

CITY OF CALISTOGA

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October 1, 2013

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

FILED

OCT - 4 2013

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

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

A handwritten signature in black ink, appearing to be 'Chris Canning', written over a horizontal line.

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.