



BOARD OF SUPERVISORS

KEITH CARSON
PRESIDENT
SUPERVISOR, FIFTH DISTRICT

October 1, 2021

Honorable Tara M. Desautels
Presiding Judge of the Superior Court
County of Alameda
1225 Fallon Street, Department One
Oakland, CA 94612

Dear Judge Desautels:

Sections 933 and 933.05 of the California Penal Code requires the Board of Supervisors to formally comment on Grand Jury findings and recommendations which pertain to matters under the control and authority of the Board.

In accordance with this statutory directive, I am hereby formally submitting Alameda County's response to the 2020-2021 Grand Jury Final Report addressing the following investigated area: The Need for Accuracy and Impartiality of Ballot Measure Questions.

The County's response was approved by the Board of Supervisors at its meeting of September 28, 2021.

Very truly yours,

Keith Carson, President
Board of Supervisors

KC:SSM:LL

c: Other Members, Board of Supervisors
Susan S. Muranishi, County Administrator
Donna Ziegler, County Counsel
Tim Dupuis, Registrar of Voters
Rob Warren, Grand Jury Advisor
Susan M. Frost, Foreperson, Alameda County Grand Jury
Chad Finke, Court Executive Officer

Attachment



C O U N T Y A D M I N I S T R A T O R

September 22, 2021

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

Honorable Board of Supervisors
County Administration Building
Oakland, CA 94612

Dear Board Members:

SUBJECT: ALAMEDA COUNTY'S RESPONSE TO THE 2020-21 GRAND JURY FINAL REPORT

RECOMMENDATION:

- A. Accept and approve Alameda County's Response to the 2020-21 Grand Jury Final Report; and
- B. Authorize the Board President to sign a letter on behalf of the Board of Supervisors formally transmitting Alameda County's Response to the Honorable Tara Desautels, Presiding Judge, Superior Court of California, County of Alameda.

DISCUSSION/SUMMARY:

Section 933 of the California Penal Code Requires the Board of Supervisors to formally comment on Grand Jury findings and recommendations which pertain to matters under the control and authority of the Board.

Alameda County's Response to the 2020-21 Grand Jury Final Report comments on the findings and recommendations related to "The Need for Accuracy and Impartiality of Ballot Measure Questions."

FINANCING:

There is no net County cost impact associated with approval of the recommendations.

VISION 2026:

The Alameda County response to the 2020-21 Grand Jury Final Report aligns with our Vision 2026 shared vision of a **Thriving and Resilient Population.**

Very truly yours,

A handwritten signature in dark ink, appearing to read "Susan S. Muranishi".

Susan S. Muranishi
County Administrator

SSM:MPA
Attachment.
c: County Counsel

ALAMEDA COUNTY RESPONSE TO THE 2020-21 GRAND JURY FINAL REPORT

“The Need for Accuracy and Impartiality of Ballot Measure Questions”

Grand Jury Finding 21-16:

Local ballot questions, as currently written, were not always fully transparent, complete, and impartial, impeding voters from making informed decisions.

Response of the County of Alameda Board of Supervisors to Finding 21-16:

The County of Alameda Board of Supervisors lacks sufficient facts, information, and belief to determine whether it agrees or disagrees with the finding and on that basis the Board disagrees. It is not within the scope of the County’s mandated duties or responsibilities to evaluate the transparency, completeness and impartiality of ballot questions prepared by local jurisdictions. Each local jurisdiction owns that responsibility for its initiatives. The Board of Supervisors declines to take on the duties and obligations of other jurisdictions or to opine on matters of legal sufficiency.

Grand Jury Recommendation 21-17:

The Alameda County Board of Supervisors should create an independent advisory committee or commission to conduct a review and issue non-binding ratings, based on uniform standards and guidelines, of ballot questions of measures proposed by all local jurisdictions within the County. The committee members must be committed to the ideals of accuracy and impartiality reflected in state law. The committee should be implemented in time for the 2024 elections. For an example of how the committee might work, please see Appendix B.

Response of the County of Alameda Board of Supervisors to Recommendation 21-17:

The recommendation will not be implemented because it is not warranted or reasonable. It is not within the scope of the County’s mandated duties or responsibilities to evaluate the transparency, completeness and impartiality of ballot questions prepared by local jurisdictions. Each local jurisdiction owns that responsibility for its initiatives. The Board of Supervisors declines to take on these duties and obligations of other jurisdictions on an unfunded and unmandated basis. Additionally, state law sets forth a process that allows ballot questions to be challenged for legal sufficiency in advance of an election, thereby providing a system for checks and balances.

When drafting ballot questions for Alameda County ballot measures, Alameda County strives to employ principles of transparency, completeness, and impartiality within the 75-word statutory limit for ballot questions. Alameda County values an informed electorate.