

**FILE COPY**

**City of Cotati**  
Sonoma County, California



August 30, 2005

Judge Allan Hardcastle  
Presiding Judge of the Superior Court  
Hall of Justice  
P. O. Box 5109  
Santa Rosa, CA 95402

Re: Response to 2004-2005 Sonoma County Grand Jury Report

This letter is in response to the recommendations contained in the 2004-05 Sonoma County Grand Jury Final Report. The Cotati City Council and City Manager were asked to respond the following reports, findings and recommendations:

- Conflict of Interest Codes in Sonoma County – R1, R2, R4 and R5
- A Disaster Waiting to Happen – F10, R3 and R5
- Housing Assistance for Sworn Officers- F2, F3, R1, R2 and R3

**Conflict of Interest Codes in Sonoma County**

*Recommendation R1 – Adopt an Incompatible Activities List*

*Each commission, board and public agency should have their own Incompatibility Activities list as a supplemental resource. This list would assist the officials in understanding how to avoid conflict-of-interest issues, enhance the assurance of public trust—the integrity of officials—and political processes as well. The following is a sample of the type of list the grand jury recommends:*

*Incompatible Activities – Sample List*

1. *Cannot have an interest in a contract made by the board, commission or committee that one is involved with.*
2. *Cannot request, receive or agree to receive anything of value or other advantages in exchange for a decision.*
3. *Cannot influence decisions relating to potential business or prospective employers.*
4. *May not acquire property interests within redevelopment areas over which one has decision-making influence.*
5. *Cannot receive compensation from third parties for speaking, writing an article or attending a conference.*
6. *Cannot use public agency resources (money, travel expenses, staff time and agency equipment) for personal or political purposes.*
7. *Cannot participate in decisions that may affect (positively or negatively) their personal interests, interests of their immediate family or their business partners.*

Response: The City of Cotati City Attorney provides annual seminars to the City Council, Planning Commission and Design Review Commission (decision making public officials) on (1) Political Reform Act and Common Law Conflicts; (2) Prohibition of Contractors with Town; (3) Gifts, Honorarium and Travel Expenses; (4) Local Conflict of Interest Code; and (5) The Ralph M. Brown Act. As part of these seminars, the City Attorney provides written information and materials on these topics. These seminars allow the City Attorney to constantly refresh and update the Council and Commissions on the appropriate laws, as well as any updates that may impact the above topics.

*Recommendation 2 – Adopt a Code of Ethics*

*Sonoma County and each city should establish and implement a Code of Ethics. All commissions, committees and boards, as well as elected and appointed officials, should review the Code of Ethics and attest to understanding the policy as it pertains to their position. Thereafter, the county and city officials should mandate periodic ethics training and testing, just as is required of federal and state employees. For establishing a Code of Ethics, the Attorney General’s Office and FPPC, have developed a web-based ethics training course. The California League of Cities also has information and guidelines.*

Response: As indicated above, City officials are provided significant amounts of materials regarding their obligations and duties as public officials and, in particular, with respect to conflicts of interest.

*Recommendation 4 – Institute regular, mandatory training*

- *Provide Designated Filers with basic informational training.*
- *Increase utilization of FPPC for training of Form 700 Filing Officers and Clerks*
- *Require Code of Ethics training at the city and county level as similar to that as mandated by state agencies (available online).*
- *Require basic conflict-of-interest training for:*
  - *Incumbent elected and appointed officials*
  - *New appointees and elected officials*

Response: As indicated above, the decision making officials of the City of Cotati are provided materials that include papers and information on related conflict of interest issues as well as periodic memorandums 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 Town.

It is anticipated and intended that presentations will be made to the City Council at future City Council meetings regarding conflicts of interest. All other public officials for the City will be invited to attend. The City Attorney and City Clerk’s

offices will continue to advise City officials of any changes, interpretations of new laws relative to the general topic of conflicts of interest. City officials will continue to be invited to these training seminars offered by the City Attorney's law firm.

