A grand juror

Dear grand juror:

It is always a good idea to check your facts. First, to be sure you have them right, second to reduce the complaint "If only they would have checked we would have told them where they were wrong" which makes grand juries look unreliable.

Penal Code 933.05(d) specifically permits a grand jury to discuss and verify findings before release.

Penal Code 933.05(e) requires that the grand jury have met with a subject of an investigation during the course of the investigation, presumably to get the facts straight, among other things.

Penal Code 933.05(f) requires that the grand jury make copies of relevant sections of its report (including recommendations) available to the affected agency two days prior to release, presumably so the agency has one last chance to correct errors (though agencies are inclined to use the window to argue about recommendations, not correct factual errors).

Except for the two day window provision of Penal Code 933.05(f) grand juries should not disclose or discuss their recommendations with anyone, nor disclose or discuss findings except with affected agencies or persons.

This is my personal opinion; CGJA has not adopted an official position on this subject.

Jack Zepp

The 1999/2000 Solano County Grand Jury did indeed have a prodigious year

By Ourania Riddle

"The Solano County grand jury is on a reign of terror, rambling through our cities like resurrected Jacobins incessantly searching and digging for any sign of impropriety and any chance to scream, *off with their heads!*"

Editorials like that were common in our local newspapers. Doing its Civil Investigations into some of the questionable doings of local governments the Solano County Grand Jury not only gained publicity and criticism, but also stirred resentment on the part of many elected officials.

The 1999/00 Solano County Grand Jury did indeed have a prodigious year.

A hard-hitting Grand Jury report regarding travel expenses, credit cards and purchasing cards on the cities of Benicia, Dixon, Fairfield and Suisun forced several elected and appointed officials to repay their cities thousands of dollars. All claimed that what they had done was unintentional.

The Mayor in one of the cities charged 10 out of 16 airline tickets for personal trips to the City's credit card, but he didn't know it! His excuses: "His wife made the reservations. His travel agent misused the City's credit card. The City didn't ask for an explanation. The City's accounting system was not good."

The City Manager of another city charged numerous lunches to the City's credit card and then asked for reimbursement again on his monthly expense form, but he didn't know it. Other employees often charged alcoholic beverages, spousal travel expenses and personal site trips to the City's credit card. They didn't know that alcohol and family vacations were not part of their benefits.

Another City used debit cards with no credit limit. Charges automatically were deducted from the City's Merrill Lynch account. Because of the debit standing of this account, evidence for the expenditure was not required prior to payment.

Where is the District Attorney you might ask? The Grand Jury forwarded supporting documents to the District Attorney for investigation of possible criminal action. But since the culprits repaid their cities he was not interested in prosecuting. It is more likely that he was trying to hide from the interviewers of

"60 Minutes" because of the Moreno-Pacheco case that was in the public's mind at that time.

The Jury also made critical comments about the Juvenile Hall. The situation was explosive. Safety and security issues were the main concern. Will the Supervisors do something about it or will they give the citizens of Solano County another snow job. For the last 10 years the County's re-sponses to the Grand Jury's findings were not adequate.

Shortly after the Grand Jury report was made public the Solano County's probation chief was seeking the Board of Supervisor's permission to conduct a state required "needs assessment" study on a portion of the dilapidating juvenile hall. His request comes less than one month following the grand jury's scathing juvenile facility report, which suggested the probation department had failed to meet standard upkeep, safety requirements and capacity needs for, in some cases, as long as 10 years. Of course, this inquiry for a "needs assessment" study had nothing to do with the Grand Jury report.

The trite word "political agenda" was also used to criticize the Grand Jury. Now, that is funny. The Jurors are selected, by a random drawing, from a pool of names submitted by the same people that the grand jury may be investigating. What "political agenda" could they have?

Then came the name-calling. One Mayor said that the Grand Jury was not the citizens "watchdog" but rather "junkyard dogs." Others said they were an "out of control" Grand Jury, "a run away train."

I find the complaints and the name calling from public officials about the Grand Jury undeserved for a body that is legally charged by the Penal Code to perform its work. They were doing what the law says they should do: protecting the people from wrongdoings of government. If all were going well, there would be no critical comments from any Grand Jury.

