

Legislation Text

File #: #18-356, **Version:** 1

PREPARED BY: REINA SCHWARTZ

DATE OF MEETING: 10/15/18

SUBJECT:

AUTHORIZING A SUPPLEMENTAL/REVISED RESPONSE TO THE CONTRA COSTA COUNTY GRAND JURY REPORT 1808, "JOINT POWERS AUTHORITIES" BY THE 2017-2018 CONTRA COSTA GRAND JURY

CITY MANAGER RECOMMENDATION

Authorize by Minute Order the Supplemental Response to Grand Jury Report No. 1808, "Joint Powers Authorities"

COMPLIANCE STATEMENTS

This action is not applicable under the FY 2018-21 Council Priority Workplan, effective November 1, 2017. However, the City is mandated by State law to respond to Grand Jury reports.

CEQA Compliance Statement

This action is not a project as defined by CEQA

BACKGROUND

The California Constitution established grand juries in each county. The California Penal Code includes provisions on the formation of grand juries and the powers and duties of grand juries. With respect to public agencies, grand juries are authorized to "investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method of systems of performing duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit." (Cal. Penal Code section 925a)

Within ninety (90) days after the grand jury submits a report regarding the operations of any public agency, the "governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body..." (Cal Penal Code section 933(c)).

The City of San Pablo submitted its response to the Grand Jury Report 1801, "Joint Powers Authorities" on September 11, 2018 (Attachment 3).

On October 3, 2018, the Mayor received an email from Richard Nakano, Foreperson, 2018-19 Contra Costa Grand Jury requesting two supplemental responses to the original Response. The first was a response to Recommendation #1 which had been inadvertently left out in the initial letter. The second was a request to revise the City's response to Recommendation #5 to correct the form of the response so that it conforms to one of the four legally permitted forms (see Attachment 4 for request). In particular, the Grant Jury Foreman indicated that "partially implemented" was not a permitted response to Recommendation #5, which has been revised to indicate that the recommendation to

consider making special efforts to communicate JPA debt decisions and audit reports has not yet been implemented but will be considered in the future.

The City's letter containing these two supplemental responses is attached as Attachment 1 and this report requests City Council authorization by Minute Order to transmit the letter to the Contra Costa Grand Jury.

FISCAL IMPACT

Preparing a response to the Grand Jury as required by law, utilized staff resources and no other expenditure of funds.

ATTACHMENTS

1. City of San Pablo Supplemental Response to Grand Jury Report No. 1808, "Joint Powers Authorities" by the Contra Costa Grand Jury
2. Grand Jury Report No. 1808, "Joint Powers Authorities" by the Contra Costa Grand Jury
3. City's Initial Response to Grand Jury Report dated September 5, 2018
4. Email from Richard S. Nakano, Foreperson, 2018-19 Contra Costa Civil Grand Jury