



# City of Ripon

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[www.cityofripon.org](http://www.cityofripon.org)

August 21, 2013

## Via U.S. Mail and Email

Honorable David P. Warner, Presiding Judge  
San Joaquin County Superior Court  
Post Office Box 201022  
Stockton, California 95201  
Email: [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

Re: San Joaquin County Grand Jury 2012-2013 Report – Case No. 0312

Dear Judge Warner:

In response to San Joaquin County Grand Jury Case No. 0312, the City Council of the City of Ripon responds as follows:

### **RESPONSE TO GRAND JURY CASE No. 0312 Improving Disposal of City and County Surplus Public Assets**

#### **FINDINGS:**

F5.1: Ordinance No. 110 establishing provisions for purchasing and disposal of personal property and capital assets by the City of Ripon was adopted in 1958. Procedures related to the disposal are vague and do not clearly address either an adopted policy or procedure. Requirements for the sale of land and buildings are not addressed in a manner that can be easily understood by the public, nor are there clearly defined procedures.

Response to F5.1: The City's municipal code will be updated to address the disposition of surplus property in a manner than can be more easily understood by the public.

F5.2: Staff reports at the time real property is sold do not contain sufficient information to inform the public about the proposed transaction.

Response to F5.2: The City will continue to utilize detailed staff reports and strengthen procedures for the disposition of surplus property at public meetings in order to adhere state law.

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**RECOMMENDATIONS:**

R5.1: No later than December 1, 2013, the Municipal Code be reviewed and amended to clarify the distinction between purchase and sale of City property, and to update disposition procedures, clarifying the process for disposal of surplus vehicles and equipment.

Response to R5.1: On or before December 1, 2013, the City's municipal code will be reviewed and updated to clarify distinctions between the purchase and sale of City property, to update disposition procedures, and to clarify the process for disposal of surplus vehicles and equipment.

R5.2: No later than September 30, 2013, the City adopt a contract document to be used for all sale of surplus vehicles and equipment that provides a 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.

Response to R5.2: On or before September 30, 2013, the City shall adopt a contract, drafted by the City Attorney's office, to be used for all sale of surplus vehicles and equipment that provides a clear indication of the fee to be paid and which indemnifies the City against claims resulting from the auction, which may affect City interests.

R5.3: No later than September 30, 2013, the City adopt a policy for disposition of surplus land and buildings to include when appraisals are to be conducted, required compliance with Government Code Section 54220, *et seq.*, and other legal protections of the City's interests.

Response to R5.3: On or before September 30, 2013, the City shall adopt a policy for disposition of surplus land and buildings which complies with Government Code Section 54220, *et seq.*

R5.4: 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.

Response to R5.4: In accordance with the policy that the City will adopt as stated in Response to Recommendation 5.3, the City will continue to utilize detailed staff reports and strengthen the process for the future disposal of land or buildings which adhere to the public disclosure requirements of state law.

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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 "Dean Uecker". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dean Uecker  
Mayor