



Mimi Duzenski  
Clerk of the Board

## BOARD OF SUPERVISORS

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August 26, 2014

Honorable Lesley D. Holland, Presiding Judge  
San Joaquin County Superior Court  
P.O. Box 201022  
Stockton, CA 95201

Dear Judge Holland:

### Responses to 2013-2014 Grand Jury Report

Pursuant to Sections 933 and 933.05 of the California Penal Code, following are responses to the 2013-2014 Grand Jury Report entitled "Agency Approval of Responses to Grand Jury Reports: Do They Know What They Approve?" (Case No. 1613):

#### **Finding F2.1:**

*Over the last four years, almost all responses by the County and the Cities were approved by unanimous votes after little or no discussion by the elected officials or the public.*

#### **Response to F2.1:**

Partially disagree.

Each of the three responses from the County Board of Supervisors over the past four years was, in fact, approved by unanimous vote (no Board response was required in 2011). However, in both 2010 and 2013, Board members removed items from the consent agenda in order to ask questions of staff before ultimately voting to approve responses. For example, in 2010, dialogue was held regarding the issue of voting by mail, and in 2013, several questions were posed regarding surplus assets, group homes, and crime impacts. In fact, the Board directed staff to modify language in the proposed response in order to clarify its priorities on criminal justice.

#### **Recommendation R2.1:**

*All legislative bodies publicly explain the reasons for its response to Grand Jury Findings and Recommendations prior to voting to approve their response.*

#### **Response to R2.1:**

The recommendation will not be implemented.

County staff are the subject matter experts upon whom the Board relies to implement programs, manage resources, and facilitate day-to-day operations, all within the Board's general policy guidance. As such, staff is in the best position to draft responses, which are sometimes technical in nature, to Grand Jury reports for Board consideration. It is wrong to assume that just because there are no questions or discussion about an item, that Board members have not reviewed the material or do not understand the issue. Hopefully, it is just the opposite, and the absence of discussion is the product of proposed responses that are clear and concise, and that are representative of the Board's policies. Ultimately, regardless of whether items are placed on the consent agenda or scheduled for

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discussion, both Board members and the general public have an opportunity to ask questions and comment or express concerns about an item prior to a vote being taken. Therefore, it is unnecessary to have the Board reiterate separately its concurrence with proposed responses prepared by County staff.

If you have any questions regarding these responses, please contact County Administrator Monica Nino at (209) 468-3203.

Sincerely,

 8/28/2014

Robert V. Elliott  
Chairman, Board of Supervisors

c: Board of Supervisors  
Clerk of the Board  
County Administrator  
County Counsel

BOS08-01