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City of Cloverdale

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September 28, 2005

The Honorable Allan D. Hardcastle
Presiding Judge, Superior Court State of California
3035 Cleveland Avenue, Suite 200
Santa Rosa, CA 95403

RE: Grand Jury Final Report – Responses and Recommendations

Dear Judge Hardcastle:

The City of Cloverdale respectfully submits this as its required response to the Grand Jury's Findings and Recommendations, as follows:

Conflict of Interest in Sonoma County

Recommendation 1. Adopt an Incompatible Activities List

Cloverdale's Response – This recommendation has not yet been implemented, but the City Council will be considering adopting an "Incompatible Activities List", comparable to the list recommended by the Grand Jury, by the end of this year.

The Grand Jury has suggested and has recommended that each public agency have its own incompatibility activities list as a supplemental resource and provide the sample list essentially setting forth in general terms various restrictions and prohibitions on activities by the public officials in the context of conflicts of interest.

The City of Cloverdale, through the City Attorney's office, provides members of the City Council and Planning Commission with a "Public Official's Handbook" which includes, among other information and materials, papers and materials on (1) Political Reform Act and Common Law Conflicts; (2) Gifts, Honorarium and Travel Expenses; (3) Local Conflict of Interest Code; and (5) The Ralph M. Brown "Open Meetings" Act.

Included in those handbooks are papers and memoranda which discuss changes or modifications in existing law or provide further information, interpretation and analysis with respect to specific aspects of the law, and which touch on and address every one of the seven items listed in the sample list in the Grand Jury Report. These handbooks are loose leaf in nature to allow for material updates. Each time a new Councilmember or Planning Commissioner takes office they are provided with this handbook.



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Recommendation 2. Adopt a Code of Ethics

Cloverdale's Response – This recommendation has not yet been implemented, but the City Council will be considering adoption of Council Rules, Policies and Procedures which will likely include references to disqualification due to conflicts of interest, as well as standards to be followed governing ethical standards, by the end of this year.

As indicated above City officials are provided a significant amount of material regarding their obligations and duties as public officials and, in particular, with respect to conflicts of interest.

Recommendation 4. Institute Regular, Mandatory Training

Cloverdale's Response – This recommendation has been implemented.

As indicated above, the decision making officials of the City are provided manuals which include papers and information on related conflict of interest issues as well as periodic memoranda with updates reflecting modifications, interpretations or changes in existing laws related to the general topics of conflict of interest. In addition, there are a number of pamphlets from time to time that are provided to the decision making officials of the City. The City Attorney meets with each elected official shortly after that official takes office to discuss aspects of ethical obligations, including conflict of interest and reporting issues.

In the recent past there have been presentations at Council meetings and Planning Commission meetings on Conflicts of Interest and the Brown Act by the City Attorney. In addition, the City Attorney and other members of his law firm provide periodic seminars throughout Northern California and Sonoma County on such topics. Public officials of the City are always invited to attend and at the most recent seminar on these topics all of Cloverdale's elected Council members did attend.

It is anticipated that formal presentations will continue to be made to the City Council and Planning Commission meetings regarding conflicts of interest. All other public officials for the City will be invited to attend. The City Attorney's office and the City Clerk's office will continue to advise City officials of any changes, interpretations or new laws relative to the general topic of conflicts of interest. City officials will continue to be invited to the seminars offered by the City Attorney's law firm.

In addition, the City Clerk in January of each year provides elected and appointed officials a letter indicating requirements for filing in accordance with FPPC regulation. The City Clerk routinely provides to Councilmembers and members of boards and commissions, pamphlets and articles published by the Institute for Local Self Government and the League of California Cities.

Recommendation 5. Re-file Form 700 on a Material Change

Cloverdale's Response – This particular recommendation will require further analysis and consideration, taking into account some of the practical problems that may arise which could lead to innocent and unintentional violations of such a requirement. It is anticipated that this additional analysis will be completed by the end of this year and a formal recommendation will be brought forward to the City Council for its consideration within that timeframe.

