

AGENDA ITEM TRANSMITTALAgenda Time Estimates:
15 Minutes or ☐ Consent

Leave Blank:

Date/Time Rec'd:

TO: BOARD OF SUPERVISORS

FROM: Ray Espinosa, County Administrative Officer

CONTACT FOR INFORMATION:

Name: Ray Espinosa

Phone No: 636-4000

NUMBER OF CERTIFIED COPIES
REQUIRED:MEETING DATE:
March 3, 2015

(1) SUBJECT:

Accept Introduction of an Ordinance Amending Article 1 of Chapter 3.01 of Title 3 of the San Benito County Code to Specify Compensation Paid to Grand Jurors; Approve budget Augmentation from General Fund Contingency in the amount of \$5,406.00, or other amount as determined by the Board, to the Grand Jury's Budget

(2) BACKGROUND INFORMATION (Attach additional pages if necessary):

This item is continued from the February 17, 2015 meeting. The attached ordinance will amend the San Benito County Code to be consistent with State Law in that it would compensate Grand Jurors the minimum amount required by State Law for attendance at meetings, pursuant to Penal Code 890. It exceeds minimum State law as far as its provisions regarding compensation for training. Since 2012, the County has allowed mileage for committee meetings and investigation interviews (but not meetings of the entire Grand Jury), and has paid a per diem for committee meetings held on a separate date from a regular Grand Jury meeting. Penal Code 890, which states:

890. Unless a higher fee or rate of mileage is otherwise provided by statute or county or city and county ordinance, the fees for grand jurors are fifteen dollars (\$15) a day for each day's attendance as a grand juror, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a grand juror.

In 1993, the California Office of the Attorney General rendered the opinion that Penal Code 890 "requires compensation to be paid to a grand juror only for attendance at a called meeting of the entire grand jury meeting" "it does not mandate compensation for committee meetings, investigations by less than the full grand jury, or matters such as orientation sessions or training sessions."

(3) OTHER AGENCY INVOLVEMENT: This office has prepared this ordinance in conjunction with the County Counsel's Office.

(4) SUPPORTIVE DOCUMENTS RELATIVE TO THIS ITEM:

☐ Contract
☒ Ordinance☐ Resolution
☒ Other:(5) PREVIOUS RELEVANT BOARD ACTIONS ON THIS SPECIFIC ITEM:
February 17, 2015(6) FUNDING SOURCE(S):
General Fund Contingency

(7) CURRENT YEAR COST:

(8) ANNUAL COST:

(9) BUDGETED:
☐ YES ☐ NO(10) WILL PROPOSAL REQUIRE ADDITIONAL PERSONNEL? ☐ YES ☒ NO If YES, STATE NUMBER:
Permanent Limited Term

(11) RECOMMENDED ACTION(S):

- 1) Discuss possible transfer of funds for FY 14/15.
- 2) Read title of ordinance for the record: "An Ordinance of the County of San Benito Amending Article 1 ("In General") of Chapter 3.01 ("Administration Generally") of Title 3 of the San Benito County Code to Specify Compensation Paid to Grand Jurors in San Benito County."
- 3) Make a motion to: a) accept introduction and waive further reading of the ordinance and (b) continue the matter to March 17, 2015 for adoption.
- 4) Approve Budget Augmentation/Transfer from General Fund Contingency in the amount of \$5,406.00, or other amount as determined by the Board, to the Grand Jury's 14-15 Budget (4/5 vote)

SIGNATURE OF AGENCY OR DEPARTMENT AUTHORIZED REPRESENTATIVE

DATE

CLERK'S USE ONLY

☐ APPROVED☐ DENIED☐ ADOPTED☐ CONTINUED TO☐ ACKNOWLEDGED☐ ACCEPTED☐ RESOLUTION NO.☐ OTHER☐ SET PUBLIC HEARING☐ APPOINTED☐ ORDINANCE NO.☐ NO ACTION TAKEN

BY:

Deputy Clerk of the Board

DATE:

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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

**AN ORDINANCE OF THE COUNTY OF SAN BENITO AMENDING)
ARTICLE 1 ("IN GENERAL") OF CHAPTER 3.01) ORDINANCE NO. ____
("ADMINISTRATION GENERALLY") OF TITLE 3 OF THE SAN)
BENITO COUNTY CODE TO SPECIFY COMPENSATION PAID TO)
GRAND JURORS IN SAN BENITO COUNTY)**

The Board of Supervisors of the County of San Benito ordains as follows:

SECTION 1. Section 3.01.012 of Article I of Chapter 3.01, "Administration Generally" of Title 3 of the San Benito County Code is hereby amended to read as follows:

3.01.012 FEES FOR GRAND JURORS; MILEAGE

A. The fee/compensation for grand jurors shall be \$15 a day for each day's attendance at a called meeting of the entire grand jury, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending a called meeting of the entire grand jury, or at such increased rate as state law may hereinafter establish.

B. Members of the Grand Jury shall be reimbursed for actual travel expenses incurred for out-of-county travel to attend grand juror training, upon advance authorization of the foreperson and the County Administrative Officer, and not to exceed the amount budgeted for training in the Grand Jury's annual budget.

C. Any reimbursement allowed pursuant to this Section shall be made upon those conditions and at those rates applicable to the County employees under the County's travel and reimbursement policies, and shall be charged against the current operating budget for the Grand Jury. Grand Jury members are encouraged to carpool when possible.

SECTION 2. CODIFICATION, SEVERABILITY AND ENACTMENT.

A. Section 1 shall be codified in the San Benito County Code. The remaining sections shall not be codified.

B If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion(s) of this ordinance. The Board of Supervisors declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one section, subsection, sentence, clause or phrase be declared invalid.

C. This ordinance shall take effect and be in full force and effect July 1, 2015. Prior to the expiration of fifteen (15) days from the final passage hereof, the clerk of the San Benito County Board of Supervisors shall cause this ordinance, or a summary thereof, to be published in a newspaper of general circulation in the County of San Benito.

Introduced at a regular meeting of the Board of Supervisors held on the 3rd day of March, 2015.
Final passage and adoption by the Board of Supervisors of the County of San Benito was at a
regular meeting of said Board held on 17th day of March, 2015, by the following vote:

AYES: Supervisor(s)
NOES: Supervisor(s)
ABSTAIN: Supervisor(s)
ABSENT: Supervisor(s)

By: _____
Margie Barrios, Chair
San Benito County Board of Supervisors

ATTEST:
DENISE R. THOME, Clerk
San Benito Board of Supervisors

By: _____
Clerk of the Board of Supervisors

Date: _____

APPROVED AS TO LEGAL FORM
MATTHEW GRANGER,
County Counsel

By: Babara Thompson
Assistant County Counsel

Date: 2/24/15