



# Shasta County

## BOARD OF SUPERVISORS

1450 Court Street, Suite 308B  
Redding, California 96001-1680  
(530) 225-5557  
(800) 479-8009  
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1  
LEONARD MOTY, DISTRICT 2  
PAM GIACOMINI, DISTRICT 3  
BILL SCHAPPELL, DISTRICT 4  
LES BAUGH, DISTRICT 5

May 24, 2016

The Honorable Gregory Gaul  
Presiding Judge, Shasta County Superior Court  
1500 Court St., Rm. 205  
Redding, CA 96001

Dear Judge Gaul:

**Re: Response of Board of Supervisors to Fiscal Year 2015-2016 Grand Jury Report**

The Shasta County Board of Supervisors appreciates the time and dedication which the 2015-2016 Grand Jurors contributed to their charge. The following findings and recommendations are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

### RESPONSES AND FINDINGS

#### **A. Agendizing Grand Jury Reports and Responses, Public Awareness Matters**

##### FINDINGS

The Grand Jury findings:

***F1. The Shasta County Board of Supervisors discourages public awareness and open discussion of Grand Jury report responses by placing its official responses on the consent calendar.***

***Response:*** The Board of Supervisors disagrees wholly with the finding. In accordance with the requirements of the Ralph M. Brown Act, the Shasta County Board of Supervisors agendizes its proposed responses to Grand Jury reports for consideration at open meetings available to the public. As required by the Brown Act, those agendas are posted at least 72 hours before a regular meeting. Also, in accordance with the Brown Act, members of the public may comment on any matter that is on the agenda, regardless of whether it is on the consent calendar or the regular

calendar. The Board's agendas also specifically advise members of the public that they may address the Board on any agenda item on the regular calendar or the consent calendar.

In *Coalition of Labor, Agriculture, & Business v. County of Santa Barbara Board of Supervisors*, 129 Cal. App. 4<sup>th</sup> 205 (198), the Court of Appeal stated:

[T]he purpose of the Brown Act is to encourage public participation in government decision making. But the Legislature has determined the purpose is achieved when the public has notice of and the right to comment on an agenda item before or during its consideration. The Legislature has left to the public agency the task of setting its agenda. . .

**F2.** *The Shasta County Board of Supervisors has failed to publicly discuss its own Grand Jury report responses, choosing instead to fully rely on county staff recommendations without any public discussion of the basis of their agreement with the county staff recommendation.*

**Response:** The Board of Supervisors disagrees wholly with the finding.

In accordance with the open meeting requirements of the Brown Act, the Board of Supervisors takes the opportunity to discuss Grand Jury reports and responses when appropriate. Each agenda for meetings of the Board of Supervisors states that any Board member or staff member may request that an item be removed from the consent calendar for discussion.

### RECOMMENDATIONS

The Grand Jury recommends:

**R1.** *The Grand Jury recommends the Shasta County Board of Supervisors places all Grand Jury report topics and responses on its regular calendar.*

**Response:** The recommendation will not be implemented because it is not warranted.

As previously explained, the Board of Supervisors and the public have the opportunity to discuss any items on the Board's meeting agenda regardless of whether the item is placed on the consent calendar or regular calendar. This includes,

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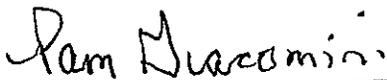
but is not limited to, proposed responses to Grand Jury reports. Placing the Grand Jury report topics and responses on the consent calendar does not deter the public nor the Board from discussions on such matters.

**R2.** *The Grand Jury recommends the Shasta County Board of Supervisors places its responses to this 2015-16 Grand Jury Report on its regular calendar for public discussion.*

**Response:** The recommendation has been implemented for the FY 2015-2016 Grand Jury reports. The Board's response to the Grand Jury report entitled, "Quarter Million Dollar Typo, Words Matter," was placed on the Board of Supervisors regular calendar on May 10, 2016. The Board's response to this Grand Jury report will also be placed on the Board's regular calendar. Any additional Board of Supervisors' responses to Grand Jury reports for FY 2015-2016 will be presented as regular items on the Board of Supervisors agenda.

This concludes the responses of the Shasta County Board of Supervisors to the FY 2015-2016 Grand Jury Report entitled "Agendizing Grand Jury Reports and Responses, Public Awareness Matters."

Sincerely,



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PAM GIACOMINI, Chairman  
Board of Supervisors  
County of Shasta

LGL:jd