



A Tradition of Stewardship
A Commitment to Service

Assessor-Recorder-County Clerk
Assessor Division

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Napa, CA 94559-2931

(707) 253-4459
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JOHN TUTEUR
ASSESSOR-RECORDER-COUNTY CLERK

FILED

JUN 27 2013

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

May 14, 2013

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

VIA ELECTRONIC MAIL

Re: 2012-2013 Grand Jury Final Report: On the Integrity of Grand Jury Investigations

Dear Judge Price:

Pursuant to Penal Code 933 (c) " . . . every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls . . . "

I am herewith submitting my response to the Final Report "On the Integrity of Grand Jury Investigations."

Please let me know if a hard copy of my comment is required.

Sincerely,


JOHN TUTEUR
NAPA COUNTY ASSESSOR-RECORDER-COUNTY CLERK

Cc: Napa County Board of Supervisors

RESPONSE OF JOHN TUTEUR
ASSESSOR RECORDER COUNTY CLERK
TO NAPA COUNTY 2012-2013 GRAND JURY
FINAL REPORT
"ON THE INTEGRITY OF GRAND JURY INVESTIGATIONS"

FINDINGS

Pursuant to California Penal Code 933.05(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Finding 1. Certain witnesses interviewed by the Grand Jury, knowingly, repeatedly and willfully, violated their lawful secrecy admonition.

RESPONSE: I am unable to agree or disagree with this finding because I have no knowledge that I or any member of the staff of my department violated the Grand Jury's lawful secrecy admonition.

Finding 2. 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.

RESPONSE: I agree that a violation of the Grand Jury's secrecy admonition would impede the Grand Jury's important investigative function.

Finding 3. The conduct of the witnesses who violate the secrecy admonition is punishable as contempt of the Superior Court.

RESPONSE: As a layperson, I do not have adequate legal background to agree or disagree with this finding. As a matter of principle, I agree that any person who violates the secrecy admonition of the Grand Jury should suffer appropriate consequences.

RECOMMENDATION

California Penal Code 933.05 (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.

Recommendation 1. 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 instruction to all county employees within their jurisdiction regarding their duties and responsibilities towards the grand jury process and that said instruction be completed prior to the end to this calendar year.

REPORT: (1) The recommendation has already been implemented...

As Napa County's elected Assessor from January 1987 through January 9, 1998 and as the elected Assessor-Recorder-County Clerk from January 10, 1998 through today, it has been my policy to instruct our staff on their duties and responsibilities towards the grand jury process. In this grand jury cycle I immediately transmitted via e-mail to our entire staff the introduction letter received from the grand jury on September 20, 2012 (Attachments 1 and 2).

When the issue of possible violation of the Grand Jury's secrecy admonition was disseminated by County Counsel in January 2013, I sent a follow-up communication to the staff (Attachment 3) as well as a copy of the letter I have sent to each newly-impaneled Grand Jury for the past 26 years (Attachment 4.)

RESPONSE OF JOHN TUTEUR
ASSESSOR RECORDER COUNTY CLERK
TO NAPA COUNTY 2012-2013 GRAND JURY
FINAL REPORT
"ON THE INTEGRITY OF GRAND JURY INVESTIGATIONS"

ATTACHMENT 1 – ELECTRONIC TRANSMITTAL OF INTRODUCTION LETTER

From: Tuteur, John
Sent: Friday, September 21, 2012 9:28 AM
To: 'Victor Connell'
Cc: - Assessor; - Recorder; - Elections
Subject: 2012-2013 Napa County Grand Jury Review

Mr. Connell, I look forward to meeting with you to begin the Grand Jury's review of our operations. I have copied our staff with the introduction letter so that they are aware of the process your committee will be following.

John Tuteur
Assessor-Recorder-County Clerk-Registrar of Voters

From: Victor Connell [mailto:████████████████████]
Sent: Thursday, September 20, 2012 7:13 PM
To: Tuteur, John; Assessor Department Mailbox (Website)
Cc: Victor Connell
Subject: Napa County Grand Jury Meeting

Mr. Tuteur,

Please see attached letter from the Napa County Grand Jury.

If possible, we would like to schedule an initial meeting with you sometime during the first week of October. We request that the meeting be about 2 hours long and would include yourself and about 5-6 GJ members. As you are aware, our meetings are confidential, so we could either meet in a private area of your office or at the GJ Office.

Please let me know about your availability.

Respectfully,

Vic Connell
Napa County Grand Jury
Email: ████████████████████
Phone: ████████████████████

RESPONSE OF JOHN TUTEUR
ASSESSOR RECORDER COUNTY CLERK
TO NAPA COUNTY 2012-2013 GRAND JURY
FINAL REPORT

“ON THE INTEGRITY OF GRAND JURY INVESTIGATIONS”
ATTACHMENT 2 – GRAND JURY INTRODUCTION LETTER

SENT VIA E-MAIL TO STAFF 9-21-2012

**2012-13 NAPA COUNTY GRAND JURY
P.O. BOX 5397
NAPA, CALIFORNIA 94581-0397**

September 20, 2012

RE: INTRODUCTION LETTER

Mr. John Tuteur, Registrar of Voters-Assessor-Recorder-County Clerk
County of Napa
1195 3rd Street
Napa, California 94559

Dear Mr. Tuteur,

The 2012-13 Napa County Grand Jury will conduct an investigation which involves your departments. The Chairperson of this committee is Vic Connell.

