



Date: October 13, 2022

To: Honorable Mayor and Council Members

From: Steve Ngo, Interim City Attorney

Subject: Civil Grand Jury Reports

Dear Mayor and Council:

For your diligent review and formal comment, I am transmitting to you copies of the following Santa Clara County Civil Grand Jury Reports received by the City Clerk:

- "If You Only Read the Ballot, You're Being Duped," dated October 7, 2022
- "Unsportsmanlike Conduct: Santa Clara City Council," dated October 10, 2022

With respect to the preface in the report titled, "Unsportsmanlike Conduct: Santa Clara City Council," under the section "Final Report v. Draft Report," (Page 1 of 61) the statute cited, section 933.05(f), requires notice to the public agency of two working days to identify any inconsistencies or factual errors in the draft report. While well and good, it is not practical for a public agency, which takes action through a governing body, to notice a public meeting, afford time for the governing body and staff to review the report, identify and agree on any such inconsistencies or factual errors, and transmit the same to the Civil Grand Jury in two business days. Moreover, such a process would conflict with the same statute's prohibition on public disclosure of the draft report before the report is published. I would not have advised a closed session meeting to consider the draft report.

The law provides 90 days for the City to respond to each report's findings and recommendations. While staff will not be prepared to present on these reports at the October 18, 2022, meeting, plans are underway to schedule special meetings in open session as soon as possible to duly consider and take action on the findings and recommendations in each of these reports.

Re: Grand Jury Reports
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Thank you,

Steve Ngo

Steve Ngo
Interim City Attorney

Attachments: 1. "If You Only Read the Ballot, You're Being Duped," dated October 7, 2022
 2. "Unsportsmanlike Conduct: Santa Clara City Council," dated October 10, 2022

Cc: Rajeev Batra, Interim City Manager

I/Council/Memoranda/2022-10-13 - Grand Jury Reports