

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.52
(ID # 20565)

MEETING DATE:
Tuesday, January 24, 2023

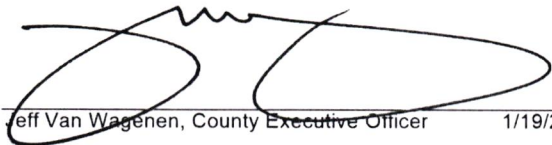
FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Board Policy A-75: Coordination and Submission of Responses to Reports of the County Civil Grand Jury, All District. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt the new Board Policy A-75: Coordination and Submission of Responses to Reports of the County Civil Grand Jury; and
2. Direct the Executive Office to post Board Policy A-75 on the Board Policy Website.

ACTION:Policy




Jeff Van Wageningen, County Executive Officer 1/19/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Gutierrez
Nays: None
Absent: None
Date: January 24, 2023
xc: E.O., COBAB

Kimberly Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	22/23

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The purpose of this policy is to ensure compliance with California Penal Code Section 933 et seq in the preparation and submission of formal responses to reports of the County of Riverside Civil Grand Jury.

This policy will assist non-elected department and agency heads in navigating the requirements set forth in penal code, including compliance with timelines and specific response language. It also provides direction as to communicating and coordination with the Executive Office. As noted in the policy, elected department or agency heads are required to respond directly to the presiding judge and within a different timeframe as set forth in penal code. The inclusion of any language in reference to this separate group is included only to show awareness that there are separate requirements within the penal code.

As noted in the policy, the Board shall only address budgetary or personnel matters over which the Board has some decision-making authority in a report addressing departments or agencies under an elected department head. The policy only applies to non-elected department heads.

The policy has been reviewed by County Counsel.

Impact on Residents and Businesses

The Grand Jury performs an important duty for the residents and businesses of the county. This policy provides for guidance to departments which will provide consistent and timely responses distilled in a way that supports transparency in responding to this important work.


Additional Fiscal Information


This Board action does not have any fiscal impact on the County of Riverside.

ATTACHMENTS:

Attachment A: Board Policy A-75: COORDINATION AND SUBMISSION OF RESPONSES TO REPORTS OF THE COUNTY CIVIL GRAND JURY

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA


Tina Grande 11/8/2022


Minnie Carter, County Counsel 11/15/2022

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POLICY:

It is the policy of the Board of Supervisors that all responses to a report by the civil grand jury by any county department or agency headed by a non-elected department official are coordinated through the Executive Office. This will provide uniform and timely responses in compliance with Penal Code Section 933 et seq. Responses by elected officers of a county department or agency as it relates to this policy and the Board of Supervisors are also specifically called out in this policy.

PURPOSE:

The purpose of this policy is to ensure compliance with California Penal Code Section 933 et seq. in the preparation and submission of formal responses to reports of the County civil grand jury.

BACKGROUND:

Riverside County is served by a civil grand jury empowered by law to perform an oversight function into the operation of county and municipal governments. Reports can be a result of an inquiry, or an investigation initiated by the civil grand jury in performance of their "watchdog" duty over the operations, accounts, and records of a city, county, special district, or joint powers authority. A grand jury may request that a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

Reports include both findings and recommendations. All reports are submitted to the presiding judge prior to transmitting to all responsible officers, agencies, or departments. A report may be issued at any time before the end of the civil grand jury's term of one year which begins at the start of the fiscal year. The grand jury shall provide to the responsible officers, agencies, or departments a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. During this confidential period, no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

PROCEDURES FOR RESPONSES TO THE CIVIL GRAND JURY REPORT

California Penal Code Section 933 et seq. mandates specific requirements for responding to civil grand jury reports.

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- A. Any department/agency headed by a non-elected department official shall immediately notify the Executive Office and County Counsel of receipt of a civil grand jury report. A copy shall be provided to both entities upon request notwithstanding the confidential period.
- B. County Counsel shall assign a deputy county counsel to assist the responsible department/agency headed by a non-elected department official on the response to ensure compliance with the Penal Code requirements. An elected department officer may request assistance from the County Counsel's Office.
- C. The Executive Office shall:
 - a. Provide a copy to the Clerk of the Board for distribution to the Board of Supervisors.
 - b. Assign an analyst to track and coordinate with County Counsel and the responsible department/agency headed by a non-elected department official on the response.
 - c. Draft the transmittal (Form 11) to the Board of Supervisors, with the response attached. The Form 11 shall include a motion directing the Clerk of the Board (COB) to immediately forward the Board's finalized responses to the civil grand jury, presiding judge of the Superior Court, and to the county clerk-recorder.
- D. The response shall be made to both the findings and to the recommendations of the civil grand jury. The process is outlined below:
 - a. For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity **shall indicate one of the following:**
 - i. The respondent agrees with the finding.
 - ii. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
 - b. For the purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity **shall report one of the following actions:**
 - i. The recommendation has been implemented, with a summary regarding the implemented action.
 - ii. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - iii. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable.

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This timeframe shall not exceed six months from the date of publication of the grand jury report.

- iv. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- c. If a finding or recommendation of the civil grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the civil grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- E. Pursuant to Penal Code 933(c), elected officers of a county department/agency must respond directly to the presiding judge within sixty (60) days of receipt of the report. An informational copy of the elected officer's response to the findings and recommendations must be sent to the Board of Supervisors by filing a copy with the Clerk of the Board.
- F. The Board of Supervisors must respond directly to the presiding judge within ninety (90) days of receipt of the report. As noted in Section C herein, the County Executive Office will provide the support necessary to meet this requirement.

Reference:

Minute Order X.X of 11/29/2022