

# STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE CITY OF STOCKTON'S RESPONSES TO THE 2007-2008 GRAND JURY REPORT, AND DIRECTING THE CITY MANAGER TO SIGN THE RESPONSES ON BEHALF OF THE CITY AND TO TRANSMIT THE RESPONSES TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF SAN JOAQUIN COUNTY

The 2007-2008 Grand Jury for the County of San Joaquin issued its findings and recommendations for the following cases:

- The Stockton Police Department
- Case No. 04-07 relating to City of Stockton Central Parking District
- Case No. 01-07A relating to City of Stockton Community Development Department Building Permit Fees
- Case No. 01-07B relating to City of Stockton Code Enforcement,
- Case No. 01-07F relating to San Joaquin County Emergency Medical Services

California Penal Code section 933.05 requires the City Council of the City of Stockton to respond to the Presiding Judge of the San Joaquin Superior Court within ninety (90) days of publication of the Final Reports; now, therefore,

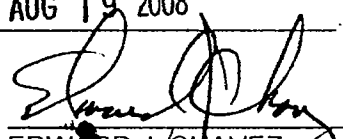
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:


1. That the City Council approves and adopts the City of Stockton Responses to the San Joaquin County Grand Jury Final Reports on:

- The Stockton Police Department
- Case No. 04-07 relating to City of Stockton Central Parking District
- Case No. 01-07A relating to City of Stockton Community Development Department Building Permit Fees
- Case No. 01-07B relating to City of Stockton Code Enforcement,
- Case No. 01-07F relating to San Joaquin County Emergency Medical Services

2. The City Manager is authorized to sign the Responses and transmit them to the Presiding Judge of the San Joaquin County Superior Court.

PASSED, APPROVED and ADOPTED           AUG 19 2008          

  
 \_\_\_\_\_  
 EDWARD J. CHAVEZ  
 Mayor of the City of Stockton

ATTEST:  
  
 KATHERINE GONG MEISSNER  
 City Clerk of the City of Stockton



City Atty           Per            
 Review \_\_\_\_\_  
 Date August 13, 2008



# CITY OF STOCKTON

OFFICE OF THE CITY MANAGER

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August 20, 2008

Presiding Judge  
San Joaquin County Superior Court  
222 East Weber Avenue  
Stockton, CA 95202

**CITY OF STOCKTON RESPONSE  
FINAL REPORT  
CASE #01-07A FOLLOW-UP REPORT  
CITY OF STOCKTON COMMUNITY DEVELOPMENT BUILDING PERMIT FEES**

The following is a response to the Grand Jury, County of San Joaquin, Final Report, Case #01-07A, Follow Up Report, City of Stockton, Community Development Department Building Permit Fees.

**FINDINGS:**

1. Though the costs are reported in the annual budget for the City of Stockton, it is extremely difficult to determine whether in fact those numbers are reasonable. The study by MuniFinancial has not been completed and therefore there is no viable document for understanding both costs and fees.

*The respondent disagrees with the finding. The city originally contracted with MuniFinancial to complete a comprehensive study to determine fee rates based on the cost of providing development review, building plan check and inspections services. The city continued with MuniFinancial to complete the development review fees but ultimately hired Revenue Cost Specialists to complete the building plan check and inspection fees. Revenue Cost Specialists have more expertise developing time and materials based building plan check and inspection fees for other cities.*

*MuniFinancial has completed the study for the development review fees and these fees with minor modifications were adopted by the City Council on May 20, 2008 for fiscal year 08-09. Revenue Cost Specialists have provided the city with*



*a draft of the building plan check and inspection fee study which staff is currently reviewing.*

2. The City of Stockton does notice public meetings, but until the study regarding costs versus fees is in place, the public is not getting all the required information.

