

San Joaquin County Grand Jury



Tracy City Council: Restore the Public Trust

2018 - 2019 Case #0418



Summary

The City Council of San Joaquin County's second largest city was the target of multiple complaints that warranted the attention of the Grand Jury. Over the past several years, the Tracy City Council has developed a reputation for its inability to work together as a collegial legislative body. The 2017-2018 Grand Jury recommended the Tracy City Council adopt an Ethics Policy that governs the behaviors of their elected officials, by October 31, 2018. However, to date, the City Council has been unable to agree on the content or language of an Ethics Policy. Along with the Council's public discord, a pattern of power politics surfaced in a consistent 3/2 voting bloc that led to the terminations or forced resignations of the City Manager, Assistant City Manager, and the Chief of Police. The unexplained departures of the City's administrative leaders created an unstable work environment at City Hall. Morale was further damaged through the increasing interference of Council members into the City's business operations. This open disregard for the City's Council-Manager form of government further contributed to a difficult work environment for many of the City's talented staff members.

Through its investigation, this Grand Jury identified several opportunities for implementing changes that will ensure a more harmonious and productive City Council, as well as providing additional safeguards for City administrators and staff:

- Council members must agree on an Ethics Policy that will help them work together more effectively and respectfully.
- Individual Council members must stifle their personal animosity toward fellow members and show the public they can work together more civilly.
- Give the Tracy voters more control over Council vacancy appointments.
- The City Manager and City Attorney should be shielded from power politics and shifting alliances by requiring a supermajority vote for their termination.

These measures will build a more effective Tracy City Council and begin to restore the public trust. This will result in stable leadership that will enable the City's capable staff to better meet the needs of this community.

Glossary

- **City Council, Council, Council members:** For the purpose of this report these terms are interchangeable and generally refer to the entire five-member Tracy City Council, including the Mayor.
- **Council-Manager form of Government:** A form of municipal government in which the city manager functions as the chief executive of the city, overseeing the day-to-day operations of the city, and serving as the chief advisor to the city council.
- **Ethics Policy, Code of Conduct, Code of Ethics and Conduct:** A set of principles used to guide conduct and decision making. For the purposes of this report these terms are interchangeable.

- **ICMA:** International City Managers Association
- **Supermajority:** In the case of the Tracy City Council, at least four out of five.
- **Voting Bloc:** A group that votes together for a common agenda which dominates their voting pattern.

Background

With a population of 90,889, Tracy is the second largest city in San Joaquin County and the 86th largest in the State of California. Tracy's growth rate since 2010 is 9%. For the purpose of comparison, Stockton's growth rate for the same time period is 0.8%.¹

The City's geographical boundaries lie within the triangle created by interstate highways 580, 205, and 5, prompting the city's trademarked motto "Think Inside the Triangle." Tracy's proximity to the densely populated Bay Area continues to lure families looking for more affordable housing while the availability of land draws companies that fuel continued job growth. In the Mayor's 2019 State of the City address, it was announced that four new manufacturing employers would bring 1,200 additional jobs to Tracy this year.

The City of Tracy operates under the Council-Manager form of government, as outlined in section 2.08.060 of the Tracy Municipal Code. It designates the five-member City Council as the governing body of the City, vested with the authority to establish policy, adopt new laws, levy taxes, award contracts, and appoint the City Manager and City Attorney. Council members are limited to two four-year terms; the office of Mayor is limited to two two-year terms. The Mayor is the fifth member of the Council and presides over meetings and acts as a figurehead at various city functions. Council members are ultimately responsible to the people for the actions of local government. In the Council-Manager form of municipal government, the Council appoints the City Manager, a professional career administrator, who is responsible for the day-to-day operations of City business and oversees all City staff.

In September 2017, by a 3/2 vote, the Tracy City Council fired its City Manager. The Council then appointed the Fire Chief as the Interim City Manager. Within a few weeks, the Interim City Manager dismissed the Assistant City Manager. This was followed by the controversial forced resignation of the City's Chief of Police in August 2018.

The 2017-2018 Grand Jury found: *"The lack of an ethics policy in Tracy has resulted in conflict, mistrust, and allegations of misconduct."* They recommended that Tracy adopt an Ethics Policy to guide the conduct of City Council members and key leadership staff. Specifically, the Grand Jury requested the following: *"By October 31, 2018, the Tracy City Council develop and adopt an ethics policy that governs the behavior of its elected officials, appointed officials, and senior staff."* To date, the Council has been unable to agree on the language and scope of an Ethics Policy.

