

**ORDINANCE NO. NS-300.975**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
ADDING SECTION A14-45 OF CHAPTER VII OF DIVISION A14 OF THE  
COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO  
GRAND JURY PER DIEM AND MILEAGE REIMBURSEMENT RATES, AND  
REPEALING SECTIONS A14-46 AND A14-47**

**Summary**

This Ordinance adds a section to Division A14 of the County of Santa Clara Ordinance Code to establish a per diem reimbursement rate for members of the Santa Clara County Grand Jury. It also repeals obsolete sections of Division A14 relating to mileage and per diem rates that have been superseded by state law.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA FINDS  
AS FOLLOWS:**

**WHEREAS**, every county in California is required to have a grand jury, which is an autonomous body with statutorily prescribed duties that include hearing evidence brought by the District Attorney to determine whether a person should be criminally charged and required to stand trial; serving a “watchdog” function by investigating government operations; and inquiring into misconduct of public officials and determining whether to present accusations seeking their removal from office;

**WHEREAS**, under the Penal Code, grand jury funds, expenses, and fees—including per diem reimbursement rates and mileage—are set by the Board of Supervisors and paid out of the County General Fund;

**WHEREAS**, Penal Code section 890 provides that “[u]nless a higher fee or rate of mileage is otherwise provided by statute or county . . . ordinance, the fees for grand jurors are fifteen dollars (\$15) a day for each day’s attendance as a grand juror, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a grand juror”;

**WHEREAS**, due to the higher cost of living in larger counties, the five largest counties in California have increased the per diem rate for grand jurors beyond the statutory rate of \$15 per day. The average per diem rate for these larger counties is \$45, and the Santa Clara County Grand Jury has likewise requested that the County increase its per diem rate to \$45;

**WHEREAS**, an increased per diem cost is anticipated within the County’s Fiscal Year 2023-24 budget for grand jury expenses; and

**WHEREAS**, Code of Civil Procedure section 215 prescribes statutory rates for mileage and per diem reimbursement for trial jurors in the superior court in civil and criminal cases, and as such local Ordinance Code provisions setting such rates are now obsolete.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

SECTION 1. Chapter VII of Division A14 of the Ordinance Code of the County of Santa Clara is hereby amended by adding a new Section to be numbered and titled and to read as follows:

**Sec. A14-45. Per diem and mileage reimbursement rates for Santa Clara County grand jurors.**

- (a) Pursuant to the authority set forth in Penal Code section 890, the per diem reimbursement rate for grand jurors shall be set at \$45 per day for each day's attendance as a grand juror.
- (b) Pursuant to Penal Code section 890, the rate of mileage reimbursement for grand jurors for each mile actually traveled in attending court as a grand juror shall be equal to the rate of reimbursement applicable to County employees.

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SECTION 2. Section A14-46 of Chapter VII of Division A-14 of the Ordinance Code of the County of Santa Clara relating to Mileage for jurors is hereby repealed.

SECTION 3. Section A14-47 of Chapter VII of Division A-14 of the Ordinance Code of the County of Santa Clara relating to Payment and reimbursement of jury fees is hereby repealed.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on AUG 15 2023 by the following vote:

**ARENAS, CHAVEZ, ELLENBERG**

AYES: **LEE, SIMITIAN**

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**

  
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SUSAN ELLENBERG, President

Board of Supervisors


Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

  
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TIFFANY LENNEAR

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
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KAVITA NARAYAN  
Assistant County Counsel

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