It appears that the Grand Jury is suggesting that all Designated Filers should be required to file amendments to Form 700 with the City Clerk within 30 days of a "material change" as defined in Government Code §87103. Currently, there is no requirement, other than on the required reporting date, that Form 700s be amended. In addition, though somewhat unclear, it appears that the "material changes" referenced by the Grand Jury appear to be threshold amounts relative to whether or not a public official has an "economic interest" for purposes of conflict of interest analysis which may be different from threshold amounts for certain interest for purposes of Form 700.

It should be noted that if such a recommendation is not implemented there is still the requirement for the public officials, when a decision comes before them, to make a determination as to whether or not at that point in time there exists a conflict of interest irrespective of Form 700 reporting.

A Disaster Waiting to Happen

Finding 3 – Written plans and checklists are not consistent among county, cities, agencies, and departments, and in some cases are non-existent.

Cloverdale's Response -- Agree, with explanation.

Cloverdale, the County and other cities have different capabilities and resources to utilize in any given disaster. These differences in the capabilities, resources, and risk factors between Sonoma County and its nine cities would suggest it is reasonable that the plans and checklists may be different. Coordination of the efforts of each agency occurs through their participation in the Sonoma County/Operational Area Emergency Coordinators Forum and Emergency Council. Cloverdale participates in the Sonoma County/Operational Area Emergency Coordinators Forum and Emergency Council meetings. Further, Cloverdale participates in regional planning exercises with other agencies within the County to provide coordination, where appropriate.

Finding 4 – Where plans and checklists do exist, they are not always stored in multiple safe places for guaranteed access in the event of a disaster. The most common place is the office, notwithstanding that a disaster does not limit itself to regular work hours, and office buildings may not be accessible.

Cloverdale's Response -- Disagree partially.

Copies of the City's Emergency Plan will be stored at City Hall, the police/fire facility and the City's Corporation Yard offices. This disbursement of the various Emergency Plans provides assurance that copies of these Plans should be available at all times, regardless of the type of emergency that may occur.

Finding 9 – All county employees are listed as disaster recovery resources, as indeed are members of the grand jury, but there is no clear plan on how they will report in for duty, or how they will be used.

Cloverdale's Response -- Uncertain as to how to respond.

It is unclear how the Grand Jury anticipated that the City of Cloverdale should respond to this Finding, inasmuch as it describes the reporting duties and utilization of county employees and members of the Grand Jury. The City has no control over these resources.

Finding 10 – The city plans are not consistent in scope and detail. The City of Santa Rosa has a well structured but dated plan. Cotati's plan is literally a copy of the county plan. Cloverdale is still using the 1989 two volume door-stopper plan that existed before the adoption of SEMS, and Cloverdale's plan is dated 1987.

Cloverdale's Response -- Partially Agree, with explanation.

Please see the City's response to item F3 above. Cloverdale participates in the Sonoma County/Operational Area Emergency Coordinators Forum and Emergency Council. This City/County partnership is consistent with SEMS.

Finding 13 -- There is an agreement dated 1997, between the cities and the county, promising help from the county for the construction of, training in, and testing of city based disaster plans. This assistance is not provided, nor sought on a continually consistent basis, despite the payment of a \$2,000 annual fee by the cities.

Cloverdale's Response -- Agree, with explanation.

The City of Cloverdale is satisfied with the support and assistance we receive from the County Office of Emergency Services. The \$2,000 annual fee pays for services, plans, and programs by the County that impact and serve the entire operational area, including the individual cities. This \$2,000 annual fee paid by the City goes, in part, to pay for a staff position which provides, among other things, grant-writing services. Cloverdale is an in-direct beneficiary of emergency equipment available through the Sonoma County Sheriff's Office, which was obtained through grants. The applications for those grants were prepared, in large part, by County staff.

Recommendation 3 – Each City Council should initiate an annual review of its disaster plan, coincident with the budget cycle, starting with the 2006-07 cycle. These reviews should include the following tasks as a minimum:

- ***Examine status of the actions from the previous year's review***
- ***Review any tests during the year and any plan changes required as a result of the tests ("no change" is an unlikely option)***
- ***Request details of any changes to the plan occasioned by known state, national, or world emergencies that occurred in the review year.***
- ***Request details of any changes to the plan required by directives from the Department of Homeland Security (with due regard to any security and secrecy requirements)***
- ***Concur by vote, that the review has been completed successfully.***

Cloverdale's Response -- Recommended implementation under consideration.

