



**CITY OF HEALDSBURG
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September 6, 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 Healdsburg 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

Healdsburg’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 Healdsburg, 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.

Recommendation 2. Adopt a Code of Ethics

Healdsburg'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

Healdsburg'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 one of Healdsburg's newly 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 provides to all City Council candidates and incumbents a Municipal Election Handbook, which includes information regarding the Statement of Economic Interests filing requirements for candidates and elected officials.

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

Healdsburg'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.

Healdsburg's Response – Agree, with explanation.

Healdsburg, the County and other cities have different capabilities and resources to utilize in any given disaster. Therefore, it is reasonable that the plans and checklists may be different. Examples of the need for, and benefit of, having plans and checklists that may differ in specific areas is provided in a letter from Healdsburg Fire Chief, Randy Collins (copy attached for your reference). Healdsburg participates in the Sonoma County/Operational Area Emergency Coordinators Forum and Emergency Council meetings. The City of Healdsburg has recently (July 18, 2005) updated and adopted written plans and checklists documenting its emergency response plans, which is included with the response from Fire Chief Randy Collins. The response from Chief Collins was forwarded to Melinda Cabral, Foreperson of the Sonoma County Grand Jury. In summary, the City of Healdsburg is prepared for emergency situations and that preparedness is documented. Further, Healdsburg 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.

Healdsburg's Response – Disagree partially.

Copies of the City's Emergency Plan, as well as the County and State Emergency Plans, are stored in the fire department, the police department (physically separate facilities) and the City's Mobile Command Van. 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.

Healdsburg's Response – Uncertain as to how to respond.

It is unclear how the Grand Jury anticipated that the City of Healdsburg 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 Healdsburg's plan is dated 1987.

Healdsburg's Response – Agree, with explanation.

Please see the City's response to item F3 above. The City of Healdsburg's Emergency Operations Plan and Recovery Manual was adopted on July 18 2005. That Plan 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.

Healdsburg's Response – Agree, with explanation.

The City of Healdsburg 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. As outlined in the report prepared by Chief Collins, the \$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. Healdsburg was the beneficiary of emergency rescue equipment valued at more than \$85,000 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.*

Healdsburg's Response – This recommendation has been implemented.

Emergency preparedness has been and continues to be a budgeted section within the Healdsburg Fire Department. Each year, changes or updates to the Emergency Plan are, and will continue to be, reviewed as part of the Fire Department budget presentation to the City Council. The City of Healdsburg will consider incorporating the review items listed by the Grand Jury when the annual review of the City's Emergency Plan occurs.

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.**

Healdsburg's Response – This recommendation has been implemented.

The City of Healdsburg 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. Toward that end, the City Council endorses the Healdsburg Fire Department's training plan which ensures that all employees are trained in SEMS and the Emergency Operations Plan for the City and that the focus of such training is to achieve the goals outlined above.

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.

Healdsburg's Response – Agree, with explanation.

The Healdsburg Police Department concurs with this Finding and the Healdsburg Police Chief has provided a written response to this Finding to Grand Jury Foreperson Cabral, echoing that sentiment. (A copy of the written response of Chief Susan Jones is attached hereto for your reference.) Healdsburg 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. The Healdsburg City Council adopted a "First Time Homebuyers Program" which provides financial assistance to first-time homebuyers who provide "essential community services". Included in the category of "essential community services" is police protection and two of our sworn police officers were recently able to purchase home within Healdsburg as a result of this program. Notably, Grand Jury Finding #5 for this category acknowledges that "only the City of Healdsburg program is being used by the sworn officer workforce." The City expects to continue this program and fully intends to support its use by sworn police officers.

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.

Healdsburg's Response – Agree.

As indicated in Chief Jones' response, attached, none of the City's eighteen sworn police officers live outside the County. This is due, in part, to the City's efforts to locate and provide affordable housing within the city limits, through its First-Time Homebuyers program.

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**

Healdsburg's Response -- This recommendation has been implemented.

The City of Healdsburg Planning Department recently completed a survey of the housing needs of the City's low and moderate income residents, including public safety employees. The City's Planning Director conducted community outreach efforts to inform residents of the availability of financial assistance to eligible residents, including public safety employees.

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The City's Planning Director also serves as the City's liaison to local banks and lending institutions that have expressed interest in supporting the City's efforts to provide financial assistance to eligible first-time homebuyers. The results of these efforts include having provided financial assistance to two entry-level police officers in purchasing new homes.

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.

Healdsburg's Response -- This recommendation has been implemented.

The City of Healdsburg has adopted qualification criteria for its First-Time Homebuyers program, which includes restrictive covenants on the re-sale of these homes. The restrictive covenants serve to protect the investment that the City has made in providing affordable housing to its public safety employees.

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

Healdsburg's Response -- This recommendation has not yet been implemented, but will be implemented in the future.

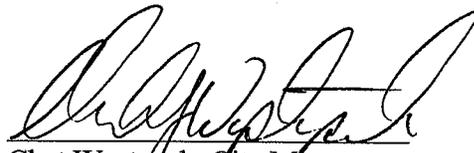
An evaluation instrument will be developed and presented to the City Council by December 2005 for Council consideration and possible adoption.

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

Sincerely,



Jason Liles, Mayor
City of Healdsburg



Chet Wysteppek, City Manager
City of Healdsburg

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

August 4, 2005

Foreperson Cabral
Sonoma County Grand Jury
PO Box 5109
Santa Rosa CA 95402

Dear Foreperson Cabral:

As the Disaster Coordinator, I have prepared this letter to serve as the City of Healdsburg's formal response to the Findings and Recommendations portions of your report *A Disaster Waiting to Happen!* We are happy to provide this information and feel it will adequately address the concerns you have raised. For reasons of clarity, I will address each response in the order it appears in the original report.

