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COUNTY OF SANTA BARBARA

August 20, 2024

Honorable Pauline Maxwell
Presiding Judge
Santa Barbara Superior Court
County Courthouse
1100 Anacapa Street
Santa Barbara, CA 93101

Reference: Response to Santa Barbara Civil Grand Jury report titled, "Civil Grand Jury Compensation"

Judge Maxwell:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code (PC). Pursuant to PC Section 933 (c) and (d), responses are provided on behalf of the Board of Supervisors.

Sincerely,

Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors

cc: Santa Barbara County Board of Supervisors

**Santa Barbara County Board of Supervisors
Response to the Santa Barbara County Grand Jury 2023-24 Report
“Civil Grand Jury Compensation”**

The County supports the Grand Jury’s desire for greater diversity of participants and appreciates the Grand Jury members who spend significant hours in performing their duty. The County acknowledges that Grand Jury service is rewarding and valuable work, and thanks those who volunteer to serve. As the responses below indicate, however, we do not believe raising the per diem will result in the desired outcome of attracting more participants. However, we are committed to working with the Superior Court and future Grand Juries on strategies that will lead to greater participation, such as increased virtual capacity, as discussed below.

Finding 1

The Santa Barbara County Grand Jury per diem of \$25 has not increased in more than 25 years.

The Board of Supervisors partially disagrees. The per diem in our county of \$25 was set 23 years ago, not 25 years ago, pursuant to Ordinance# 4431, adopted October 23, 2001. At that time, the County agreed to pay more per diem than the State law and continues to do so. The County’s responsibility to pay for Grand Jury expenses is set forth in California Penal Code (PEN) Section 890, which requires a minimum daily fee of \$15 unless otherwise provided by statute or local ordinance. By way of comparison, the Courts currently pay \$15 per diem to those serving trial jury duty, as set forth in the California Code of Civil Procedure, Section 215.

Recommendation 1

The Board of Supervisors should increase the Santa Barbara County Grand Jury per diem to \$50, effective January 1, 2025.

This recommendation will not be implemented.

County	2024 Per Diem Rate
Santa Barbara County	\$25 per day that they were involved in a Grand Jury activity
Ventura County	\$25 per day that they were involved in a Grand Jury activity
San Luis Obispo County	\$25 per day that they were involved in a Grand Jury activity

Tulare County	\$25 per day that Grand Jurors participate in Grand Jury activities
Marin County	\$20 per day that Grand Jurors attend a committee meeting
Monterey County	\$15 per day that Grand Jurors attend regular Grand Jury and committee meetings.
Placer County	\$25 for each full panel meeting; \$10 for each committee meeting
Santa Cruz County	\$15 per day when a Grand Juror attends a meeting, with a maximum of \$30 per week.

While the Grand Jury report cites Los Angeles and Orange counties as having higher per diem rates of \$60 and \$50, respectively, these counties are not comparable to Santa Barbara County either in geographical region or population size.

Additionally, Santa Barbara County (as well as Ventura, San Luis Obispo and Tulare counties) pays \$25 per day for **any activity performed by Grand Jury members of at least one hour** on a given day, including but not limited to attendance at meetings. Some counties—such as Marin, Placer, Monterey and Santa Cruz counties—apply the per diem rates only to work done at Grand Jury committee meetings.

Overall, the County supports the Grand Jury’s desire for greater diversity of participants. Grand Jury’s report states that its membership contains a predominance of people who identify as “white” and are retirees above the age of 54. The report suggests that increasing the per diem from \$25 to \$50 could create a more diverse jury that would more appropriately reflect the demographic composition of the County’s residents; however, there is no data to support the assumption that this could meaningfully expand the pool of participants. The lack of diversity and participation may stem from process issues described in the report rather than the per diem:

- The applicant pool used for selection is not diverse. The report states that the Superior Court utilizes a random drawing methodology for potential jurors and alternates; the data presented from that methodology show that of those drawn from 2021-2024, 87.3% of individuals are 55 or over and 23.2% are non-white or declined to provide their ethnicity.
- The report also mentions that the Grand Jury meets during business hours, and therefore many working people will not apply.
- The report mentions that individuals must be prepared to serve at least 20 hours a week, and that this is actually understated. The current expectations of effort and time spent

by Jurors are not statutorily mandated and can be adapted to meet the needs of the Grand Jury. It is possible that greater flexibility such as that allowing Jurors to serve while committing to a less strenuous number of hours each week could result in greater diversity.

Lastly, the report acknowledges the high cost of living in Santa Barbara County and alludes to inflation of the minimum wage. The per diem provided is neither intended nor able to replace a working salary.

Although the recommendation will not be implemented at this time, the County will continue to evaluate opportunities for improvement to the Grand Jury compensation structure. Currently, the County does not have good data on the per diem claims submitted by jurors, which are significantly disparate in the number of days claimed and does not capture the number of hours of service provided on a given day—only whether *any* Grand Jury activity was provided on that day. A sample for the period of June 1 to 21, 2024 was reviewed, in which there were two members who claimed per diem for all seven days a week for the full three weeks (21 total days), and on the other extreme, two members who only claimed four total days of per diem over the same three-week time period. The average number of days worked in that three-week span was 12.44 days for all 18 members. Given the limited data available, it is not possible to conduct an analysis regarding the actual number of hours of service provided. The County plans to update the claim form with the intent of capturing additional data to support future analysis of Grand Jury compensation.

Finding 2

The second highest budgeted cost associated with the Grand Jury is mileage reimbursement. Most of this cost is associated with Jury members who commute from North County because dedicated space and equipment are only available in Santa Barbara.

