



# CITY OF PETALUMA

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September 12, 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 Petaluma is pleased to provide you with our required responses to the Grand Jury's Findings and Recommendations, as follows:

## CONFLICT OF INTEREST IN SONOMA COUNTY

### **R1. ADOPT AN INCOMPATIBLE ACTIVITIES LIST**

The Grand Jury has suggested and has recommended that each commission, committee, board and public agency have their 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 Petaluma, through the City Attorney's office, provides members of the City Council and Planning Commission with a "City Council Handbook" and "Planning Commission Handbook" which includes, among other information and materials, papers and materials 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

Included in those handbooks and papers is a cover memorandum, and additional memorandums which are provided from time to time, 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 subsequent memorandums to be placed in the handbook in the appropriate category. Each time a new Councilmember or Planning Commissioner takes office they are

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provided with these manuals which are periodically updated and which have been recently replaced in their entirety.

In addition, members of other commissions and committees receive materials regarding these topics as well.

**R2. ADOPT A CODE OF ETHICS**

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. In addition, the City Council has adopted Council Rules, Policies and Procedures which includes references to disqualification due to conflicts of interest. The Planning Commission also has and Rules for Conduct of Meetings that references disqualification for conflicts of interest.

**R4. INSTITUTE REGULAR, MANDATORY TRAINING**

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 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 City.

In the past there have been presentations at Council meetings on Conflicts and the Brown Act by the City Attorney, outside attorneys and the FPPC. In addition, the City Attorney and other members of his law firm provide periodic seminars throughout California, including Northern California and Sonoma County on such topics. Public officials of the City are invited.

It is anticipated and intended that future presentations will be made to the City Council at City Council meetings regarding conflicts of interest. All other public officials for the City will be invited to attend either in person or view on television, and tapes will be made available to all public officials within the City. 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 serves as the local filing officer for all Conflict of Interest (Form 700) and Political Campaign Committee Statements. As part of the package of information given to candidates for Mayor and City Council seats, the City Clerk's Office provides FPPC Form 700: *Statement of Economic Interests*, a

copy of the City's Conflict of Interest Code, and informs candidates that they are required by Government Code §87200 *et seq* to file a Form 700 Candidate Statement with the City Clerk's Office no later than the final filing date of a declaration of candidacy.

Each February, the City Clerk's Office mails Form 700 to the City's elected officials with the City's Conflict of Interest Code and information regarding the date these completed Annual Statements are due.

**R5. RE-FILE FORM 700 ON A MATERIAL CHANGE**

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 700's 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 interests 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.

**A DISASTER WAITING TO HAPPEN**

**F3. WRITTEN PLANS AND CHECKLISTS ARE NOT CONSISTENT AMONG COUNTY, CITIES, AGENCIES, AND DEPARTMENTS, AND IN SOME CASES ARE NON-EXISTENT.**

The City of Petaluma cannot explain the statement that emergency plans in some jurisdictions are "non-existent". We are prepared and that preparedness is documented. Within Sonoma County, there are a variety of jurisdictions: cities, county, private organizations/entities, police, sheriff, fire departments that include all paid, part-paid/call, and all volunteers. Some organizations are big and some are small. Some have resources and some do not. Due to this variety, there is no *one-size-fits-all* plan consistent throughout the county. SEMS and ICS are common, but emergency plans for a jurisdiction are also drawn up to fit their

specific needs and capabilities. Due to the jurisdictional variety that is present in Sonoma County, lack of complete consistency should not be a surprise.

- F4. 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.**

There are copies of our Emergency Operations Plan in several offices. There is also a copy in the Battalion Chiefs vehicle, which serves as the Incident Command Post in the event of a large scale man-made or natural disaster. A plan in a book serves as a good training tool and an after-the-fact reference guide but the Fire Department's command officers have our basic plans committed to memory. In addition, the Command Vehicle has Incident Command Sheets, which are quick check-box reminders of issues that need to be addressed for the structure fire, the flood, the hazardous material spill, the grass fire, etc. At a future date, when the City's resources can support the project, all of these paper checklists will be computerized on a lap-top located in the Command Vehicle.

