

**RESPONSE TO
2014-2015 GRAND JURY REPORT
RIVERSIDE COUNTY BOARD OF SUPERVISORS
TRANSPARENCY/GRAND JURY INTERFERENCE**

Following is the response of the Riverside County Board of Supervisors to the above referenced Grand Jury Report.

FINDING NO. 1:

Transparency

The Board of Supervisors, by appointing the current County Counsel, has effectively impeded the Grand Jury's ability to investigate complaints submitted by County employees, as well as, citizen complaints against the County. A simple Grand Jury request for public documents has become difficult, if not impossible to obtain. His appointment is having the effect of eliminating all transparency into the governmental operations of the County of Riverside.

Since the appointment of County Counsel and at the direction of the Riverside County Executive Office, County Counsel directed, via email, to the County department heads, the need to develop a plan to deal with the Grand Jury (see Attachment #1 [to the Grand Jury Report]).

The position of County Counsel does not report to the Riverside County Executive Office. The position of County Counsel has been designated At-Will by the Board of Supervisors, in accordance with the provisions of Article 6, Section 601E(1) of the Management Resolution and serves at the pleasure of the Board of Supervisors.

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

This report shows that the Grand Jury simply does not fully understand the role of County Counsel, nor does it understand the limits of its duties, powers and obligations.

Respondent disagrees with the Grand Jury's statement that "[A] simple Grand Jury request for public documents has become difficult, if not impossible to obtain." The Grand Jury finding makes this bold assertion with no facts or examples where the Grand Jury was denied any document to which they were lawfully entitled.

County Counsel has a legal and ethical duty to serve as legal advisor to the County Board of Supervisors, its officers and employees. (*See Government Code §§ 26526, 26529 & 27642*) Further, the California Rules of Professional Conduct require County Counsel to act in the County's best interest by providing fair and competent legal advice.

The Grand Jury is only entitled to any public record to which any member of the public is entitled. (*Penal Code §921*). The Grand Jury has no superior right to public records beyond that

of any other citizen. Despite the Grand Jury's protestations, they are simply not entitled to access to "all" records; *they are only able to access public records.*

One of the various duties and obligations of County Counsel in representing its client, the County of Riverside, is to protect against inadvertent disclosure of attorney-client and attorney work-product privileged documents, as well as documents protected by Constitutional, statutory or common law privileges. The law is clear - - the grand jury is not entitled to such information. The Grand Jury's assertion that County Counsel should not be allowed to provide legal advice to its client on document requests from the Grand Jury is misguided and contrary to the County Counsel's ethical and statutory duties to its client. Expecting its client to fend for itself and not avail itself of counsel with regard to requests made by the Grand Jury is a dereliction of County Counsel's responsibilities. The County Counsel, by discharging its lawful duties and responsibilities by advising its client, in no way inhibits the Grand Jury from completing its work. Rather, the County Counsel's advice to its client on these matters merely insures that the Grand Jury is receiving all public records to which it is entitled under the law. No more and no less.

Each year, the County receives dozens of inquiries from the grand jury pertaining to its operations, programs and services. The grand jury often submits its requests in writing for information to the various county departments. There are dozens of site visits and release of information on County programs and services that never involve the County Counsel's Office.

This "Finding" is indicative of the Grand Jury's misunderstanding of the role of County Counsel to represent its client, the County of Riverside and its constituent entities. Throughout the 2014-2015 term, the County Counsel properly discharged his ethical and statutory duties pursuant to Rules 3-110, 3-310, and 3-600 of the California Rules of Professional Conduct relative to dealings with the Grand Jury.

With regard to the appointment and employment status of Gregory P. Priamos as County Counsel, the Grand Jury is simply incorrect. Mr. Priamos is not an "at-will" employee as stated by the Grand Jury. Rather, and as is more specifically set for the below, Mr. Priamos has been appointed to a four year term pursuant to Government Code Section 27640 et. seq. This fact is memorialized by a Board Report unanimously adopted by the Board of Supervisors on June 18, 2014 and attached hereto as Exhibit A.

RECOMMENDATION NO. 1:

Transparency

The Board of Supervisors shall allow full transparency in all operations of the County of Riverside.

Response: The Board of Supervisors disagrees with this recommendation to the extent that it implies that the Board of Supervisors has not operated with full transparency.

The Board of Supervisors has consistently operated and will continue to operate with “full transparency” within the bounds of the law. Further, the Grand Jury will continue to have access to the public records and information to which it is entitled pursuant to Penal Code Section 921 and interpreting case law.

FINDING NO. 2:

Recruitment

A supervisorial chief of staff, during testimony, was asked how extensive was the geographic area searched for the position of County Counsel, the reply was, “Three blocks.” Although not required, the Board of Supervisors chose not to use competitive procedures.

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

Other candidates for the position of County Counsel were also interviewed by the Board of Supervisors prior to hiring Mr. Priamos. At the conclusion of that process, the Board of Supervisors determined that Mr. Priamos best suited the needs of the County of Riverside and that he was the best qualified candidate to lead the Riverside County Counsel’s Office.

RECOMMENDATION NO. 2:

Recruitment

The contract between the County of Riverside and County Counsel shall be nullified. The Board of Supervisors shall conduct an actual, advertised recruitment for the position of County Counsel so that the best qualified candidate can be appointed as County Counsel.

Response: The recommendation will not be implemented because it is not warranted, is adverse to the interests of the County of Riverside and is factually and legally erroneous.

No contract exists between the County of Riverside and Mr. Priamos. Rather, as indicated in the Form 11 Report adopted by the Board of Supervisors on June 18, 2014, Mr. Priamos was appointed to a four year term as County Counsel as authorized by Government Code Section 27460, et.seq.

Further, the Board of Supervisors interviewed other well-qualified candidates for the position. However, after concluding those interviews, the Board of Supervisors decided that Mr. Priamos was the best qualified candidate and in the best position to lead the Riverside County Counsel’s office. Therefore, he was hired for the position.

Prior to his appointment as County Counsel, Mr. Priamos served as the City Attorney of the City of Riverside. He was appointed City Attorney in 2001 and served until July of 2014 when he resigned to accept his appointment as County Counsel. Prior to his appointment as City Attorney, he held the position of Supervising Deputy City Attorney in charge of the Litigation

Services Section and began his career in the Riverside City Attorney's Office in 1993. Before joining the City Attorney's Office, he was a senior associate at the municipal law firm of Burke, Williams & Sorensen in its Los Angeles office.

He has also been an active member of the City Attorneys' Department of the League of California Cities. In 2013-14, he served as the President of the City Attorneys' Department after serving as First Vice President and Second Vice President beginning in 2011. As President, he was responsible for the 2014 publication of *Practicing Ethics: A Handbook for Municipal Lawyers, 2nd Edition*. He has also chaired the Department committee responsible for drafting the League's first treatise on public records, *The People's Business: A User's Guide to the California Public Records Act*. He has also chaired the Department's Legal Advocacy Committee, a group of twenty-one city attorneys who engage in advocacy on behalf of all California Cities before the state and federal courts.

Mr. Priamos received his Juris Doctor degree from Loyola Law School and his Bachelor of Arts in political science Cum Laude from the University of Southern California.

Finally, the authority of the Grand Jury to substitute its judgment for that of five duly elected supervisors is completely beyond the powers and duties of the Grand Jury. The authority of the Grand Jury is limited to procedural and operational matters, and is distinguishable from "substantive concerns involving the merit, wisdom, or expediency of ...policy determinations." 78 Ops.Cal.Atty.Gen 290 (1995).