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Gentleman:

As foremen of the current Grand Jury I have meet with our counsel and given the matter of our dispute a great deal of thought as a result I have a proposal that I believe may resolve our dilemma..

There is no doubt in my mind that there are several statutes that require the county to pay certain expense regardless of what may have been budget or other wise anticipated that includes:

PC 914, which call for and requires the county to pay for training of the new Grand Jury.
PC 936, which allows for special counsel appointed by the attorney General, paid by the county.

PC 936.5, for special counsel ordered by the Judge, to be paid by the county.

PC 937, which allows for interpreters to be charged to the county

PC 938.3, the services of a stenographic reporter at county expense.

PC 938.4, which requires the county to supply a meeting room and to meet basic operation needs.

PC 890.1, which guarantees payment of mileage and per diem by the county

In addition is PC 914.5 which addresses investigative activities, and could be interpret as all the Grand Jury's activities or as more limited to the actual investigations that the Grand Jury undertakes after being assured of its basic expense including mileage and per diem.

There are several statues, such as, PC 914.5 and 931, that appear to require some form of budgetary action, thereby implying at least, some prior approval by the county. It is this prior approval that creates the issues in our case. Under one interpretation, prior approval would imply that the Grand Jury must operate under the fixed budget as set by the Board of Supervisors at least one year in advance of the impaneling of the current years Jury. Added to this confusion, is the fact that all the statutes allow the Judge to

require the Board to modify the budget, and meet the Juries demands on request. The result is, given the ability of the court to increase the budget on demand that the budget in fact means very little.

I believe that our current stand off resulted from the Board setting a budget that was arbitrary and based on cuts and disregarded, not only the realities of the Grand Jury's needs, but failed to take into account that the make up and the investigative actions to be taken by the Grand jury are impossible to know until the Grand Jury has been chosen and then actually sees and votes on the number and nature of complaints that it receives. There is no other agency, within the government structure, that has all of it employees selected newly every year and has no idea of the depth and breath of its activities in advance.

I suggest because of this annual mystery, the legislature provided, that on showing to a judge, the Grand Jury can get the money it needs to meet the demands of its constitutional and legislative charge virtually in demand. This concept seems at odds with the need of the county to budget.

Thus, will I feel strongly that any attempt on the Board of Supervisors to arbitrarily limit or control the Grand Jury must be exposed and opposed, I also recognize that good management requires an intelligent, reasonable estimation of cost, in advance, by way of a budget. It must be acknowledged, that while the investigative needs and the mileage cost are difficult to anticipate in advance, there are items such as telephone, copy and supply expenses that do have a history and should be able to be forecast.

My proposal, with all this in mind, and to insure the Grand Jury's independence is as follows:

That each year, at the conclusion of the prior years Grand Jury term, and as soon as practical the Judge selects and appoints his foreperson. That foreperson is given a copy of the prior budget and actual expenses for the past three years of Grand Jurys activity. With that information, the foreperson prepares a budget of the relatively fixed cost. Then, at the time of the drawing of the Jurors for that coming year, each juror is asked, and presents to the new foreperson there anticipated mileage to and from the meeting room. The foreperson then determines the meeting schedule he wishes to work under and computes the anticipated millage and per diem cost. Then together with fixed cost makes up the best estimate of the Grand Jury s expenses for the coming year. Based on the past three years actuals the foreperson then includes an estimation of what would be extra or additional cost, that would include the expenses for the inspection of the jails, and other faculties mandated by law and include a figure that would be called a *reserve of outside support*, ie, interpreters, outside counsel, auditors and the like. This reserve would carry over year to year if unused and could be added to under the provisions of PC 914.5 if needed.

In this way, with real information, the budget actually means something, rather than an arbitrary figure set while knowing full well that the draw of one member or ten members from Lake Tahoe is going to make a major difference in the actual payment amount needed no matter what was guessed or estimated prior to the selection.

I also suggest that the foreperson and the Jury itselfs active participation in this process will bring real meaning to the Grand Jury of the budget process and will add much integrity to following it with a better understanding of the process of increasing it as needs may arise. The Board of Supervisors also might need a little educating on the

legislative requirements for funding the Grand Jury. By working toghter, the county is assured of the Grand Jurys understanding of their financial problems and the County gains added appreciation of the Grand Jury need to fulfill its role to the public. This I hope will bring about a more mutual, cooperative working relationship between the Grand Jury and the Board, at least on financial natters.

Please give this idea some thought and advise, if I have left out or overlooked a detail or two, please for give me, it is my intention, given the unique and some what complicated nature of the “friend and potential foe” relationship, to develop a sound base for working together.

Regards,

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