The Board of Supervisors agrees that the second highest budgeted cost associated with the Grand Jury is mileage reimbursement, behind per diem costs. The County pays \$0.67 per mile for reimbursement, which is the same amount paid to employees – as required by law – and based on published IRS rates. The predominant cost driver of mileage costs is from Jury members who commute from North County; this includes travel to meetings as well as to various sites for inspections and facility reviews.

As discussed below, expanding use of virtual teleconferencing options for meetings would help to mitigate travel costs, while also providing additional flexibility for jurors and reducing overall time commitment for meetings.

Recommendation 2a

The Board of Supervisors in conjunction with the Superior Court will make available for the sole use of the Grand Jury for a minimum of one day per week a room in Santa Maria with the capacity to support 19 members of the Grand Jury with equivalent communication, printing, photocopy, kitchenette, restroom access, and parking capabilities as is available in the Santa Barbara County Courthouse facility.

This recommendation will not be implemented. This request is in essence to duplicate the Grand Jury room that is dedicated in the historic courthouse in Santa Barbara with another dedicated space in Santa Maria. The County's responsibility to provide the Grand Jury with a "private room" for meeting purposes is set forth in California Penal Code Section 915. To-date, the County has met this responsibility by providing the Jury a dedicated space at the Anacapa Courthouse in Santa Barbara, and this space continues to be available to the Jury moving forward. The Superior Court space in Santa Maria is operated by the Courts. They have indicated there is no available space in their buildings that meets all of the Jury's specifications. Neither is there available County space that meets their requirements.

The County currently fully reimburses mileage expenses; even so, the report indicates that commuting costs may be alleviated if adequate space were available to jury members in North County. The County does not agree that implementing this recommendation as specified would solve the Jury's identified issue of mileage related to cross-county commuting. Rather, if such dedicated space and equipment were to be provided in North County, it is likely that the same situation would still occur, except in reverse, where jurors in South County would instead need to travel to North County for meetings, if the Jury intends that all members be in the same physical meeting location. In a review of several recent months of invoices for Grand Jury members' mileage, on average, 45% of jurors resided in South County, 45% in North County, and 10% in Mid-County (Los Alamos and Solvang).

In an effort to address the concern being raised, it is anticipated that the Court, the County, and representatives from the Jury could work together on assessing space that can be used for smaller Grand Jury committee meetings or greater virtual options. To better understand individual jurors' technological needs and preferences, the County proposes to survey Jury members regarding opportunities and challenges of virtual meetings.

Recommendation 2b

The Board of Supervisors in conjunction with the Superior Court will make available for three to four (3-4) days per week a room in Santa Maria with video conferencing

capabilities, access to restrooms, adequate parking and the capacity to support up to 10 members of the Grand Jury for ad hoc use.

This recommendation will be implemented. In conjunction with the Superior Court, the County has identified multiple potential sites that may be suitable for the Jury's ad hoc use. Recognizing competing demands on limited space, the County and Court will need to work with the Jury on scheduling protocol to ensure meeting spaces are used efficiently and are not reserved for the Jury when not needed, as well as to better understand how frequently these spaces may need to be utilized. Implementation of this recommendation will require collaboration and consensus with the Jury and the Court. The County will initiate discussions with the Jury and the Court by September 2024.

Enclosure:

Per Diem Rates for Grand Jurors 2021		
COUNTY	DAILY RATE	Comments
Alameda	\$15.00	
Alpine	no grand jury	
Amador	\$15.00	
Butte	\$36.00	
Calaveras	\$15.00	
Colusa	\$15.00	
Contra Costa	\$15.00	Max per day; nothing for interviews
Del Norte	\$15.00	not paid for interviews or site visits
El Dorado	\$15.00	
Fresno	\$15.00	
Glenn	\$15.00	maximum twice monthly
Humboldt	\$20.00	
Imperial	\$15.00	
Inyo	\$25.00	Full Panel Meeting only
Kern	\$20 Morning	\$10 Afternoon Session
Kings	\$15.00	
Lake	\$15.00	.39/mile
Lassen	\$15.00	
Los Angeles	\$60.00	
Madera	\$20 plenary	\$10 committees
Marin	\$20.00	
Mariposa	\$15.00	
Mendocino	\$25.00	plenary session
Merced	\$15.00	
Modoc	\$15.00	
Mono	\$15.00	
Monterey	\$15.00	
Napa	\$15.00	
Nevada	\$15.00	
Orange	\$50.00	
Placer	\$25.00	plenary session

Plumas	\$15.00	
Riverside	\$25.00	
Sacramento	\$30.00	
San Benito	\$15.00	if 2 hours or more
San Bernadino	\$60.00	
San Diego	\$25.00	
San Francisco	\$15.00	
San Joaquin	\$15.00	
San Luis Obispo	\$15.00	
San Mateo	\$25 plenary	\$15 committees - max 2 per mo.; nothing for interviews
Santa Barbara	\$25.00	
Santa Clara	\$20.00	
Santa Cruz	\$15.00	
Shasta	\$15.00	
Sierra	\$25.00	
Siskiyou	\$15.00	
Solano	\$20.00	
Sonoma	\$15 plenary	\$12.50 interviews and committees; max \$30 per day
Stanislaus	\$15.00	
Sutter	\$15.00	
Tehama	\$15.00	
Trinity	\$15.00	
Tulare	\$25.00	
Tuolumne	\$15.00	plenary sessions only; no committees or interviews
Ventura	\$25.00	
Yolo	\$15.00	
Yuba	\$15.00	