

Staff Report

TO: Honorable Mayor and City Council
FROM: Richard Spitler, City Manager
DATE: October 1, 2013
SUBJECT: Receipt of 2012/2013 Grand Jury Final Report on the Integrity of Grand Jury Investigations and Authorization for a City of Calistoga's Response

APPROVAL FOR FORWARDING:

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Richard D. Spitler, City Manager

ISSUE: Receipt of 2012/2013 Grand Jury Final Report on the Integrity of Grand Jury Investigations and Authorization for a City of Calistoga's Response.

RECOMMENDATION: Receive report and authorize the response letter by motion.

BACKGROUND/DISCUSSION: The Napa County Grand Jury issued its "Final Report on the Integrity of Grand Jury Investigations" for 2012/2013 on April 25, 2013. The Grand Jury's mandate is to investigate all branches of government assuring they are being administered efficiently, honestly, and in the best interest of Napa County's residents.

The Grand Jury's Final Report expresses concern that certain witnesses appearing before it had violated the secrecy admonition applicable to its proceedings. It has asked the City Council to respond to several findings as indicated in the attached draft letter response. There is also a recommendation that the City advise staff of the importance of the secrecy admonition when dealing with the Grand Jury.

As the draft letter response indicates, City staff is not aware that any of our staff or the City Council violated the integrity of the secrecy admonition of the Grand Jury. The response reflects this understanding. The City Manager's office will advise staff of the need for secrecy in dealing with the Grand Jury prior to the end of the calendar year.

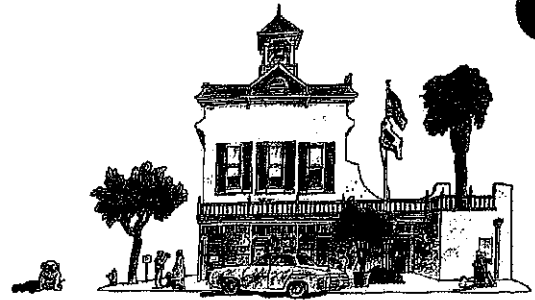
FINANCIAL IMPACT: None.

ATTACHMENTS:

- 1. Draft response letter
2. 2012/2013 Grand Jury Final Report on the Integrity of Grand Jury Investigations

CITY OF CALISTOGA

1232 Washington Street • Calistoga, CA 94515
Telephone 707-942-2800
Fax 707-942-0732
www.ci.calistoga.ca.us



October 1, 2013

The Honorable Mark S. Boessenecker
Presiding Judge
Napa County Superior Court
825 Brown Street
Napa, CA 94559

SUBJECT: Response to the Grand Jury 2012-2013 Final Report on the Integrity of Grand Jury Investigations

Dear Judge Boessenecker,

The Calistoga City Council has reviewed the findings and recommendations contained in the 2012-2013 Final Report on the Integrity of Grand Jury Investigations. As required by Penal Code Section 933 (c), enclosed is the City Council's response to this report. The Grand Jury is to be commended for its work on behalf of the citizens of Napa County.

Sincerely,

Chris Canning
Mayor

Enclosure

**CITY OF CALSITOGA
RESPONSE TO THE GRAND JURY FINAL REPORT
ON THE INTEGRITY OF GRAND JURY INVESTIGATIONS
FISCAL YEAR 2012 – 2013**

Finding F1: Certain witnesses interviewed by Grand Jury, knowingly, repeatedly, and willfully violated their lawful secrecy admonition.

Response to Finding F1: The Calistoga City Council is unable to agree or disagree with this finding as related to witnesses that are not City officials. The Council is not aware of any circumstances involving City employees or officers where this behavior occurred.

Finding F2: The conduct of the witnesses is repeated violating the Grand Jury's lawful secrecy admonition created an atmosphere of apprehension and intimidation which impeded the proper investigation of the Grand Jury.

Response to Finding F2: The Calistoga City Council disagrees with this finding related to witnesses that are City employees or officials. The City has always fully cooperated with requests for information from the Grand Jury. The City Council has no information regarding witnesses that are not City officials.

Finding F3: The conduct of the witnesses who violate the secrecy admonition is punishable as contempt of the Superior Court.

Response to Finding F3: The City Council agrees that a violation of secrecy admonition may constitute contempt of court. However, it is within the discretion of the court to determine whether or not particular conduct rises to the level of contempt. The City Council has no information that the conduct of any City employees or officials was in any manner inappropriate, violated any law or otherwise rose to a level of contempt.

Recommendation R1: That the County Board of Supervisors, the City Council of each incorporated jurisdiction, the County Counsel and every publicly elected official not under the authority of the foregoing provide instructions to all county employees within their jurisdiction regarding their duties and responsibilities toward the Grand Jury process and that said instructions be completed prior to the end of this calendar year.

Response to Recommendation R1: The City of Calistoga agrees to implement this recommendation prior to the end of the calendar year.