



## FAIR POLITICAL PRACTICES COMMISSION

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February 7, 2005

Kathy Wylie, Foreperson  
Mendocino County Grand Jury  
Post Office Box 629  
Ukiah, CA 95482

**Re: Your Request for Advice  
Our File No. A-04-269**

Dear Ms. Wylie:

This letter is in response to your request for advice on behalf of the Mendocino County Grand Jury regarding the financial disclosure provisions of the Political Reform Act (the "Act").<sup>1</sup> On January 4, 2005, you confirmed that you are authorized to request advice on behalf of grand jury members.

### QUESTION

Is there any requirement that county grand jury members must file a Statement of Economic Interests – Form 700?

### CONCLUSION

Yes, county grand jury members are required to file a Statement of Economic Interests – Form 700.

### FACTS

You are the foreperson for the Mendocino County Civil Grand Jury. The jurors have questioned whether the county board of supervisors has the authority to require jury members to file the Form 700. It is the contention of the grand jurors that they are not employees of the county, and instead are under the jurisdiction of the court as of the Trial Court Funding Act of 1997, which became effective on January 1, 2001.

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<sup>1</sup> Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

We have obtained a copy of the Mendocino County Grand Jury's conflict of interest code (enclosed). The code requires the grand jury members to file statements of economic interests (Form 700) with the Mendocino County Clerk/Elections Department.

### ANALYSIS

Section 87300 requires that every agency "adopt and promulgate" a conflict of interest code. The term "agency," as defined in section 82003 includes a "local government agency."

"Local government agency" is defined as:

"[A] county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing." (Section 82041.)

Grand juries are considered local government agencies. (See *Knapp* Advice Letter, No. A-02-229 and *Bryan* Advice Letter, No. A-92-284.)

"Prior to 1984, the definition of 'local government agency' at Section 82041 provided an exclusion to any court or any agency of the judicial branch of government. Such agencies were not deemed to be local government agencies and were exempt from the Act's disclosure and disqualification provisions. Section 82041 was amended by Ch. 727, Stats. 1984 to specifically remove that exclusion.

The Commission was then asked if the provisions of the Act extend to county grand juries. The Commission conducted public hearings on the issue and received comments from various grand juries. Grand juries from small jurisdictions indicated that they had very little impact on county government operations. Grand juries from larger jurisdictions, on the other hand, reported that they conducted studies or investigations; made recommendations to improve county government; could recommend termination of contracts with the county and had a significant impact on county operations. The Commission recognized a very distinct difference between the authority and responsibilities empowered to grand juries.

As a result of their public hearings and the comments received, the Commission concluded that while county grand juries were no longer excluded from the definition of 'local government agency,' the level of

disclosure assigned to each grand jury should be determined by the jury's respective code reviewing body." (*Bryan Advice Letter No. A-92-284.*)

All grand juries were then advised that they were a "local government agency," that it was necessary for each to adopt a conflict of interest code, and that the board of supervisors was the code reviewing body pursuant to section 82011(b).

You stated in your request for advice that there are a number of individuals on your grand jury who contend the county board of supervisors has no authority to require the county clerk to collect Form 700 filings from the jurors. You cite the Trial Courts Funding Act of 1997 as the basis for this contention.

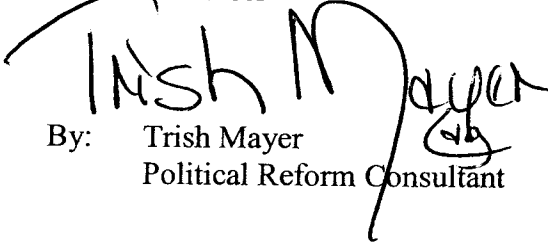
The Commission has previously addressed the issue of whether the county board of supervisors is the code reviewing body for a grand jury. (See *Knapp, supra.*) Since grand juries were found not to be subject to the immediate supervision of the court, the appropriate code reviewing body was determined to be the respective county board of supervisors. (*Knapp, supra*; See also Memorandum to Interested Parties regarding "Grand Juror Conflict of Interest Codes," March 3, 1987, attachment entitled "Disclosure by Members of the Grand Jury.") Reaffirmation that the board of supervisors is the code reviewing body for a grand jury was issued in a 1987 letter by staff and distributed to all county counsels among other interested persons (Letter to the Presiding Judge of the Superior Court of the County of Amador, March 4, 1987) and again in the *Botz Advice Letter, No. A-87-083*, the *Keeley Advice Letter, No. I-89-090*, and most recently in the 2003 *Knapp* letter, *supra*. This is the current Commission advice.

The facts you have submitted are not sufficient to change longstanding Commission advice. Consequently, we conclude that a grand jury is a local government agency and that the board of supervisors is its code reviewing body. The grand jury of Mendocino County is subject to the Act's financial disclosure provisions and members of the grand jury are required to file statements of economic interests.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca  
General Counsel

  
By: Trish Mayer  
Political Reform Consultant

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