



# CITY OF ESCALON

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August 6, 2013

Honorable David P. Warner, Presiding Judge  
San Joaquin County Superior Court  
222 East Weber Ave Room 303  
Stockton CA 95202

Honorable George J. Abdallah Jr.  
Judge of the Superior Court  
Judge Advisor to the Grand Juries  
222 East Weber Ave Room 303  
Stockton CA 95202

Dear Judge Warner and Judge Abdallah,

The City of Escalon is pleased to comment on the final Grand Jury Report for 2012-2013 regarding the issues concerning Escalon. In meeting the response requirements per California Penal Code §933 & 933.05, the following is the City Council's response to the Findings and Recommendations indicated in the following reports:

1. Getting Rid of Stuff – Improving Disposal of City and County Surplus Public Assets 2012-2013 Case No. 0312
2. Crime – Budget Cuts + AB 109 ≠ Safe Communities 2013-2013 Case No. 0912
3. District Board Ignores the Peoples' Right to be Informed 2012-2013 Case No. 1112

**Getting Rid of Stuff – Improving Disposal of City and County Surplus Public Assets 2012-2013 Case No. 0312**

**Findings:**

- **F1.1 – The City of Escalon has no adopted Municipal Code provision, policy or procedure related to the disposal of major capital assets stating who has authority, the methods to follow or the reporting requirements.**

The City agrees with the finding.

- **F1.2 – The contractual agreement with the private auction firm hired by the City was a form provided by the company containing very limited information such as protection for the City and fees to be paid.**

The City agrees with the finding.

- **F1.3 – The disposal of land was by negotiated sale, with all discussions held in closed session. Only the minimum information required by the Brown Act was disclosed on the Agenda.**

The City agrees with the finding. This is expressly authorized by Government Code 54956.8.

- **F1.4 – No information on the details of the land sale was provided to the public prior to the City Council’s public action.**

The City agrees with the finding.

#### **Recommendations:**

- **R1.1 – Prior to December 2013, the City Council adopt either an ordinance or a policy detailing procedures to be used for the disposal of surplus capital assets, including who is responsible for the disposal, when City Council approval is required, notification requirements, what information is made available to the public and how such information is to be presented.**

The City agrees with the recommendation.

- **R1.2 –No later than September 30, 2013, the City adopt a contract document to be used for all sales of surplus vehicles and equipment that provides clear indication of the fee to be paid the selling firm, protections for the City against claims resulting from the auction, liabilities and responsibilities of all parties and other legal protections of the City’s interests.**

The City agrees with the recommendation.

- **R1.3 – After each sale of vehicles or equipment, the City Manager is to provide a summary of the sale through a public document.**

The City agrees with the recommendation.

- **R1.4 – No later than September 30, 2013, the City adopt a policy for disposition of surplus land and building to include when appraisals are to be conducted, the procedures for compliance with Government Code Section 54220 *et seq.*, and a prior public disclosure of the proposed sale.**

The City agrees with the recommendation.

- **R1.5 – Before any future disposal of land or buildings is finalized, a report is provided to the City Council in open session that includes the purpose of the sale; evidence of compliance with applicable State laws, the full identity of the purchaser, the total sale price, and, if the sale price is less than the appraised value, the reason for the difference.**

The City disagrees with the recommendation. Direction to dispose of real property is expressly authorized as a closed session action per Government Code 54956.8.

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**Crime – Budget Cuts + AB 109 ≠ Safe Communities 2013-2013 Case No. 0912.**

**Findings:**

- **F1.1 - The staffing of all law and justice agencies in the County has been reduced increasing the threat to the safety of the citizens and their property.**

The City agrees with the finding.

- **F1.4 – Continued and increased use of current technologies would make law enforcement agencies more efficient and offset some of the decreased staffing.**

The City agrees with the finding.

- **F3.1 – The duplication of special units, specialized training and police functions (e.g., property room, dispatch, investigation technicians) cause inefficient use of limited resources.**

The City agrees with the finding.

- **F3.2 – There are examples of cooperation between different agencies in the County but each agency still operates autonomously most of the time.**

The City agrees with the finding.

**Recommendations:**

- **R1.1.2 – Each City Council, before September 1, 2013, adopt a policy that states it is a priority of the City to increase law enforcement staffing.**

The City agrees with the recommendation. The City will adopt an administrative policy that states it is a priority of the City to increase law enforcement staff so long as financial constraints continue as reflected in the budget.

- **R1.4 - The Sheriff's Department and each city's police department review their current use of crime prevention technologies and develop a plan to implement new technologies that could help increase the efficiency of their agencies.**

The City agrees with the recommendation.

- **R3 – The Board of Supervisors and the City Councils of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy, before September 1, 2013, each appoint two representatives, one to represent law enforcement and one to represent the governing body or management, to form an *ad hoc* committee. The committee's purpose is to conduct a study on how to increase countywide efficiency of law enforcement agencies by taking a regional approach to some or all of their services. A preliminary report is to be released before December 31, 2013, of actions already taken to increase efficiency and additional actions that will be taken between January 2014 and June 2015.**

The City disagrees with the recommendation. The San Joaquin County Sheriff and Police Chief meet once a month. The monthly meeting covers many areas including multi-jurisdictional enforcement that affects service within county and city limits.

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#### **District Board Ignores the Peoples' Right to be Informed 2012-2013 Case No. 1112**

##### **Findings:**

- **F4.1 – Membership on the District Board is seen as a family right and obligation passed through generations, or as a pathway for political advancement.**

The City disagrees with the finding.

- **F4.2 – Long terms on the District Board may lead to complacency in reviewing District financial conditions and a clear understanding of issues brought before the Board for consideration.**

The City disagrees with the finding.

- **F5.1 – Issues regarding non-transparent functioning and actions of the District Trustees bring into question the need for the District Board as presently appointed by the Cities and the County Board of Supervisors.**

The City disagrees with the finding. City Council is satisfied with the current structure of the Board and its operation.

**Recommendations:**

- **R4.1 – No later than November 1, 2013, the County Board of Supervisors and the City Council of each city in the County petition the appropriate agencies and/or the State legislature to establish term limits of two consecutive four-year terms for District Board Trustees.**

The City disagrees with the recommendation. City Council has the discretion to appoint its representative for limited number of terms.

Respectfully submitted,

Edward B. Alves, Mayor  
City of Escalon



c: File  
City Attorney