COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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RESPONDING TO GRAND JURY REPORTS	Date Adopted: 11/5/1991 Corrected: 6/10/1994	Revised Date: 4/26/2005

BACKGROUND:

It is the intent of this policy to implement Section 933 (c) of the Penal Code and to specify a uniform procedure and a standard format for all departments to follow when responding to the annual Grand Jury Report. It is anticipated that a uniform procedure and a standard format will provide the Board of Supervisors with a structurally consistent document, one which will assist department heads and the Chief Administrative Officer to provide an appropriate draft response, enable the Board of Supervisors to evaluate the proposed response more effectively, help ensure continuity in the Grand Jury process from year to year and assist the Grand Jury in tracking its findings and recommendations.

POLICY:

Section 933 (c) of the Penal Code shall govern the County response to the Grand Jury report. It reads as follows:

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the Board of Supervisors, on the findings and recommendations pertaining to matters under control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of the comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury

reports shall be placed on file with clerk of the public agency and the office of the County Clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years."

PROCEDURES:

Timelines:

1. Department heads to provide responses to the CAO within 21 days following the CAO notifying department heads of the required responses.

2. Submittal of the Initial Draft Response for review and comment by the Board, at least 21 days prior to the Final Draft adoption hearing.

3. Elected officials are required by Section 933(c) of the Penal Code to respond within 60 days. However, the Board of Supervisors encourages them to respond within 21 days from their receipt of the final report.

4. Submittal of the Final Draft response adoption hearing must occur with the legally specified 90 days response time following the Grand Jury providing a copy of the Final report to the Presiding Judge of the Superior Court.

Format:

1. In order to meet response deadlines the Grand Jury is encouraged to:

    a. work with the Chief Administrative Officer to provide a Final Report copy in a computer format compatible with the County;

b. to have all findings and recommendations individually identified in sequential order.

2. Each Grand Jury Finding and Recommendation should be individually identified in sequential order. The Response must clearly indicate which Finding and which Recommendation is being responded to.

3. All responses shall be organized similarly to the Grand Jury's final report. Each Finding and Recommendation shall be responded to separately.

4. Finding responses shall follow the format in Section 933.05 (a) of the Penal Code.

5. Recommendation responses shall follow the format and timelines specified in Section 933.05 (b) of the Penal Code.

Initial Draft Response Process:

1. The Chief Administrative Officer (CAO) receives the Grand Jury Final Report.

2. CAO sends correspondence to all non-county government entities identified in the Grand Jury report alerting them to their reporting obligation under Section 933 (c) of the Penal Code and shall request a courtesy copy of their response. Such courtesy copies shall be made available for public viewing in the Board of Supervisors Office. The CAO will send the Board of Supervisors a copy of this correspondence.

3. CAO provides information to all department heads (elected and appointed) regarding the required response format and time frame.

4. Appointed department heads must provide a response to the CAO using the format prescribed by the CAO and this policy, within the timelines specified by the CAO and outlined in this policy.

5. When Grand Jury findings and recommendations require responses from elected officials as well as other county officials over which the Board has some decisionmaking authority, elected officials should provide a response to the CAO using the format prescribed by the CAO and this policy, within the timelines specified by the CAO and outlined in this policy.

6. Department responses to the CAO shall be submitted in writing as well as the computer compatible formats specified by the CAO.

7. The CAO will keep a file of all department head responses so the Grand Jury or Board of Supervisors may review.

8. Elected department heads must, in addition to the above, provide a written response to the Presiding Judge of the Superior Court within 60 days.

9. The CAO will review all department head responses, for which the Board is required to respond, for accuracy, appropriateness, investigating and reconciling discrepancies among responses, etc.

10. The CAO shall compile an Initial Draft Response for Board review.

    a. All Responses will be organized in a manner similar to the Grand Jury's Final Report.

b. The Initial Draft Response shall be submitted for a Public Hearing review set for a time certain. This public hearing will be not less than 21 days prior to the 90-day legal response time to the Presiding Judge of the Superior Court.

c. The CAO will inform the issuing and/or current Grand Jury Foreman as to the Board Hearing date and time, transmit a copy of the Initial Draft response to them at the same time as the Draft goes to the Board Clerk. The CAO will include a statement in the cover letter to the Board, accompanying the initial draft, that a copy of the report has been transmitted to the issuing and/or current Grand Jury Foreman along with information regarding the date and time of the Hearing.

d. At the Initial Draft Response public hearing the Board may direct staff to make changes, establish workshops to explain the issues, schedule additional hearings, create Board subcommittees, etc.

Final Draft Response:

1. Following the Board review of the Initial Draft Response, and within the 90 day required response time to the Presiding Judge of the Superior Court:

a. The CAO will submit the recommended Final Draft Response to the Board in a Public Hearing set for a time certain.

b. The CAO will send copies of the Final Draft Response to department heads with a directive to inform the CAO of any changes that might have occurred thus making the Final Draft Response out of date. The CAO will review the

responses and inform the Board and the Grand Jury, in writing, prior to the Public Hearing, should changes be required.

c. The Final Draft Response agenda shall include a proposed letter of transmittal from the Board Chair to the Presiding Judge of the Superior Court.

d. The Final Draft Response will incorporate any Board approved modifications from the Initial Draft Response.

e. A letter accompanying the Final Draft Response agenda item will include a summary of any Board Subcommittee recommendations that may modify the Final Draft Response.

f. The Final Draft Response will include recommendations as to distribution and publication (in addition to Section 4, below).

2. The CAO will inform the issuing and/or current Grand Jury Foreman as to the Board Hearing date and time certain, transmit a copy of the Final Draft Response to them at the same that the Draft goes to the Board Clerk. The CAO will include a statement in the cover letter to the Board, accompanying the final draft, that a copy of the report has been transmitted to the issuing and/or current Grand Jury Foreman along with information regarding the date and time of the Hearing.

3. At the Public Hearing the Board may direct final modifications of the Final Draft Response and authorize submittal of the Final Report to the Presiding Judge of the Superior Court, etc.

4. The Final Response adopted by the Board shall be sent within ten working days following approval and within the 90 day required response time, to the Presiding Judge of the Superior Court, the current Grand Jury, all affected departments and to each branch of the County's public library system.

5. The CAO will distribute and publicize the Final Response in accordance with Board Policy B-10, "Grand Jury Annual Report-Publication of Annual Report and Board of Supervisors Response".

6. The CAO will have copies of the Final Response available for the public.

Pending Items:

The Board of Supervisor's Final Response may include plans to implement recommendations in the future or to complete an analysis on a recommendation. The Chief Administrative Office will coordinate these pending items and report back to the Board regarding completion status of implementation plans and analysis results and recommendations for Board review.

Primary Departments: Board of Supervisors, Chief Administrative Office

References: Penal Code Section 933 to 933.05
County Charter Section 703