- F9. 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.**

The Petaluma Fire Department conducts the SEMS instruction for all city employees. Our instruction covers this very important point. Employees are instructed to assure the safety of their families and then return to their work place. If circumstances prevent them from traveling to their workplace, they should report to the closest public agency and volunteer their services, keeping their employer informed. The SEMS training for new city employees includes newly elected City Councilmembers.

- F10. 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.**

Please refer to item F3 above. The City of Petaluma Emergency Operations Plan is dated May 2001. The written narrative and associated checklists are all current.

- F13. 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.**

The City of Petaluma is very satisfied with the support and assistance we receive from the County Office of Emergency Services. We have a level of in-house expertise that smaller cities may not enjoy. 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.

- R3. 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.**

"Emergency Preparedness" has been and continues to be a budgeted section within the Petaluma Fire Department. The Fire Department reviews our actions within this section from previous year's activities and in most instances repeats those actions because of new employees and/or review for all impacted employees.

Within the past 12 months, the Fire Department has reviewed various response plans through field training activities including, but not limited, to:

- Mass-Casualty Incident training
- ICS-200 – Intermediate Incident Command
- Disaster Preparedness – SEMS
- Hazardous Material Training & Exercise with Weapons of Mass Destruction
- MAD Exercise – Mutual Aid Drill including Sonoma County and Marin County Fire and Police agencies

These types of exercises often include the local hospital and the Police Department as their resources and schedules allow. Taking on new responsibilities is always considered, discussed, and followed through with as far as fiscal resources allow.

**R5. 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.**

Please refer to F9 above. The City of Petaluma 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 all personal property as resources allow, and the resumption of business.

**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.**

The Petaluma Police Department concurs with the Grand Jury, as it is our strong desire to retain trained police officers and have them reside within our community. Experienced officers provide a more sophisticated level of service and residing in the city completely invests them in the community. Officers who live within the city limits provide other benefits such as a faster response for officers assigned to special units such as SWAT, K9, Crisis Negotiators, Traffic Team, Street Crimes Unit, detectives and supervisors who routinely get called from home to handle individual incidents. All officers who reside within the City also ensure a prompt police response should a large scale incident occur within the City.

The City is currently renegotiating the employment contract with the Police Officers Association, with the specific intent of identifying and providing additional incentives to attract experienced lateral police officers and retain

existing officers from the department. The City is currently involved in the process of identifying local workforce housing opportunities and low cost home loans for emergency services personnel, with the specific intent of allowing officers to live in Petaluma. This has been a difficult objective to meet, however, given the escalating cost of homes, and will remain so until housing costs settle.

The City is currently evaluating the possibility of expanding or rebuilding the Police Department which will be a significant recruitment and retention tool.

**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.**

In Petaluma, 56% of all police officers live outside the City limits. Many of the officers who live in Petaluma are supervisors, or experienced officers who moved here before the dramatic escalation in home prices. Removing supervisors and managers from the total, over 70% of patrol officers live outside the City limits.

The City of Petaluma is actively pursuing opportunities, as mentioned in F2, to allow the officers the ability to live within the City limits. These options are currently limited, but we are committed to finding reasonable alternatives that will meet this need as it benefits not only the officer but also the Police Department and the community.

**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**

The City of Petaluma Housing Division has completed a preliminary survey of the housing needs of the City's low and moderate income employees, with specific emphasis on public safety employees. A more thorough review will be completed in the fall of 2005, with direction from the City Manager and City Council.

Two staff members of the City's Housing Division have, as a portion of their responsibility, the liaison to local banks and lending institutions. Each has her real estate license and administers the City's existing homeownership program. They will continue to work the financial community as we develop new programs to better serve the community.

**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.**

Housing staff will develop recommendations for modifications to qualifying criteria for the homeowner program. With the approval of the City Manager, these modifications will be presented to the City Council by February, 2006.

**R3. BY DECEMBER 2006, AN EVALUATION INSTRUMENT WILL HAVE BEEN DESIGNED AND USED TO DETERMINE THE EFFECTIVENESS OF THE NEW PROGRAM(S).**

An evaluation instrument will be a part of the staff report (see R2).

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

Sincerely,



David A. Glass  
Mayor of Petaluma



Michael A. Bierman  
City Manager

cc: Petaluma City Councilmembers  
Sonoma County Cities  
Board of Supervisors