



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 12-948, **Version:** 1

- a. Authorize the term of the Monterey County Civil Grand Jury to be on a fiscal year basis commencing July 1, 2013;
- b. Request the Monterey County Superior Court to convene a new Civil Grand Jury for the term July 1, 2013 - June 30, 2014;
- c. Extend the term of the 2012 Civil Grand Jury for one month, to end January 31, 2013; and
- d. Request the Monterey County Superior Court to discharge the 2012 Civil Grand Jury no earlier than February 1, 2013.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a) Authorize the term of the Monterey County Civil Grand Jury to be on a fiscal year basis commencing July 1, 2013;
- b) Request the Monterey County Superior Court to convene a new Civil Grand Jury for the term July 1, 2013 - June 30, 2014;
- c) Extend the term of the 2012 Civil Grand Jury for one month, to end January 31, 2013; and
- d) Request the Monterey County Superior Court to discharge the 2012 Civil Grand Jury no earlier than February 1, 2013

SUMMARY:

Until 1973 the terms of county civil grand juries were on a calendar year basis. In 1973 the state legislature provided that the terms of all civil grand juries would be on a fiscal year basis. In 1982 the law was amended to permit a county board of supervisors to change the term from a fiscal year to calendar year basis.

Until the impaneling of the 1984 - 85 Civil Grand Jury, civil grand juries for Monterey County were on the fiscal year term. The reasons are not entirely clear from the historical record, but the 1984 - 85 Civil Grand Jury apparently requested that its term be extended for a total of 18 months, and that the terms of Monterey County civil grand juries be on a calendar year basis. The law did not then allow for civil grand juries to serve more than 12 months, so the County sought and obtained emergency legislation in 1984 allowing the implementation of the 18 month term for the 1984 - 85 Civil Grand Jury, and the transition to the calendar year term for subsequent civil grand juries.

The 2012 Civil Grand Jury has requested that its term be extended for an additional 6 months, for a total of 18 months, in order for it to have sufficient time to finish its investigations and report. The Civil Grand Jury has also requested that the terms for Monterey County civil grand juries be returned to the fiscal year basis, which is the predominant term of civil grand juries in California. Civil grand juries consist of 19 jurors in most counties, including Monterey County. The current Civil Grand Jury, however, due to the number of resignations for a variety of reasons, is down to 15 jurors, and the pool of alternates has been exhausted. A minimum of 12 grand jurors is required to do business, and the current Civil Grand Jury has indicated that without additional alternates available for service its membership is anticipated to go below 12 after January 1, 2013. It will, therefore, need additional jurors to be selected and sworn in order to finish a transition term of 18 months. Unfortunately, the Superior Court, whose responsibility it is to recruit for and impanel the grand jury,

has indicated it will not be able to recruit additional alternates or jurors at this time. The Superior Court, however, agrees that it will be more effective for the future recruitment and impaneling of grand juries if the term was on a fiscal year basis.

The County Counsel agrees that the fiscal year term for a civil grand jury will be more effective and conducive to the recruitment and functioning of the civil grand jury. In addition, the County Counsel's Office has taken over from the Superior Court the support function for the civil grand jury (expenses for such support being the responsibility of the County in any event under law) and the transition to a fiscal year term will allow for better coordination between the fiscal needs of the grand jury and the County's budget cycle. Finally, since a primary responsibility of the civil grand jury is oversight of the fiscal activities of the County and other public entities within the County, a fiscal year term should be more conducive to the conduct of the grand jury's business, conduct of its investigations, and preparation of its report.

In order to accommodate as much as possible the current Civil Grand Jury's request, we are recommending that its term be extended to January 31, 2013, to allow it time to finalize its report by the end of the calendar year. The final vote by the Grand Jury will be before the end of the calendar year to allow for sufficient jurors for that purpose, and only the review and printing of the report will be done in January 2013 so that the final report will be issued no later than the end of that month

OTHER AGENCY INVOLVEMENT:

The Monterey County Superior Court concurs in the recommendation.

FINANCING:

The County is responsible for most of the expenses associated with the activities of the Civil Grand Jury. This action will defer some expenses that would otherwise be incurred in the second half of fiscal year 2012 - 13 until the first six months of fiscal year 2013 - 14. There is no additional fiscal impact as a result of this action.

Dated: October 3, 2012

Prepared by:

Leslie J. Girard, Chief Assistant County Counsel

Dated: October 3, 2012

Approved by:

CHARLES J. McKEE, County Counsel

Attachments: Board Resolution