At the time candidates file their nomination forms to run for office, the City Clerk provides each candidate the following information and forms they will need to complete:

- Statement of Economic Interest Form 700
- Limitations and Restrictions on Gifts, Honoraria, Travel and Loans
- Fair Political Practices Commission – Campaign Disclosure Manual
- Campaign Disclosure Forms (501, 410, 450, 470, 496, 497)

The City Clerk also advises each candidate to contact the FPPC for further information and advice on their filing requirements. Also, included in this packet is FPPC information regarding workshops for Candidates/Treasurers.

The City Clerk provides to the candidates that are elected 700 Form that they are to complete as their "Assuming Office Statement" together with Resolution No. 1272-02 (designating positions required to file Statements of Economic Interests). This form is due within 30 days of assuming office and the original is forwarded to the FPPC.

As for official designated in Government Code Section 87200 (City Council Members, Planning Commissioners, City Manager, City Attorney, Administrative Services Director/Treasurer) the annual Form 700 statements, the annual forms and notification are sent out in January or February with a deadline of April 1<sup>st</sup>. These forms are submitted to the City Clerk who forwards the originals to the FPPC who is the "Filing Officer". As a courtesy, in addition to the first notification letter, the City Clerk sends e-mails or telephone calls to those who have not yet filed to remind them of their filing requirements.

As for a second category of filers (mainly Department Heads) the City Clerk notifies these filers of the annual filing requirements and provides them with the annual Form 700. The City Clerk sends out letters and forms in January or February with a deadline of April 1<sup>st</sup> and also sends reminders via e-mail or telephone. These forms are filed with the Deputy City Clerk and retained in her office.

*Recommendation 5 – Re-file Form 700 on a material change*

*Sonoma County administration and respective cities in Sonoma County should require Designated Filers to file amendments to Form 700 with clerks of the county or city within 30 days of a material change. "Material Change" is defined in Government Code Section 87103.*

Response: 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 that 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 a “economic interest” for purposes of conflict of interest analysis which may be different from threshold amounts for certain interest for purposes of Form 700. Such a recommendation will require further review 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 should be noted that if such a recommendation is not implemented there is still the requirement for 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.

### ***Disaster Waiting to Happen***

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

Response: The City of Cotati currently utilizes the Emergency Operations Plan (EOP), developed by the County Office of Emergency Services. One of the benefits of contracting with the County for the operational plan is that it provides consistency between the City and the County in the event of an emergency. While the City of Cotati and other contracting cities may personalize the plan to meet their individual needs, the base plan is a common document for all to use. This operational plan is fluid and is continually refined based on resources at the City and County level. This is an **operational area plan**, not just a plan that the City of Cotati will use without resources from Local, State and Federal agencies.

The City of Cotati utilizes checklists. Checklists are a tool that is refined based upon experience, personnel assigned to the event, and exposure to new and more effective ways of dealing with disasters. The staff of the City of Cotati, through participating in tabletop and functional exercises, has developed and utilized checklists that are consistent with our neighboring City of Rohnert Park and other County departments. There will always be some deviation between agencies in relation to the checklists as each agency has different capabilities such as staffing levels, which will alter the checklists.

*Finding #4 states: 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,” not withstanding that a disaster does not limit itself to regular work hours, and office buildings may not be accessible!*

Response: The City of Cotati currently houses the disaster plans and checklists in several locations. The information is located at the Police Department’s Emergency Operations Center (EOC) and in specific police supervisors’ vehicles. As the City of Cotati and the City of Rohnert Park have purposely exercised together our plans are extremely similar, as are the checklists. Both departments have also duplicated the type of storage containers and the contents, such as supplies reference material needed for EOC activation, in order to maximize efficiency.

*Finding #9 states: 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.*

Response: The City of Cotati in conjunction with the County Department of Emergency Services provides periodic training on SEMS to our employees. While this finding only pertains to “county” employees, the City does provide training on the basics of emergency management and the functions employees will likely perform.

*Finding #10 states: 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. See Exhibit D for a table comparing the format and date of the county and city plans.*

Response: The City contracts with the County to provide emergency planning support including the preparation of our emergency plan. It is for this reason that our plan mirrors the county plan. It is important to realize that we are not working alone in our emergency management efforts. The more commonalties in a plan utilized by the county and many other cities, the more efficiencies there are. Our experience has shown that because of “using the same sheet of music”, anyone of our personnel could function in another EOC with the same or similar plan with minimal instruction. In our case, the City of Cotati routinely exercises our plans with the City of Rohnert Park and the County using essentially the same plan.