*The respondent disagrees with this finding. The development review fees resulting from the MuniFinancial fee study were approved and adopted by the City Council on May 20, 2008.*

*The City Council sub-committee on Budget, Finance & Economic Development held regular publicly noticed meetings beginning in August 2007. These meetings were normally held on the 2<sup>nd</sup> and 4th Thursdays of every month. The Council sub-committee held discussions about the development review fee study on March 20, April 10, and April 24, 2008. The City Council then held a study session on the annual budget on May 5, 6, 7 and 8 for fiscal year 08-09 where these fees were discussed again.*

3. The City of Stockton states in its response that they will be reviewing the fee schedule every year and that they will use the template developed by MuniFinancial to determine the cost of providing services. Problems arose with MuniFinancial and their ability to satisfy the criteria needed to complete the study. Since the City of Stockton had not set a definite completion date, the date promised for delivery of this template was not met. It was further determined by the City of Stockton that MuniFinancial was not capable of completing the building cost portion of the study. The City has hired Revenue Cost specialists to fulfill the building cost portion, but no definitive due date has as yet been established. As long as this study is not complete, the public cannot be assured of the true cost of providing services.

*The respondent disagrees with this finding. The template that was developed by MuniFinancial for the development review fees will be used each year to determine the cost of providing development review services. Revenue Cost Specialists will also develop a template for the building plan check and inspection fees that will be used every year.*

*The respondent did establish deadlines for the completion of these studies. Staff, however, reviewed several versions of the fees to ensure the accuracy of the study.*

4. Though the City of Stockton indicated this recommendation would be implemented, the cost is not complete. The Grand Jury has received a "draft" copy of the MuniFinancial study, but the Revenue Cost Specialists study has not been completed. This jury is concerned that without this study, the fees being charged may not be in compliance with law.

*The respondent disagrees with this finding. While the Grand Jury did receive a "draft" copy of the MuniFinancial study, the fees resulting from the study were finalized once the City Council approved the fees on May 20, 2008 after several discussions at publicly noticed meetings.*

*The draft building plan check and inspection fee study is currently being reviewed by staff.*

5. The 2007-2008 Grand Jury awaits the independent cost analysis study for review.

*The respondent agrees with this finding. The city will provide the Grand Jury with the following:*

- *the final version of the development review study,*
- *the development review fees that were ultimately adopted by the City Council on May 20, 2008, and*
- *the draft building plan check and inspection fee study.*

RECOMMENDATIONS:

1. Since the City of Stockton cannot depend on MuniFinancial, it is incumbent on the city to provide an independent cost analysis study by July 1, 2008.

*The recommendation has been partially implemented. The development review fee study has been completed. The building plan check and inspection fee study is currently being reviewed by staff and will be provided to the grand jury.*

2. The City of Stockton give definitive completion dates when awarding contracts for cost studies.

*The recommendation has already been implemented. The city provides definitive completion dates when awarding contracts for cost studies. Several reviews of these draft studies are often necessary to ensure the accuracy of the studies.*



J. GORDON PALMER, JR.  
CITY MANAGER

JGP:CT:CM:nm



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August 20, 2008

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**CITY OF STOCKTON RESPONSE  
FINAL REPORT  
CASE NO. 01-07(B) FOLLOW-UP REPORT  
CITY OF STOCKTON CODE ENFORCEMENT**

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In accordance with Section 933.05 of the California Penal Code, the City Council of the City of Stockton responds to the Grand Jury Report on the above-referenced case as follows:

FINDINGS:

1. The City of Stockton states that property owned by the city is a matter of public record and can be ascertained through the County Assessor's public records. Although this may be a true statement, it is quite a cumbersome and time consuming effort. The City asserts there are a number of reasons the information could not be included on the annual tax notice, however no reasons were given. The Grand Jury does agree that including these records on the website would be a huge undertaking. Adding the name of an individual contact person should help provide easier access for citizens.

*The respondent agrees with the finding. A key point of contact in the City's Real Property Section will be identified to respond to public inquiries on property owned by the City. This contact person and telephone will be identified on the City's Redevelopment Department website to ensure that the public can obtain the requested property ownership information.*



2. Although each case brought before code enforcement may be unique and has different combinations of violations, the Grand Jury agrees with the previous Jury in insisting that the City needs policies and procedures to insure fair and unbiased treatment of each parcel inspected. As in all things, there are always exceptions to standard rules and those could be addressed on an individual basis should cases arise after a policy has been implemented.

