

CITY OF AMERICAN CANYON



July 18, 2013

The Honorable Diane Price
Presiding Judge of the Napa County Superior Court
825 Brown Street
Napa, CA 94559

FILED

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Clerk of the Napa Superior Court
By: C. Baerman
Deputy

Dear Judge Price:

On April 25, 2013, the Napa County Grand Jury issued their report "On the Integrity of Grand Jury Investigations." The City of American Canyon appreciates the valuable role of the Grand Jury in our community, and appreciates the considerable work that resulted in this report. As required by law, the City of American Canyon offers the following responses.

Findings and Recommendations

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

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

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

Response to Findings F1 through F3: The City cannot agree nor disagree with these findings as they relate to City of American Canyon witnesses. The City has no information regarding witnesses that are not City officials nor has the Grand Jury provided information to the City to indicate that any City official or employee has ever violated the secrecy admonition. If the Grand Jury has evidence to suggest otherwise, I encourage the foreperson to contact me or the City Attorney immediately.

Recommendation R1: That ... the City Council ...provide instruction to all county [sic – intended to be "city"] employees within their jurisdiction regarding their duties and responsibilities towards the grand jury process and that said instruction be completed prior to the end of the year.

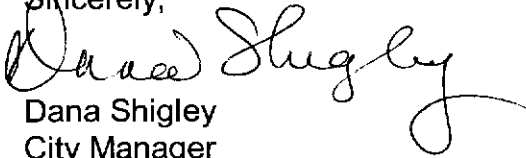
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Response to Recommendation R1: This recommendation has been implemented prior to the issuance of this Grand Jury Report. The City Attorney's Office regularly advises Grand Jury witnesses who are called to testify before the Grand Jury regarding the scope and requirements of the secrecy admonition. The City Council directs the City Manager to ensure that each City Official called to provide testimony or records to the Grand Jury makes contact with the City Attorney to discuss the scope of the City Official's responsibilities to the Grand Jury, specifically including the scope of the secrecy admonition, and the scope of any potentially conflicting responsibilities by City employees to maintain confidential information from the Grand Jury (such as information protected by the attorney client privilege per California Evidence Code section 954, and information protected by the official information privilege per California Evidence Code section 1040).

Again, thank you for the opportunity to respond to this report.

Sincerely,

A handwritten signature in black ink that reads "Dana Shigley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Dana Shigley
City Manager

For Leon Garcia
Mayor