In order to fulfill the Jury's mandate to “investigate all branches of local governments, to be assured that they are being administered efficiently, honestly, and in the best interest of Napa County's citizens,” the committee will be soliciting information from you, your staff, and others with pertinent information.

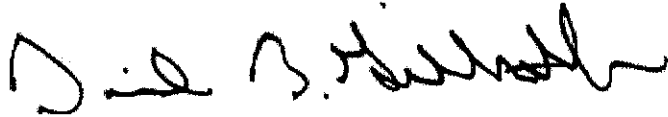
Staff input is an essential part of the Grand Jury's review and your staff should feel completely comfortable in speaking openly and honestly with us. Therefore, on behalf of the Grand Jury, I request your cooperation in this process by informing your staff that they should provide Jurors with requested information, either written or verbal, as the situation dictates.

As with all Grand Juries, the participation, and comments made by any citizen or agency employee during a Grand Jury review are confidential. There should, of course, be no admonishment of, or interference with, or inference drawn from an individual's

appearance before the Grand Jury, nor should the individual be interrogated about or reprimanded for such appearance or because of any findings reported by the Grand Jury.

The Grand Jury is further tasked to "...investigate and report on the needs of county officers, including offices and equipment for ... performing the duties of county offices." Accordingly, the Grand Jury looks forward to learning more about your departments, and hopes that this review will be mutually beneficial.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Gilbreth". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping tail.

David B. Gilbreth, Foreperson
2012-13 Napa County Grand Jury

RESPONSE OF JOHN TUTEUR
ASSESSOR RECORDER COUNTY CLERK
TO NAPA COUNTY 2012-2013 GRAND JURY
FINAL REPORT
"ON THE INTEGRITY OF GRAND JURY INVESTIGATIONS"

ATTACHMENT 3 – FOLLOW UP ELECTRONIC COMMUNICATION WITH STAFF

From: Tuteur, John
Sent: Monday, January 07, 2013 11:57 AM
To: - Assessor; - Recorder; - Elections
Cc: 'Vic Connell'; Tran, Minh; Lieberstein, Gary A.
Subject: 2012-2013 Napa County Grand Jury Review

Team, I am recirculating the Grand Jury introduction letter that was sent out as soon as we knew that our divisions would be reviewed as part of the Grand Jury's cyclical reviews. I have also attached the letter that I have sent to every grand jury for the past 26 years confirming my support both as a citizen and as an elected official of the important service they render to our community.

As the department head, I strongly endorse the following statements made in the Grand Jury's introduction letter. My intent in circulating the letter on September 21 was to inform all staff members that cooperation with the Grand Jury is in everyone's best interest.

- 1) Staff input is an essential part of the Grand Jury's review and your staff should feel completely comfortable in speaking openly and honestly with us. Therefore, on behalf of the Grand Jury, I request your cooperation in this process by informing your staff that they should provide Jurors with requested information, either written or verbal, as the situation dictates.
- 2) As with all Grand Juries, the participation, and comments made by any citizen or agency employee during a Grand Jury review are confidential. There should, of course, be no admonishment of, or interference with, or inference drawn from an individual's appearance before the Grand Jury, nor should the individual be interrogated about or reprimanded for such appearance or because of any findings reported by the Grand Jury.

Because some of you were not here in 1997 when the last Grand Jury comprehensive review of the then Assessor-only department took place, I have attached a copy of the 1997 report. The department is required to submit a response to the report if there are recommendations which require one.

I want to thank each of you who meet with the Grand Jury for being open and honest during the interview so that the report will cover any issues that need to be addressed.

John Tuteur
Assessor-Recorder-County Clerk-Registrar of Voters

RESPONSE OF JOHN TUTEUR
ASSESSOR RECORDER COUNTY CLERK
TO NAPA COUNTY 2012-2013 GRAND JURY
FINAL REPORT
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ATTACHMENT 4 – 2012-2013 LETTER TO NEWLY-IMPANELED GRAND JURY



A Tradition of Stewardship
A Commitment to Service

Assessor-Recorder-County Clerk
Assessor Division

1127 First Street, Suite 128
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JOHN TUTEUR
ASSESSOR-RECORDER-COUNTY CLERK

August 1, 2012

DAVID B. GILBRETH, FOREPERSON
NAPA COUNTY GRAND JURY
P.O. BOX 5397
NAPA, CA 94581-0397

Dear Foreperson Gilbreth:

My congratulations to you for your willingness to serve again as the Foreperson and to the other members of the Grand Jury on their selection as 2012-2013 Grand Jurors. As an elected official with 40 plus years of experience with Napa County, I appreciate the role that the Grand Jury plays in reviewing the operations of the agencies in the county.

I, and the members of the staff of our three divisions, Assessor, Recorder-County Clerk, and Elections, are available at any time if you or individual Grand Jurors have any questions about our operations.

I have enclosed multiple copies of a brochure which covers the basic operations of the Assessor Division. I would respectfully ask that you distribute a copy of this letter with each brochure to the members. There are other articles that I have written on a variety of topics on the assessor home page of the Napa County Website which can be accessed on the left menu of that page at this address: <http://www.countyofnapa.org/Assessor/>

Please call me at 707.253.4459 (direct line) or e-mail me at john.tuteur@countyofnapa.org if you or any member of the Grand Jury wishes further information on any topic.

Sincerely,

JOHN TUTEUR
ASSESSOR-RECORDER-COUNTY CLERK