Furthermore, under a relatively new law, any public body subject to a Grand Jury report must be provided a copy of the document at least two days before it reaches the media and the public. Given that our elected officials had days to review the report and make cogent responses, there was ample time to respond intelligently. They preferred to blame the messengers of bad news, which was of their own making, rather than listen to the message.

Another first for Solano County was the accusation filed by the Grand Jury against an elected county

(Continued on Page 9)

Caesars wife must be above suspicion

By Mickey Strang

Plutarch maintained that "Caesars wife must be above suspicion." Public officials should be, too.

Suspicion of wrong action in the case of public officials is not quite in the same vein as that for Caesars wife, however. Mainly, they should not gain financially from their actions (other than the salaries paid), nor should their actions aim toward being appointed to higher-level jobs. Or should they benefit a family member.

If public officials do not recuse themselves - take themselves out of the decision loop - when they could logically be accused of having a conflict of interest, any decisions they make can be seen as tainted. Tainted decisions result in weakening citizen confidence in government and in weakening governmental structure itself.

Conflicts of interest are more apt to happen in local government than at a national or state level. Grand juries need to be sensitive to such conflicts in their role as overseers of county and city and special district management and operation. Conflicts or apparent conflicts are more likely to occur in small or rural areas.

A county might have only one gravel pit operator. If the county needs to buy gravel, that operator would be apt to get the contract even if he was not related to a member of the board of supervisors. But if he is related to the county's head of the public works department that official needs to go out of his way to show the economic benefit to the county. And the department head should expect the grand jury to investigate to see if out-of-county bids from other operators were duly considered.

Just what a real conflict of interest is can be confusing. Rather clearly, gaining financially from your actions is a conflict.

The California Fair Political Practices Commission (FPPC) requires those holding certain statewide jobs file a conflict of interest statement listing personal finances. Locals - that is, city, county and some special district officers - must also file such a document. These records may be held either at the state or local level, and are public records. As a public record, any citizen can request a conflict of interest statement. (Note to current juries: looking at the appropriate FPPC statements is worth considering, especially when you investigate

Redevelopment Agencies or procurement officers.)

If anyone has a problem in obtaining a mandated record not actually filed in FPPC offices - and many municipal or other local ones are not - a call to the FPPC at (916) 322-5660 ensures the state agency will help get copies for the jury or others.

Still, conflict of interest does not just involve real property. Here's where the going gets stickier. For instance, there are a number of incompatible offices - cases where the same individual may not hold both jobs at the same time because they have conflicting interests.

What is an "office" as defined by the Attorney General? Its a "position in government which is created or authorized by the constitution or some law; the tenure of which is continuing and permanent, not occasional or temporary; in which the incumbent performs a public function for the public benefit and exercises some of the sovereign powers of the State."

Basically, conflicts can cause problems. So can apparent conflicts. And everyone is well served when these do not happen.

Editors note: CGJA's Mickey Strang, a retired federal civil servant, served on the Humboldt County Grand Jury from 1990-1992.

Mickey, who has long taught the Final Report Writing segment of the juror training program, was recently retained by a sitting grand jury as a consultant on 'proper preparation of grand jury reports'."

Solano County Grand Jury (Continued from page 8)
official. But that's another story!

Despite the criticism and name calling, the 1999/2000 Solano County Grand Jury accomplished many things. Now, every City in Solano County has adopted, either by ordinance or a resolution, strict travel and credit card expense policies and procedures. The Mayor who charged personal airline tickets to the City has chosen not to use the City's credit card anymore and the card has been destroyed. And the use of debit cards has been stopped. Travel and meal expenses in a certain City have been dramatically decreased.

Although the affected agencies responses to the Grand Jurys reports were written with the "you don't know what you are talking about attitude", it still produced the results for which the Grand Jury was hoping.

Yes, indeed, the 1999/2000 Solano County Grand Jury had a prodigious year.

Ourania Riddle was a member of the 1998/99 and 1999/00 Solano County Grand Jury.

Grand Jurors Journal

An Association of Grand Jurors

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California Grand Jurors' Association

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

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