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## The 2017-2018 Napa County Grand Jury



Front row: Karen Burzdak, Krys Wulff, Bob Whitsen, Lauren Griffiths.

Middle row: Kenzie Nicoll, Walt Spicer, Mark Limon, Kort van Bronkhorst, Chuck Dell'Ario, Rob Feckner

Back row: John Flemer, Ira Schwartz, Bob Edmondson, Gary Ettinger, John Morris, Shawn Rau

Not pictured: Larry Green, Lorraine Schaufel

## 2017-2018 Napa County Grand Jurors

Alan Charles Dell'Ario, Foreperson

Napa

Karen Burzdak

Napa

Robert Edmondson

Napa

Gary J. Ettinger

Napa

Rob Feckner

Napa

John Flemer

Napa

Larry Green

Napa

Lauren Griffiths

Napa

Mark Limon

Napa

John Morris

Napa

Kenzie Nicoll

Napa

Shawn Rau

Napa

Lorraine Shauffel

Napa

Ira Schwartz

Napa

Walter Spicer

Napa

Kort van Bronkhorst

Napa

Robert Whitsen

St. Helena

Krystyna Ann Wulff

Yountville



## NAPA COUNTY GRAND JURY

1754 Second Street, Suite D  
Napa, California 94559

June 29, 2018

To our fellow Napa County citizens:

Your 2017-2018 Grand Jury is pleased to present our Consolidated Report. Our nine investigative reports and a review of the agency responses to the reports prepared by last year's Grand Jury follow.

Our term of service began July 11, 2017 when we were sworn and then charged by now-Presiding Judge Elia Ortiz. The work of the Grand Jury is arduous and over the course of the year seven jurors withdrew to be replaced by six alternates.

The Grand Jury experienced some turbulent times. Two jurors lost their homes in the October fires and we did a report on the County's emergency alert system. Our Williamson-Act investigation led to a rarely-issued Accusation for official misconduct and an Order to Commence Suit to recover unpaid taxes. Those matters are still pending.

Through County Counsel, we requested the state Attorney General to provide an opinion whether state statutes require grand juries to investigate the jails every year as is the practice here in Napa. The Attorney General is actively preparing his opinion that will impact all 58 grand juries state-wide.

We thank the citizens who brought issues to our attention. We thank all the citizens and all county, city, and local government employees who cooperated in our investigations. Without their help, we could not have accomplished what we have.

We hope you find our reports informative and agents for the changes in government we think will make Napa County a better place. We appreciate the opportunity to have been in your service.

Very truly yours,

Alan Charles Dell'Ario  
Foreperson, 2017-2018

*Serving Napa County and its Citizens Since Statehood*



**NAPA COUNTY GRAND JURY**

1754 Second Street, Suite D  
Napa, California 94559

June 27, 2018

Honorable Elia Ortiz, Presiding Judge and  
Judges of the Superior Court

Your Honors:

Thank you for the opportunity to serve as the 2017-2018 Napa County Grand Jury. We are honored to have been selected to do this important work. We are pleased to present our Consolidated Report.

The Grand Jury found itself faced with new and different challenges from those faced by prior juries. We learned from these challenges and hope we established precedent for juries to come.

Our endeavor would not have been possible without the able assistance of our counsel, Silva Darbinian, and Solano County Counsel Dennis Bunting and Deputy Solano County Counsel James Laughlin, who stepped in when Silva had a conflict. Thanks, also, to Judge Ortiz who reviewed and approved all our reports.

We hope you agree that our nine investigative reports and response review have made a worthwhile contribution to good government in Napa County.

Respectfully,

Alan Charles Dell'Ario  
Foreperson, 2017-2018

# Acknowledgements

The 2017-2018 Napa County Grand Jury acknowledges assistance and support from:

Honorable Elia Ortiz, Presiding and Grand Jury Supervising Judge

Silva Darbinian, Chief Deputy County Counsel

Dennis Bunting, Solano County Counsel

James Laughlin, Deputy Solano County Counsel

Richard Feldstein, Chief Executive Officer, Napa County Superior Court

Connie Brennan, Court Administrative Assistant, Napa County Superior Court

Helene Franchi, Deputy County Executive Officer, County of Napa

The Gasser Foundation, Joseph Peatman, President and Jennifer Johnson, Office Manager

Sean Scully, Editor and the reporting staff, *Napa Valley Register*

Steven B. Piser, Law Offices of Steven B. Piser

Napa Chapter, California Grand Jury Association

California Grand Jury Association

The Napa County employees who assisted in our investigations

## **Overview of the Napa County Grand Jury**

The Grand Jury is a judicial body comprising nineteen citizens. Once impaneled, it acts as an “arm of the court,” as authorized by the State Constitution and to be a “watchdog” for the people of the community. Its activities are funded by the County, which adopts a budget for the Grand Jury.

The present Grand Jury system evolved from earlier ecclesiastical courts beginning in 1164 when Henry II of England impaneled the first 16-man Grand Jury to remove criminal indictments from the hands of the church. In 1635 the first American Grand Jury was impaneled in the Massachusetts Bay Colony and by 1683 Grand Juries were present in all of the colonies. These early Grand Juries began the practice of returning “presentments,” which were primarily against public officials and different from criminal indictments.

Only a few states now have some form of Grand Jury with any type of “watchdog” function. California, where Grand Juries have existed since the original constitution in 1850, has the last remaining comprehensive Grand Jury system.

## **Grand Jury Functions**

By law a Grand Jury has three distinct functions: indictment, accusation, and investigation. Indictment is the act of bringing criminal charges against a person. Accusation is the act of bringing charges against an official of government or of a public agency that may result in removal from office. By far the most frequently exercised function is that of civil investigation known as the “watchdog” function.

In this function, the Grand Jury investigates areas of government to determine if it can function better, save money, reduce staffing, and generally examine the way governments conduct business, particularly with respect to any evidence of malfeasance, misappropriation or mismanagement. Committees are formed to study citizen complaints or comments and to visit various county and city facilities. The Grand Jury may select additional areas for review.

The Grand Jury's jurisdiction is countywide. It covers any elected or appointed official and any government body connected to the County, including a city, special district, joint-powers agency, redevelopment agency, housing authority, all special purpose assessing or taxing districts, plus jails and prisons in the County. School districts are covered as to their operations and administration, but policy and curriculum are state functions and are outside the Grand Jury's jurisdiction. Private partnerships and contracts can be investigated only in regard to the local government aspects of any contract. The Superior Court is a state body and cannot be investigated.

### **Selection & Qualification of Grand Jurors**

Each of California's 58 counties empanels a new Grand Jury to conduct civil investigations of county and city government and to consider evidence to decide whether to return accusations for government official misconduct or criminal indictments. Grand Jurors are selected by the Judges of the Superior Court from a variety of means: applications, the petit jury rolls and personal knowledge. The Grand Jury operates on a fiscal year, July 1 to June 30.

Grand Jurors must be citizens of the United States, 18 years or older and a resident of the County for one year prior to being selected. They must be in possession of natural faculties, be of ordinary intelligence, of sound judgment, of fair character and have sufficient knowledge of the English language.

The Napa County Superior Court, with the assistance of the Napa Chapter, California Grand Jury Association, recruits jurors in the late winter and spring of each year. Persons interested in jury service should look for announcements at that time. More information is available from Court Administrative Assistant Connie Brennan at 707-259-8305, [Connie.Brennan@napa.courts.ca.gov](mailto:Connie.Brennan@napa.courts.ca.gov).