¹ <http://worldpopulationreview.com/us-cities/tracy-ca/>

Reason for Investigation

The Grand Jury received multiple complaints citing misbehavior on the part of Tracy City Council members. Complaints alleged conflicts of interest, persistent violations of the Council-Manager form of government, concerns about a series of unexplained executive staff terminations and forced resignations, abuse of power, and the inability to conduct the public's business in a professional, respectful manner. The number of complaints received, the sweeping scope of allegations, and the ongoing public displays of discord and disrespect amongst Council members, compelled the Grand Jury to move forward with this investigation.

Method of Investigation

Materials Reviewed

- Agendas, Minutes, and Videos of Tracy City Council Meetings
- Applicable California Government Codes
- California League of Cities website
- City of Tracy Municipal Codes
- Executive Staff Employment Contracts
- Executive Staff Performance Reviews
- Executive Staff Separation Agreements
- Fair Political Practice Commission Filings
- Grand Jury Report 2017-2018
- Online Archives: *Tracy Press*, *Stockton Record*, *San Jose Mercury News*, *San Francisco Chronicle*
- Online Video Archives: ABC, NBC, CBS, FOX News
- San Joaquin County Registrar of Voter Records
- Tracy Police Officers Association Facebook Page

Interviews Conducted

The Grand Jury conducted 17 interviews in person and by phone which included:

- Current and former City staff
- Current and former Council members
- Contracted professionals who provided services to the City Council
- Government consultants

Site Visited

- Tracy City Council meetings

Discussions, Findings, and Recommendations

1.0 Ethics Policy

Many cities and counties in California have an Ethics Policy and/or Code of Conduct for their elected officials. These codes provide a set of behavioral expectations that elected officials should follow. They also provide a standard for elected officials to refer to when one of their peers crosses the line. The 2017-2018 San Joaquin County Grand Jury recommended that the Tracy City Council develop and adopt an Ethics Policy by October 31, 2018.

The Tracy City Council meeting on August 21, 2018 was the first occasion in which the 2017-2018 Grand Jury report was discussed. Agenda item seven was intended to: "Introduce An Ordinance Adding Section 2.04.050 To The Tracy Municipal Code Prohibiting Members Of The City Council, Boards And Commissions, City Treasurer And Appointed Employees From Contracting With The City And Appoint An Ad Hoc Subcommittee To Work With The City Attorney's Office To Create A Comprehensive Code Of Conduct For City Council Approval."

At this August meeting, a Council member asked the City Attorney why he was recommending an ad hoc committee to draft the Ethics Policy instead of holding a special session where all five members could work on it together. The City Attorney replied, *"There's no legal impediment. There's simply the divisive nature of the Council as it sits here today and coming up with specific language."* On February 19, 2019, nearly six months after the ad hoc committee was formed, the entire City Council met to discuss a proposed Ethics Policy. At this meeting, the divisive nature of the Council made it clear that a special session would be required to work on the language for a Code of Ethics and Conduct. When the Council met on April 2, 2019 for the special session, only one member had done their homework and submitted proposed changes. Most of that meeting was spent discussing proposed additions not typically included in a Code of Ethics and Conduct. In the end, nothing was accomplished.

The Council eventually referred the Code of Conduct and Ethics back to the ad hoc committee to write a new draft for the April 16, 2019 Council meeting. To date, the Tracy City Council has yet to come close to agreeing on an Ethics Policy.

Table 1. Timeline for the Development of an Ethics Policy by the Tracy City Council

