



City of Ripon

259 N. Wilma Ave. • Ripon, California 95366
Phone 209 599-2108 • Fax 209 599-2685
www.cityofripon.org

MAYOR
Chuck Winn

VICE MAYOR
Elden "Red" Nutt

COUNCIL MEMBERS
Leo Zuber
Jake Parks
Dean Uecker

CITY ADMINISTRATOR/
CITY ENGINEER
Kevin Werner

CITY ATTORNEY
Thomas H. Terpstra

CITY CLERK/FINANCE DIRECTOR
Lisa Roos

DIRECTOR OF PLANNING &
ECONOMIC DEVELOPMENT
Ken Zuidervaart

DIRECTOR OF PUBLIC WORKS
Ted Johnston

RECREATION DIRECTOR
Kye Stevens

August 5, 2014

Via U.S. Mail and Email

Honorable Lesley D. Holland, Presiding Judge
San Joaquin County Superior Court
Post Office Box 201022
Stockton, California 95201
Email: grandjury@sjcourts.org

Re: San Joaquin County Grand Jury 2013-2014 Report – Case No. 1613

Dear Judge Holland:

In response to San Joaquin County Grand Jury Case No. 1613, the City Council of the City of Ripon responds as follows:

RESPONSE TO GRAND JURY CASE No. 1613 **Agency Approval of Responses to Grand Jury Reports:** ***Do They Know What They Approve?***

FINDINGS:

F2.1: Over the last four years, almost all responses by the County and the Cities were approved by unanimous votes after little or no discussion by the elected officials or the public.

Response to F2.1: After review of the City Council of the City of Ripon's process for reviewing and approving responses to Grand Jury Reports, the City disagrees with the Grand Jury's categorical finding that because "little or no discussion by the elected officials or the public" of its Grand Jury responses occurs at City Council meetings, the elected officials "accept whatever their staff propose". While this may be the case in other municipalities, it has not historically been true in Ripon. Because of varying complexity of the issues presented in Grand Jury Reports, and due to City staff's in-depth knowledge of City matters, City staff first reviews Grand Jury Reports and prepares draft responses with supporting materials for review by the City Council. Additionally, the City Attorney's Office

reviews the reports and draft responses for any legal or policy issues that should be addressed. The report, draft responses and supporting materials are then distributed to the City Council in advance for their review, in sufficient time to provide them with ample opportunity to prepare any questions or suggested modifications. During the review period, City staff works cooperatively with the City Council in providing any answers to questions raised by individual Councilmembers. Because of this preliminary review process, where the City Council is provided with the information for review in advance, the responses are placed on the consent calendar, where an opportunity for discussion is provided to both the Council and the public. If no modifications are required, the responses are approved. If any Councilmember, or any member of the public wishes to pull the proposed responses from the consent calendar for discussion, they are given the opportunity to do so at the City Council meeting.

RECOMMENDATIONS:

R2.1: All legislative bodies publicly explain the reasons for its response to Grand Jury Findings and Recommendations prior to voting to approve their responses.

Response to R2.1: The City shall address all future Grand Jury Reports and potential responses in the following manner. First, the City Council will agendaize the Grand Jury Report and the City's potential response as a discussion item at a Council meeting. This will provide both the City Council and the public with an opportunity to review and discuss the Report and weigh in on the City's potential response. Direction will be given to staff at the initial meeting so staff can prepare a final draft response for consideration at a subsequent meeting. Next, the City Council will place the Report and final draft response as a consent item at a subsequent meeting. At the subsequent meeting, the City Council and the public will again have the opportunity to review and discuss the Report and the proposed response, if they desire to do so. In addition to the normal review and input process exercised by the City in responding to Grand Jury Reports, the City Council shall make every effort at the public meeting(s) where Grand Jury Reports and responses are agendaized to first state whether they wholly or partially agree or disagree with the draft responses and their reasoning behind their decision prior to voting on the responses.

In closing, the City makes the following observation and request. It appears that issuing this 2013-2014 Report, the Grand Jury has taken the actions and opinions of one city and used the same to uniformly allege that all cities within San Joaquin County perform in the same manner. City Councilmembers of the City of Ripon take very seriously their positions and commitments, ensuring that they actively participate in the decision-making process. They are committed not only to making decisions for the City of Ripon, but also ensuring that the

Honorable Judge Holland
July 22, 2014
Page 3

If there are questions or concerns regarding any aspect of this Response, please feel free to contact City Attorney Thomas H. Terpstra, or send correspondence to the City Council at 259 N. Wilma Avenue, Ripon, California, 95366.

Sincerely,

A handwritten signature in black ink, appearing to read "Elden R. Nutt", with a long horizontal flourish extending to the right.

Elden R. Nutt
Vice-Mayor