*The respondent disagrees with this finding. As previously reported and provided to the 2006-2007 Grand Jury, the Neighborhood Services Section has policies and procedures to cover the basic functions performed by the Section. These policies and procedures were updated following the 2006-2007 response by the City. In addition, City Manager Directives, Stockton Municipal Code Sections, the Uniform Housing Code, and Uniform Code for the Abatement of Dangerous Buildings provide direction on what is required to address violations. Also, significant actions, such as demolition of dangerous buildings and imposing Civil Penalties, are reviewed by management of the Neighborhood Services Section, Community Development Building Division, City Attorney's Office, and the Deputy Chief of Police prior to any action being taken.*

3. The Grand Jury would agree that all cities have different problems, issues, and priorities. However, that would not preclude the City of Stockton from using some of the information contained within other cities' policies as a starting point for writing their own policies. Though it was indicated that the City would review policies from Lodi, Manteca, and Lathrop, this Grand Jury was made aware that those cities are too small to compare to Stockton. The City of Stockton has recently hired personnel to investigate and write a policy for Code Enforcement. The City of Stockton does not have a timeframe for completion of this project, but this Grand Jury looks forward to seeing the finished policy as soon as possible.

*The respondent agrees with this finding, with clarification. The 2006-2007 Grand Jury recommended reviewing the policies and procedures of Lathrop, Lodi, Manteca, and Tracy. When these cities which are significantly smaller than the city of Stockton were contacted, they did not have detailed policies and procedures as indicated.*

*A majority of the City and County code enforcement sections within the state belong to the newly-consolidated California Association of Code Enforcement Officers. The Cities in the Association are in daily contact with other Cities to obtain information about problems arising and how other agencies are dealing with them through ordinances, policies, procedures, etc. The City of Stockton belongs to the California Association of Code Enforcement Officers and provides input and utilizes the knowledge and experience of the other Cities when appropriate. The knowledge and experience of the member Cities and Counties in dealing with similar problems have been very helpful to all of the members.*

*The City of Stockton believes it is meeting the intent of the Grand Jury recommendation in the most efficient and practical way possible.*

4. After interviewing the Neighborhood Services Director, the Grand Jury recognizes that the Neighborhood Services Department is using the City of Stockton's records retention policy. Records are kept for a full and complete three years before being destroyed. We believe that the retention policy is not sufficient for every department and Neighborhood Services should ask that their records be kept for a longer period of time. Retaining records for longer than three years, though burdensome, will assure the public has access to any and all transactions which might come into question.

*The respondent disagrees with this finding. The City of Stockton has a three-year retention of records policy for code enforcement records. The Grand Jury has not recommended a period of time which would be adequate to "assure the public has access to any and all transactions which might come into question." Based on the limited number of requests for records over three years old, the City does not feel this is practical.*

5. Carey & Company Architecture has completed approximately 90% of the building review and recommendations for the Philomathean Club. The remainder of this review is taking some time since the person most familiar with this project has left the company. After noting the repair issues from last year, this Grand Jury toured the Philomathean Club and found that a number of the repairs had been completed, however, there are still a large number of items which need to be addressed.

*The respondent disagrees with the finding. The approximately \$2 million rehabilitation project has been developed with input from community stakeholders. A new staff person at Carey and Company has completed the conceptual improvement plan. However, funding for this undertaking has not been identified at this time. The City continues to expend maintenance funds on the building, and recently cleaned the gutters and downspouts, and repaired damaged fencing on a portion of the site.*

6. The Grand Jury acknowledges receipt of the policy for property acquisition by the City of Stockton. However the City might want to very closely monitor its needs and wants before committing to purchasing any real property.

*The respondent agrees with the finding. The Redevelopment Director has oversight of the Real Property section, which undertakes acquisition for all City public works and redevelopment projects. The Redevelopment Director will ensure that the City Manager's Office receives a monthly reporting on all acquisition efforts, and that regular briefing are held with Real Property staff to monitor the status of City acquisitions.*

RECOMMENDATIONS:

1. The City of Stockton form a task force to implement policies and procedures for code enforcement, using examples of comparable sized cities as a starting point for this project.