Date	Summary
June 2018	Grand Jury releases report #0917 “San Joaquin County Municipality Ethics Policies” recommending the Tracy City Council develop and adopt an Ethics Policy by October 31, 2018.
August 21, 2018	The Council appoints an ad hoc committee to develop an Ethics Policy. The committee is to bring the draft to the Council at the first meeting in October 2018.
September 19, 2018	The Council formally responds to the Grand Jury that they are “ <i>in the process of implementing this recommendation.</i> ” The Council notes they may not meet the deadline, but indicates they are “ <i>committed to enacting a code of ethics ... in 2018.</i> ”
October 31, 2018	Deadline set by the Grand Jury to adopt an Ethics Policy.
November 6, 2018	City Council Election
February 5, 2019	The first meeting since August 21, 2018 in which the draft Ethics Policy was discussed. The Council decided to defer discussions until the February 19 th Council meeting.
February 19, 2019	The Council spent a significant amount of time discussing the draft Ethics Policy. Ultimately, they decided that each Council member would send the City Attorney proposed changes to the draft and he would compile a revised draft to be reviewed and approved at a special meeting on April 2.
April 2, 2019	At a special meeting to review the Code of Ethics and Conduct, only one Council member submitted proposed revisions. Multiple versions of a draft Code of Ethics and Conduct were discussed at that meeting. After lengthy debate, the Council failed to reach agreement on the proposed language and closed by agreeing to send their proposed changes to the City Attorney. The intent was for the subcommittee to meet, review the proposed changes, and develop a new draft to be approved at the next Council meeting on April 16.
April 16, 2019	The Code of Ethics and Conduct was not on the Council agenda.

Findings

F1.1 The Tracy City Council’s failure to agree on an Ethics Policy is reflective of the Council’s inability to agree on the fundamentals of how to work together as an effective governing body.

F1.2 The Tracy City Council’s failure to prioritize the establishment of an Ethics Policy conveys a message to Tracy residents that ethical behavior by the City Council is not of paramount importance.

F1.3 The adoption of an Ethics Policy will provide the Tracy City Council with a tool to hold fellow members accountable for their actions.

Recommendations

R1.1 The Tracy City Council create and adopt an Ethics Policy that governs the behavior of its elected officials, appointed officials, and senior staff by October 31, 2019.

R1.2 The Tracy City Council develop a “Rules of Behavior” document to be distributed to each Council member and posted in the Council Chambers and the closed meeting rooms by October 31, 2019

2.0 City Council Conduct

Council Tensions

It has become common behavior for Tracy Council members to initiate personal attacks on one another from the dais. By August 2017, the interpersonal strife and bad behaviors deteriorated to the point that the former City Manager hired an outside consultant to facilitate a special retreat for the Council to discuss “how to govern together most effectively; roles and frameworks for effectiveness; and, how to best accomplish the work of the Council.” Proposed topics of the retreat included:

- Benefits from Good Government
- Maintaining Credibility as a Governing Body
- Refresher on the Form of Government
- Strategies for Creating a Credible, Effective Council
- Vehicle for Change
- Opportunity Makers and Obstacle Busters

Followed by the following exercises:

- Conflict Triggers
- Wouldn't it be great if...

The minutes of the retreat reflect that the planned exercises never occurred. In fact, the retreat was cut short due to profane language and insults exchanged by two Council members.

Whether Tracy's citizens attend the Tuesday Council meetings in person, or watch the proceedings from home, or follow the action in the local *Tracy Press* newspaper, they are subjected to the Council members' animosity for one another on a regular basis. A survey of news articles related to Council business in the Tracy Press includes these headlines:

- *Council Tensions Erupt (10/7/17)*
- *Dust up Delays Council Meeting (3/6/18)*

- *Contention over Chief's Dismissal (8/24/18)*
- *Acrimony and Accusations (11/8/18)*

While the verbal sparring between Council members in open meetings may seem remarkable, the gloves truly come off in closed sessions. The Grand Jury heard many examples of yelling, name calling, and outright hostility between Council members in closed sessions.

Campaign Tactics

The 2018 election campaign season in Tracy was a showcase for unethical conduct. Citizens seemed genuinely shocked at a late-hour attack ad mailer that not only tried to impugn the reputations of those who were running for office, but included aspersions against a sitting Council member not in the race. Additionally, two Council candidates complained when their campaign websites were mysteriously re-directed to another candidate's website.

Findings

F2.1 The petty bickering between Tracy City Council members during Council meetings has diminished their ability to effectively conduct the public's business and has undermined the public's trust in the Council.

F2.2 The lack of an Ethics Policy restricts the ability of Tracy City Council members to hold one another accountable for violating established ethical standards.

F2.3 The discord amongst Tracy City Council members is obvious to viewers of Council meetings, although the Council members themselves seemingly fail to recognize this reality.

F2.4 Unethical conduct during the 2018 election campaign further damaged Council members' ability to work together.

Recommendations

R2.1 Tracy City Council members publicly agree to set aside their personal differences and conduct the public's business in an efficient and respectful manner, by October 31, 2019.

3.0 Council Vacancy Appointment Process

Following the elections of 2012, 2014, and 2016, vacancies on the Tracy City Council occurred when one Council member was either elected or appointed to another political position. California Government Code Section 36512 statutorily grants authority to the elected officials to appoint a replacement within 60-days or call for a special election to fill the vacated seat. However, it does

not define what type of appointment process should be used. It is left up to the elected officials to determine what works best for their community at the time of the vacancy. In each case, the Tracy Council chose to fill the vacancy through an appointment process, instead of calling a special election. While a special election places the selection in the hands of the voters, the San Joaquin County Registrar of Voters currently estimates that a special election in Tracy would cost \$393,891.

The appointment process utilized to fill vacant Council seats after the 2012 and 2014 elections resulted in contentious debates and a split Council vote of 2/2. Only after facing the possibility of an expensive special election did one of the Council members reluctantly change their vote. In each instance, a 3/2 voting bloc materialized, with the compromising Council member on the short end.

The current appointment process adopted by Council as Resolution 2014-180, and amended by Resolution 2017-001, opens the application field to any eligible Tracy citizen supported by the signatures of at least 20 registered voters. After public interviews of each of the applicants, each of the Council members votes for two applicants (one vote if there are only two applicants). Voting continues as the field is narrowed by the majority of Council votes.

The current appointment process was used after the 2016 election and resulted in less contentiousness. However, another 3/2 voting bloc quickly emerged, followed by the termination of the City Manager. The current process is not responsive to the will of Tracy voters and has contributed to Council alliances, engendering a 3/2 voting bloc based on loyalty to those Council members supportive of the appointee's selection. Furthermore, after serving out their terms, each of the appointed Council members campaigned to retain their Council seat and each did not receive sufficient voter support.

Table 2 summarizes the results for the past four elections. Table 3 shows the timeline for the Tracy City Council.

Table 2. Tracy City Council Election Results 2012 – 2018

2018			2016		
Mayor			Mayor		
Name	Votes	Percentage	Name	Votes	Percentage
Robert Rickman*	13,433	52.1%	Robert Rickman*	15,009	55.4%
Nancy Young	12,356	47.9%	Michael Maciel	12,023	44.4%
Council			Council		
Name	Votes	Percentage	Name	Votes	Percentage
Dan Arriola*	10,100	22.9%	Nancy Young*	11,176	26.2%
Veronica Vargas*	8,371	19.0%	Rhodesia Ransom*	10,613	24.9%
Dotty Nygard	8,256	18.7%	Mary Mitracos	8,006	18.8%
Juana Dement	6,952	15.8%	Anne Marie Fuller	6,936	16.3%
Catalina Olvera	5,516	12.5%	Amer Hammudi	5,777	13.6%
Amer Hammudi	4,923	11.2%			
2014			2012		
Mayor			Mayor		
Name	Votes	Percentage	Name	Votes	Percentage
Michael Maciel*	6,977	58.4%	Brent Ives*	19,300	95.00%
Ray Morelos	4,906	41.0%			
Council			Council		
Name	Votes	Percentage	Name	Votes	Percentage
Robert Rickman*	7,639	38.4%	Nancy Young*	9,563	26.90%
Veronica Vargas*	5,473	27.5%	Michael Maciel*	9,046	25.50%
Charles Manne	4,516	22.7%	Ray Morelos	6,355	17.90%
Robert Tanner	2,220	11.1%	Charles Manne	5,698	16.10%
			Roger Birdsall	4,680	13.20%
*Elected					

Table 3. Tracy City Council Timeline

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Mayor	Brent Ives		Brent Ives		Mike Maciel		Robert Rickman		Robert Rickman	
Council Member	Bob Elliott		Charles Manne*		Veronica Vargas				Veronica Vargas	
Council Member	Steve Abercrombie		Nancy Young				Nancy Young			
Council Member	Mike Maciel		Mike Maciel		Mary Mitracos*		Rhodesia Ransom			
Council Member	Robert Rickman				Robert Rickman		Juana Dement*		Dan Arriola	
	*Appointed									

Findings

F3.1 The appointment process used by the Tracy City Council to fill Council vacancies has fostered loyalty, allegiance, and personal obligation by appointed Council members and has resulted in consistent voting blocs and facilitated divisiveness amongst the Council members.

F3.2 The appointment process used by the Tracy City Council to fill Council vacancies does not take into account the will of the voters and has not been endorsed by Tracy’s electorate.

Recommendations

R3.1 The Tracy City Council adopt a resolution for filling Council vacancies that is more responsive to the voice of the voters by appointing the next highest vote-getter from the previous election by December 31, 2019.

4.0 Impact of Executive Staff Separations

City Administrators

In September 2017, Tracy’s highly regarded City Manager was fired by the City Council after a very contentious 3/2 vote. No explanation was given for the surprise termination. The next person in line for the position, the Assistant City Manager, was bypassed and the City’s Fire Chief was appointed to the position of Interim City Manager. Within two weeks, the newly appointed Interim City Manager forced the resignation of the Assistant City Manager, again without explanation.

Chief of Police

In August 2018, Tracy's popular Police Chief was abruptly relieved of duty, and again, no explanation was given. Citizens' outrage boiled over in the form of protests, letters to the local newspaper, and a series of emotional public pleas for transparency and accountability voiced during Council meetings. Public discord was matched by Council dissension with two members expressing their deep concerns for hidden politics at play. Council members sat silent as the Council Chamber overflowed with Tracy citizens and police officers seeking explanations and assurances from their elected officials. The sudden and unexplained departure of the City's Police Chief was noteworthy enough to draw the attention of most regional newspapers, including the *Stockton Record*, *San Jose Mercury News*, and *San Francisco Chronicle*. Major network affiliates ABC, CBS, NBC, and Fox sent field reporters to cover the crowded Council proceedings.

The abrupt departure of the Tracy Police Chief came as a shock to the department's officers and triggered rampant rumors amongst staff and citizens. Many publicly speculated the loss was simply one more casualty of power politics. The Tracy Police Officers Association issued a public statement expressing they were *"extremely disappointed"* in the decision and that the Chief *"had the full support of their membership."*

On August 24, 2018, the *Tracy Press* editorial board entreated the Council to *"End the silence, inform the citizens"*. The same editorial referenced the unexplained departures of the City Manager, Assistant City Manager, and the Director of Parks and Recreation. It noted the continued silence served to spawn uninformed speculation and rumors and ended by pressing the Council *"to conduct the public's business in public."*

Counting the Costs

This series of unexplained leadership departures created significant turmoil for City of Tracy employees. Leadership positions were hastily filled with temporary appointments that included an Interim City Manager, Interim Assistant City Manager, Acting Human Resources Director, Acting Fire Chief, and Interim Chief of Police. Filling these positions proved difficult. The turmoil in City Hall damaged the City's reputation as a desirable employer and made candidates reluctant to apply for open positions. It took the City over 19 months to hire a new City Manager. The Chief of Police continues to be interim until a permanent replacement is hired.

In addition to the human toll, the various separations inflicted significant financial impact on the City. Severance payments to the City Manager, Assistant City Manager, and Police Chief cost the City more than \$400,000. Filling these three openings required hiring an executive search firm, costing about \$30,000 per position. Overall, these three separations resulted in the City of Tracy paying out approximately \$500,000. Added to hard costs, are the less quantifiable costs of lost productivity from shuffling staff, fear of job loss, and general anxiety of a working environment in turmoil.

City Attorney

The essential role and function of the Tracy City Attorney as legal advisor to the City Council has also been negatively affected by the familiar 3/2 controlling majority on the Council. While the City Attorney serves at the pleasure of, and is appointed by, the City Council, it is imperative that the function of the City Attorney not be impaired by fear or intimidation from Council alliances.

Findings

F4.1 The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss.

F4.2 The Tracy City Council's lack of transparency further eroded the public trust and caused many to speculate that power politics was the catalyst for unexplained departures of the City's professional leadership team.

F4.3 The City of Tracy's reputation as a desirable employer was damaged by the series of unexplained terminations and forced resignations. This unstable environment made recruiting for open positions substantially more difficult.

Recommendation

R4.1. The Tracy City Council amend the Tracy City Municipal Code to require a supermajority vote of four (4) members of the City Council to remove the City Manager or City Attorney, by December 31, 2019.

5.0 Council Intrusion in City Operations

Tracy practices a Council-Manager form of government in which the City Manager serves as the Chief Executive Officer for the City's operations and acts as advisor to the Council. Tracy's Municipal Code section 2.08.060 specifies the duties and powers of the City Manager, including: "It shall be the duty of the City Manager and he or she shall have the power to control, order, and give directions to all heads of departments and to subordinate officers and employees of the City through their department heads, to transfer employees from one department to another, and to consolidate or combine offices, positions, departments, or units under his or her direction."

To ensure boundaries of authority, Tracy's Municipal Code section 2.08.080 is explicit in its separation of duties within its Council-Manager form of government: "The Council and its members shall deal with the administrative services only through the City Manager, except for the purpose of

inquiry, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager.”

The Grand Jury uncovered a sweeping pattern of over-reach by individual Council members during the past two years, including:

- Department heads were contacted by Council members and given directives that violated City policy.
- Staff members received direct requests to perform tasks contrary to established procedures.
- Department heads and staff members were berated in public meetings and accused of “dragging their feet”.

Under the Council-Manager construct, the Council sets the strategic direction of the City and proposes policies to support their objectives. The City Manager directs staff members to research and analyze the impact of the Council’s proposals and then present the impartial results of their analyses. With the City Manager acting as a firewall between Council and staff, studies and reports are based on best practices and data from the field. However, in the absence of a buffer between staff members and the Council, and in a fearful work environment, the objectivity of reports is at risk.

The City of Tracy employs highly-educated, experienced, competent professionals with expertise in public administration, urban planning, economic development, and other job-related fields. Many live in Tracy, volunteer in Tracy, and are raising their families “inside the Triangle.” The stakes are high when their careers depend on pleasing the personal agendas of elected officials. It has become standard operating procedure to “keep your head down” and avoid upsetting the City Council. The Council Chamber has often become an “echo chamber” in which staff recommendations and reports are more apt to reflect the preferences of individual Council members or the Council majority, rather than proven best practices. The “echo chamber” has served to muffle the full measure and benefit of City staff’s professional experience, education, and expertise.

Findings

F.5.1 The Tracy City Council has failed to follow their policy by intruding into the responsibilities of City staff. This has negatively impacted staff morale and the effective operations of City business.

F.5.2 Individual Council members have intimidated staff by giving orders that are in direct opposition to departmental procedures.

F.5.3 The professional recommendations of City of Tracy staff may be tempered by the potential consequences of disapproving Council members due to fear of potential job loss.

Recommendation

R5.1 The Tracy City Council develop and implement a written protocol for sanctions or censure of Council members who violate the Tracy Municipal Code by failing to work through the City Manager to conduct City business, by December 31, 2019

Conclusion

“Demonstrate by word and action, the highest standard of ethical conduct and integrity in all public, professional, and personal relationships, in order that the member may merit the trust and the respect of all elected and appointed officials.”
ICMA Code of Ethics, Revised June 2018.

The lack of an approved Ethics Policy, as originally cited by the 2017-2018 Grand Jury, has continued to compound the discord and resultant impaired governance on the part of the City of Tracy elected officials. An electorate cannot fully enjoy the benefits of a well-run city government if basic standards of ethical behavior are not agreed upon and adhered to. When there is dysfunction amongst elected officials, the public is the ultimate victim. Voters who believe they are neither heard, nor acknowledged, become distrustful of the entire electoral process. Apathy ensues, to the detriment of everyone.

The 2018-2019 Grand Jury has detailed numerous findings and recommendations intended to help restore public trust by improving the collegiality and effectiveness of the Tracy City Council, while providing additional safeguards for City administrators and staff.

Ultimately, it is the Tracy electorate who may prove most influential in their ability to affect needed change through the ballot box. An example of such change occurred recently when Tracy voters brought to the Council a new member, one who is less encumbered by the alliances and scars of past Council skirmishes. Coupled with the recent hiring of a capable new City Manager, there is reason for hope, even optimism, in Tracy.

Recusal

This report was issued by the Grand Jury with the exception of one juror who was appointed to a Tracy advisory commission. Upon appointment, this grand juror recused himself from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Tracy City Council shall respond to all findings and recommendations.

Mail or hand deliver a hard copy of the response to:

Honorable Linda L. Lofthus, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sicourts.org