The City of Cloverdale will consider incorporating the review items listed by the Grand Jury when the annual review of the City's Emergency Plan occurs. City staff reviews the disaster plan on a periodic basis and makes adjustments as needed to improve efficiency or in response to exercises, current events and new regulations. Additional resources that may be needed to implement modifications to the plan, or to the City's emergency response capabilities, will be brought to the City Council as part of the budget process.

Recommendation 5 -- The Board of Supervisors and each city council should:

- **Demand that plans be put in place to ensure that all existing employees have been or will be trained in SEMS and the Emergency Recovery Plan for the county and/or their city.**
- **Document the reporting steps employees must take as support individuals in the event of a disaster.**
- **Endorse that the most effective use of most employees is to focus on business resumption.**

Cloverdale's Response -- This recommendation will be implemented.

The City of Cloverdale endorses the premise that the most effective use of employees is to focus on life safety issues, employee safety during their emergency response, conservation of personal property, and the resumption of business. The City does conduct periodic orientation and tabletop field training exercises in SEMS responsibilities. The City's emergency plan documents the roles and reporting relationships of various staff members.

While business resumption is an important priority and is considered in basic operations planning, the first priority in the City's response to an emergency situation is the protection of public lives and safety.

Housing Assistance for Sworn Officers

F2. Sonoma County invests money and time into the training of officers. The goal is to retain these trained officers long term and have all law enforcement sworn officers live with the county boundaries, not only for safety reasons but to be an integral part of the community.

Cloverdale's Response -- Agree, with explanation.

The Cloverdale Police Department concurs with this Finding and the Cloverdale Police Chief has provided a written response to this Finding (A copy of the written response of Chief Stephen M Willis is attached hereto for your reference.) Cloverdale has a strong desire to retain trained police officers and have them reside within our community. Nine of its sworn officers live within the city limits.

F3. In some law enforcement agencies, more than 10% of the sworn officers live outside of Sonoma County due to the high cost of housing.

Cloverdale's Response -- Agree.

As indicated in Chief Willis's response, attached, two of the City's twelve sworn police officers live outside the County. This is due, in part, to the City's geographic proximity to Mendocino County providing commute convenience and more affordable housing.

R1. By December 2005, the governing bodies of the county and each city should have:

- **Evaluated the housing needs for sworn officers, targeting the entry-level officer**

- **Appointed a liaison to local banks and lending institutions to begin dialogues outlining possible solutions**

Cloverdale's Response -- This recommendation is being implemented.

The City of Cloverdale Adopted a revised Housing Element in November 2002, which included a survey of the housing, needs of the City's low and moderate income residents. The Housing Element included a new Inclusionary Housing Ordinance, which requires provisions of 15% low or moderate income units or payment fees from all new development. The City's Housing Element and Economic Development Program both encourage an essential employees housing program, which has not yet been developed because of limited staff time. On September 14, 2005, the City addressed that limitation by hiring a housing consultant. Development of the essential employees program is part of the consultant's work program. The consultant will evaluate housing needs of public safety officers and will develop a program using Redevelopment 20% set aside funds, inclusionary housing units, inclusionary housing fees, and liaison with local banks and lending institutions.

- R2. By February 2006, the governing bodies of the county and each city will have established qualification criteria for each program, and the nature of the investment protection.**

Cloverdale's Response -- This recommendation will be implemented by February 2006.

As noted above the City has retained a consultant to implement its housing programs, including development of an essential employees housing program.


- R3. By December 2006, an evaluation instrument will have been designed and used to determine the effectiveness of the new program(s).**


Cloverdale's Response -- This recommendation will be implemented by December 2006.

The City conducts an annual review of the General Plan implementation, including a review of meeting Housing Element goals and fair share. The essential employees housing program will include an evaluation and monitoring program for annual evaluation

Thank you for the opportunity to respond to the Grand Jury's report. If you have additional questions, please let us know.

Sincerely,


Gail Pardini-Plass, Mayor
City of Cloverdale


Stephen A Holsinger, Interim City Manager
City of Cloverdale

cc: Melinda Cabral, Grand Jury Foreperson
Cloverdale City Councilmembers
Cloverdale Department Heads