*The recommendation to form a task force to implement policies and procedures for code enforcement will not be implemented. The City believes that the resources available to the City, including access to the other Cities in the California Association of Code Enforcement Officers, can meet the intent of the Grand Jury recommendation.*

2. The City of Stockton review the policy for record retention with the emphasis on retaining all City records for longer periods of time.

*The recommendation will not be implemented by the Neighborhood Services Section. There is an existing Citywide records retention policy.*

Respectfully submitted,



J. GORDON PALMER, JR.  
CITY MANAGER

JGP:TTM:bc





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August 20, 2008

Presiding Judge  
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**CITY OF STOCKTON RESPONSE  
FINAL REPORT  
CASE NO. 01-07(F) FOLLOW-UP REPORT  
SAN JOAQUIN COUNTY EMERGENCY MEDICAL SERVICES**

In response to the San Joaquin County Grand Jury Final Report – Case No. 01-07(F) Follow-up Report San Joaquin County Emergency Medical Services, the City of Stockton respectfully submits the following report as requested:

FINDINGS:

1. The 2007/2008 Grand Jury in its follow-up investigation has reconfirmed its findings that there were, at the time of investigation, few dispatch failures by AMR which were affecting the response and provision of emergency medical services to the residents of San Joaquin County. In fact, as noted by Stockton Fire Department in its interview with the 2007-2008 Grand Jury, there are no longer any significant dispatch response time problems nor problems with the quality of emergency medical care.

*The respondent, City of Stockton, agrees with this finding.*

2. The 2007-2008 Grand Jury found that the growing problem of delays in transferring care from ambulances to hospital emergency departments noted by the 2006-2007 Grand Jury continues. That report noted that it significantly reduced the number of ambulances available for subsequent emergency service and transport.

*The respondent, City of Stockton, agrees with this finding.*



3. AMR has been granted a 3-year accreditation for being in full compliance with All Standards and Characteristics required by the Commission on Accreditation of Ambulance Services (CAAS). CAAS evaluates over 50 standards and characteristics in 10 areas including Organization, Management, Clinical Standards, and Communication. AMR is one of only 14 Ambulance Services in California and one of only 112 in the entire country to receive this accreditation.

*The respondent, City of Stockton, agrees with this finding.*

RECOMMENDATIONS:

1. It is very disappointing that the mediation process failed to achieve an arrangement concerning emergency medical dispatch that is acceptable to the City of Stockton and the County, as well as the citizens of San Joaquin County. This is especially disheartening given the working relationship that has been established between the City of Stockton and Lifecom with Stockton noting there is no longer an issue of response time nor quality of emergency care. Given the tight budgets of both the city and county, it would appear that there could be a better solution than the expense of a lawsuit which the citizens of the county and city have to pay. The Civil Grand Jury recommends that all parties give it a least one more effort to resolve the "Warren Act" issue of who decides how first responders are dispatched.

*The recommendation has been implemented; representatives from the County, City and AMR are continuing to meet in an effort to resolve the legal disagreements between the parties.*

2. The City of Stockton's response to the 2006/2007 Grand Jury report said that Phase II of the CAD-to-CAD system would be developed and implemented by December 2007. As noted above, this has not happened. Even though data transfer problems have been reduced, the 2007/2008 Grand Jury continues to recommend that Phase II of the CAD-to-CAD system be developed and implemented.

