



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Court Special Services
Department No.:
For Agenda Of: June 16, 2020
Placement: Administrative Agenda
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Superior Court Darrel E. Parker (805) 614-6636
Executive Officer
Contact Info: Darrel E. Parker (805) 614-6636
SUBJECT: Request to Change Term of Civil Grand Jury from Fiscal Year to Calendar Year

County Counsel Concurrence

As to form: Yes

Other Concurrence: CEO

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A.** Pursuant to Penal Code section 905.5, approve and adopt, “*A Resolution Modifying the Term of the Civil Grand Jury from Fiscal Year to Calendar Year in Response to the COVID-19 Pandemic.*”
- B.** Determine that adoption of the Resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) because the action is not a project since it is an administrative activity that will not result in direct or indirect physical changes in the environment.

Summary Text:

The Superior Court of California, County of Santa Barbara is requesting the County to change the term of service for the Santa Barbara County Grand Jury from a fiscal year to a calendar year. If the Board approves this action the current grand jury will be discharged at the end of their term on June 30, 2020 and a new Grand Jury would be sworn in effective January 2, 2020 for the remainder of that calendar year.

Background:

The Civil Grand Jury in Santa Barbara County has traditionally been impanelled and served during the fiscal year. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all

residents to heed the State Public Health Officer's Stay-at-Home order which required all residents to stay at home except for work in critical infrastructure sectors. The Grand Jury continued to operate using teleconferencing. The 2019-2020 Grand Jury will complete its work at the end of their term, June 30, 2020.

The Court has been actively recruiting new applicants for the term originally beginning July 1, 2020. The Court has received 30 applications to date. There were no applications received from the 5th Supervisorial District. It is anticipated that a number of those applicants may withdraw from consideration given social distancing restrictions.

The Court traditionally conducts interviews of Grand Jury applicants in person. These interviews are conducted in a conference room with the Presiding Judge, the Assistant Presiding Judge, the Jury Commissioner and the outgoing foreperson. The use of video conferencing equipment is feasible to conduct those interviews, but it is not preferred.

By changing the term of the Grand Jury service to a calendar year, the Court will be afforded an increased opportunity to recruit applicants from Supervisorial Districts that are currently underrepresented in the pool of candidates. Further, the county will save the remaining budgeted allocation for the 2020-2021 Grand Jury. Finally, it is presumed that there will be further lifting of restrictions, over the course of the next six months, which may provide the new Grand Jury greater flexibility in conducting its investigations.

Article 1 § 23 of the California Constitution requires that there be at least one grand jury in every county in every year. For the current fiscal year, 2019-2020, the Santa Barbara County Grand Jury will have served their full term. For the current calendar year, 2020, the Santa Barbara County Grand Jury will have served for six months. Commencing January 2021, if the Board approves this resolution, a Grand Jury will be convened for the newly established term of calendar year 2021.

Penal Code § 905.5(b) provides:

*(b) The board of supervisors of a county may provide that the grand jury shall be impaneled and serve during the calendar year. The board of supervisors shall provide for an appropriate transition from fiscal year term to calendar year term or from calendar year term to fiscal year term for the grand jury. * * **

The Board has the authority to act on the request of the Superior Court. The Grand Jurors and the citizens of Santa Barbara County would be better served with the modification indicated in the proposed resolution.

Performance Measure:

Past performance measures for the Grand Jury included the number of reports published, though no minimum number is required. The only required investigations of the grand jury is into the conditions of the jails and any death in the jail. Nothing in the requested change conflicts with the new Grand Jury meeting this obligation.

Contract Renewals and Performance Outcomes:

There are no contract renewals associated with this request.

Fiscal and Facilities Impacts: Budgeted: Yes

Fiscal Analysis: Narrative:

The current budget for the 2020-2021 Grand Jury is proposed to be \$211,600. If the Board adopts the attached resolution, there will be a potential savings in the upcoming fiscal year of \$105,800 as there will not be a Grand Jury to undertake any investigations or attend meetings from July 1, 2020 through December 31, 2020.

Staffing Impacts: _The Grand Jury is administered through the Superior Court of California, County of Santa Barbara. There are no Santa Barbaa County employees associated with the operation of the Santa Barbara County Grand Jury. The Grand Jurors are all volunteers who are reimbursed with a stipend for attending meetings and mileage. There are no employees associated with the operation of the Santa Barbara County Grand Jury and therefore there are no staffing impacts.

Attachments:

Resolution

Authored by:

Darrel E. Parker
Court Executive Officer/Jury Commissioner
Superior Court of California
County of Santa Barbara

cc: