# 2014-2015 GRAND JURY REPORT

# Riverside County Board of Supervisors Transparency/Grand Jury Interference

## Background

Riverside County is the fourth largest county in the State of California, comprising over 7,200 square miles of river valleys, low deserts, mountains, foothills and rolling plains. Riverside County shares borders with Imperial, Orange, San Diego, and San Bernardino Counties. The county was formed in 1893 from a small portion of San Bernardino County and a larger part of San Diego County.

The Riverside County Board of Supervisors (Board of Supervisors) is the governing body of Riverside County (County). The Board of Supervisors enacts ordinances and resolutions, adopts the annual budget, approves contracts, appropriates funds, determines land use zoning for unincorporated areas, and appoints certain County officers and members of various boards and commissions.

On April 8, 2014, the 2013-2014 Riverside County Grand Jury (Grand Jury) made public a report entitled Political Reform and the Riverside County Board of Supervisors. This report focused on the use of Community Improvement Designation (CID) Funds and was critical of the way some of the funds were utilized.

Coincidentally, fifty-eight days later, a new County of Riverside County Counsel (County Counsel) with a controversial reputation; a known history of Grand Jury interference, and over the objections of many concerned citizens, was unanimously appointed by the Board of Supervisors.

## Methodology

- Reviewed Form-11, Agenda 3-1, June 24, 2014

- Reviewed December 4, 2014, email from County Counsel to County Department Heads

- Interviewed a County Supervisor's Chief of Staff

- Reviewed 2013-2014 Grand Jury Report – Political Reform and the Riverside County Board of Supervisors

## Findings

### Transparency

1. 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).

   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.

### Recruitment

2. 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.

# Recommendations

## Riverside County Board of Supervisors

### Transparency

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

### Recruitment

2.    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.

Report Issued:  06/30/15
Report Public:  07/02/15
Response Due: 09/28/15

From: Priamos, Greg [mailto:GPriamos@co.riverside.ca.us]
Sent: Thursday, December 04, 2014 8:33 AM
To: Department Heads
Subject: RIVERSIDE COUNTY CIVIL GRAND JURY INQUIRIES - - request to advise County Counsel as to any recent inquiries to County Departments

As you may be aware, state law provides for a civil grand jury to perform an oversight function into the operation of county and municipal governments. Each July, 19 citizens of Riverside County are sworn as grand jurors for 12 months' service ending June 30 of the following year. The Riverside County Grand Jury (GJ) is primarily a civil jury conducting general business meetings that include committee meetings inquiring into the operation of county and municipal governments. Conclusions of findings are developed into recommendations on how to improve county and municipal governments and presented to the Board of Supervisors and City Councils respectively. In addition, the GJ reviews complaints submitted by county residents.

More specifically, Penal Code section 925 provides that "[t]he grand jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county ...." The GJ's authority is however, limited to procedural matters and not substantive policy concerns. The GJ may not compel the disclosure of information protected by the attorney-client or attorney work-product privileges. The GJ is also not entitled to other materials or information protected by constitutional, statutory or common law privileges.

Given the potential significance of any GJ inquiry or investigation to the County, it is advisable to establish a consistent and coordinated approach to handling these inquiries and responding to requests for information. *Consequently, at the direction of the Executive Office, we are requesting that all County Departments and Special Districts immediately notify the County Counsel's Office by email to me and Assistant County Counsels Anita Willis and Jeb Brown of any pending or future inquiry from the Riverside County Civil Grand Jury. We will then coordinate with the affected County Department and the Executive Office on the appropriate response in order to properly protect the interests of the County, its officials and employees.*

Moreover, I will be making a presentation at the next Department Heads Meeting at the Carriage House on the Investigatory and Reporting Authority of Civil Grand Juries Acting In Their "Watch Dog Capacity". The presentation will

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**Attachment #1**