F-3 Written plans and checklists are not consistent among county, cities, agencies, and department, and in some cases are non-existent

Due to the unique nature of local governmental agencies, while there may be similarities among plans and checklists, they cannot expect to be consistent. For example, the Town of Windsor contracts police services with the Sheriff's Department and fire protection through the Windsor Fire District. Conversely, the City of Healdsburg provides all these services but also contracts fire services to the surrounding rural areas. In addition, the City possess it's own Electric utility. Therefore, if you were to lay the plans side by side, you would undoubtedly have two rather diverse documents.

As for the existence of plans and checklists, the City recently adopted an updated Emergency Plan and Recovery Manual on July 18th, 2005 (enclosed), have also updated the checklists for our EOC positions, and have developed a draft EOC *Procedures Manual*. We are also engaged in the process of updating individual department SOP's.

It should also be noted that our plan utilizes the National Incident Management System (NIMS) as directed by Homeland Security Presidential Directive 5 in 2003 and the Governor's Executive Order No. 2 in 2005. As required by T-19, CCR, Sec. 2403 the plan also recognizes the relationship between the local agency (the City), the operational area (the County), the OES Region and the State. Our plan also identifies the responsibilities of each city department in the event of an emergency.

F-4 Where plans and checklists do exist, they are not stored in multiple safe places for guaranteed access in the event of a disaster.

The report makes a valid point regarding the accessibility to Emergency Plans. Currently, the City Plan as well as County and State Plans are available in the primary EOC at the Fire Department. The City plan is also available in the secondary EOC at the police department and the Mobile Command Van which acts as back up should the primary and secondary EOC become disabled.

F-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 for duty or how they will be used.

This finding is not applicable to the City.

F-10 The City plans are not consistent in scope and detail. Healdsburg's plan is dated 1987.

Again, due to differences between governmental agencies, Emergency Plans will contain differences. What is important is that the plans utilize NIMS, as Healdsburg's does. As of this writing ours is current and to my knowledge the only NIMS compliant plan in the County.

F-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 consistent basis, despite a \$2000 a year payment.

The funding paid to the County offsets the costs of a staff position, which according to the County Emergency Services Coordinator Sandy Covall, is responsible for disaster preparation, coordination the Emergency Coordinator's Forum, preparing the *Op Area Plan*, and conducting grant writing for which the department recently received a variety of rescue equipment including; an air bag set, an air delivery system, and a confined space rescue system worth over \$85,000.

R-3 Each City Council should initiate an annual review of its disaster plan, coincident with the budget cycle starting with the 06/07 cycle. These reviews should include the following tasks:

- *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*
- *Request detail of any changes to the plan occasioned by known state, national or world emergencies that occurred in the review year.*
- *Request detail of any changes to the plan required by directives from the Dept. of Homeland Security.*
- *Concur, by vote, that the review has been completed successfully*

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While the City will strive to meet the recommendations made by the Grand Jury, most are already accomplished indirectly through the adoption of the City Budget. For example, each year any activation of the EOC and changes or updates to the Emergency Plan, are reviewed in the Fire Department's budget presentation and in the budget document which is subsequently adopted by the City Council. It is also worth repeating the changes recently effected to the Emergency Plan were done in accordance a directive from the Department of Homeland Security, which will be presented to and adopted by the Council when the 06/07budget is adopted in June 07.

It is our sincere desire that we have addressed the concerns you have expressed to your satisfaction. However, if you have any questions regarding this letter or the state of our City's Disaster Planning, do not hesitate to contact me at 431-3363.

Sincerely,

Randy Collins,
Fire Chief



CITY OF HEALDSBURG

Police Department
238 Center Street
Healdsburg, CA 95448-4402

(707) 431-3377
FAX (707) 431-3106

CHIEF OF POLICE
Susan E. Jones

June 30, 2005

The Honorable Foreperson, Melinda A. Cabral
and the Honorable Members of the 2004-2005 Grand Jury
P.O. Box 5109
Santa Rosa, CA 95402

Dear Madam Foreperson,

Please accept this letter as my required response to Finding #2 and Finding #3 in the 2004-2005 Grand Jury's Final Report entitled Housing Assistance for Sworn Officers.

Finding #2 states, "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 within the county boundaries, not only for safety reasons but to be an integral part of the community."

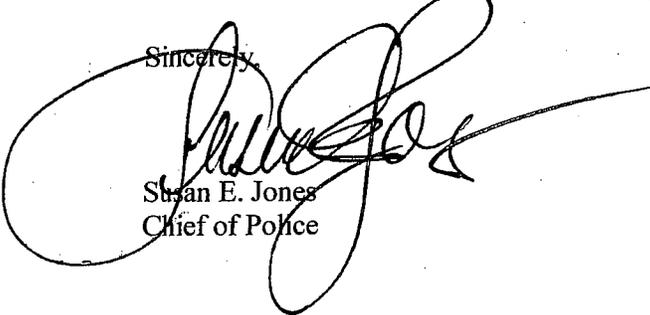
I concur with this finding. Thankfully, all of the Healdsburg Police Department's eighteen sworn officers live within Sonoma County. Nine of our sworn officers live within the City limits, three live in Santa Rosa, four live in Windsor, one lives in Cloverdale and one lives in Petaluma. It is interesting to note that two of the officers who reside in Healdsburg are our recent hires and they were able to take advantage of our affordable housing program and silent loan program.

Finding #3 states, "In some law enforcement agencies, more than 10% of the sworn officers live outside of Sonoma County due to the high cost of housing."

As noted in my response to Finding #2, none of the eighteen sworn officers at the Healdsburg Police Department live outside Sonoma County.

Please let me know if additional information is desired.

Sincerely,


Susan E. Jones
Chief of Police