*Finding #13 states: 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 continual consistent basis, despite the payment of a \$2,000 annual fee by the cities.*

Response: The City disagrees with this finding. The City enjoys a very good working relationship with the County Office of Emergency Services. Our Police

Chief works closely with the County on emergency management operations on several levels. There is input into the plans and assistance with training, including tabletop and functional exercises with communication taking place on a quarterly basis at a minimum. An additional benefit to both organizations is that the plans, when developed provide for common policies and procedures.

*Recommendation #3 states: Each city council should:*

*• Initiate an annual review of its disaster plan, coincident with the budget cycle, starting with the 2006-2007 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 outcome).*
- 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 Department of Homeland Security (with due regard to any security and secrecy requirements).*
- Concur, by vote, that the review has been completed successfully.*

Response: The City periodically reviews and exercises the emergency operations plan. While this has not been done in concert with the budget cycle, it is certainly an acceptable way of assuring that a review has taken place and budgetary issues have been raised.

*Recommendation #5 states: 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. The training should be completed by year-end 2005.*
- Document the reporting steps employees must take as support individuals in the event of a disaster.*
- Endorse that the most effective use of employees is to focus on business resumption.*

Response: The City, with the assistance of the County Office of Emergency Services periodically trains our staff in SEMS and in other emergency management procedures. It is our intent to complete any outstanding training prior to the end of 2005 as recommended. We are, however in disagreement with the finding that the most effective use of employees is to focus on business resumption. The City of Cotati will continue to prioritize life and safety issues ahead of business resumption.

### *Housing Assistance for Sworn Officers*

*Recommendation #1 states: 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.*

*Recommendation #2 states: 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.*

*Recommendation #3 states: By December 2006 an evaluation instrument will have been designed and used to determine the effectiveness of the new program(s).*

Response: These recommendations are based upon the findings that some law enforcement officers live outside the county and some have a commute as long as 3.5 hours. The response provided by our Police Chief indicates that is not the case in Cotati. None of the 12 sworn officers live outside Sonoma County and therefore none have more than a one hour commute if even that long.

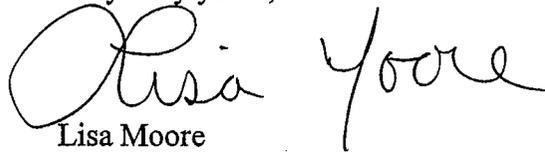
However, the City Council of Cotati is concerned about the high cost of housing throughout California and especially in Sonoma County. We have implemented an aggressive affordable housing development program. Cotati was one of the first Sonoma County cities to institute a 20% inclusionary housing requirement on all new housing developments. The Council is also considering a jobs-housing fee on commercial development for the development of affordable housing.

Unfortunately, the income levels for sworn police officers exceed the low and moderate income guidelines, and thus these officers will not be eligible for programs targeted toward those income groups. Police officers may need housing financial assistance from conventional mortgage loan sources. It should be noted that the cost of rental housing, while increasing significantly from 10 years ago, still provides an affordable alternative to the cost of home ownership for individuals and families whose income exceeds the county low and moderate income standards. Regardless of the existing opportunities available for law enforcement employees to obtain affordable housing, the City also remains concerned about how the high cost of housing might impact our ability to recruit and retain all city employees as well as the employees working in local businesses.

The high cost of housing presents an ongoing challenge. The City Council and staff of Cotati remain committed to evaluating all new programs, working with both the private and public sectors.

I trust that this information will assist the Grand Jury process. If we can provide any additional information, please do not hesitate to contact the City Manager, Terry Stubbings.

Very truly yours,

A handwritten signature in black ink that reads "Lisa Moore". The signature is written in a cursive style with a large, looping initial "L".

Lisa Moore  
Mayor

cc: City Councilmembers  
Terry Stubbings, City Manager