*The recommendation has not yet been implemented, but it is anticipated that a fully functional Phase II CAD-to-CAD link will be developed and implemented by February 2009. The final development of the CAD-to-CAD link has been delayed until the City of Stockton upgrades to a new version of software and hardware for CAD. Sufficient time for development and testing of the CAD link has been allowed to assure a safe and reliable system for emergency medical dispatch services.*

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*Additionally, the City of Stockton and American Medical Response (AMR) are collaborating in an effort to develop additional information sharing tools between dispatch centers while the CAD-to-CAD link is being developed and tested.*

Respectfully submitted,

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J. GORDON PALMER, JR.  
CITY MANAGER

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August 20, 2008

Presiding Judge  
Superior Court of California  
County of San Joaquin  
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Stockton, CA 95202

**CITY OF STOCKTON RESPONSE  
FINAL REPORT  
CASE NO. 04-07  
CENTRAL PARKING DISTRICT**

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The following is a response to the Grand Jury, County of San Joaquin, Final Report Case No. 04-07, Central Parking District.

FINDINGS

1. Published policy and procedures do not exist for the City's Parking District (CPD).

*The respondent agrees with the finding.*

2. No policies and procedures document is available to describe the duties and responsibilities of the CPD employees.

*The respondent agrees with the finding.*

3. No policies and procedures document is available to describe the process used to assign parking spaces. Some individuals were given parking spaces out of sequence for no justifiable reason.

*The respondent agrees with the finding.*



4. CPD waiting lists are maintained within a non-secure Excel spreadsheet program that can be easily manipulated by other city employees. There is no way to track changes or deletions to the list.

*The respondent agrees with the finding.*

5. Minimal attempts were made to contact individuals on the waiting list who may have relocated positions, but still work within the specific agency.

*The respondent agrees with the finding.*

6. The CPD seems to lack oversight from the Redevelopment Director. There are no regularly scheduled meetings between the Supervisor and Redevelopment Director to discuss matters related to the CPD.

*The respondent agrees with the finding.*

7. The operation and activities of the CPD office appear to rest solely on the decisions of the CPD Supervisor with very little accountability to, or direction from, the Redevelopment Director.

*The respondent agrees with the finding.*

8. There is no procedure or escalation path in place for the effective handling of any citizen complaints beyond the CPD Supervisor.

*The respondent agrees with the finding.*

9. A map is not posted in the CPD office lobby to orient applicants as to the location of the available parking areas.

*The respondent agrees with the finding.*

10. The reconciliation of cash receipts collected by the parking garages and lots are done exclusively by the CPD Supervisor. In her absence, the cash receipts are neither reconciled nor forwarded to the City Treasurer.

*The respondent agrees with the finding.*

11. Applicants for parking spaces are not routinely given a receipt to validate the date and time they applied to go on a waiting list.

*The respondent agrees with the finding.*

12. Although parking spaces become available, the waiting list is updated but parking spaces are assigned only quarterly.

*The respondent agrees with the finding.*

13. The computer system that tracks the activity of the automated parking garages is not routinely backed up. In the event of a server failure all data must be restored manually leading to long delays and possible mistakes.

*The respondent agrees with the finding.*

14. There is no online process to allow applicants to apply for parking permits or access the status of their applications.

*The respondent agrees with the finding.*

#### RECOMMENDATION

1. Develop a system of assigning parking spaces on a first-come first-served basis free from political pressure or favoritism influencing the assignments.

*The recommendation will be implemented in 90-days.*

2. Develop a policies and procedures manual for all CPD office employees and the parking attendants.

*The recommendation will be implemented in 90-days.*

3. Develop and publish an internal training procedure to detail how parking spaces are assigned.

- 4.

*The recommendation will be implemented in 90-days.*

5. Develop a procedure and documentation policy to ensure that all reasonable attempts are made to contact applicants on the waiting list.

*The recommendation will be implemented in 90-days.*

6. Develop and publish a procedure for processing citizen complaints.

*The recommendation will be implemented in 90-days.*

7. Provide cross training to insure continuous operation of the CPD.

*The recommendation will be implemented in 90-days.*

8. Develop a "checks and balances" system for the reconciling of cash receipts collected from the parking garages to include two persons and also provide for daily processing of those receipts, in the absence of the supervisor or other person, in accordance with accepted accounting practices.

*The recommendation will be implemented in 90-days.*

9. Develop a two-part receipt for applicants to validate the date and time of application.

*The recommendation will be implemented in 90-days.*

10. Post a large map in the CPD office lobby to identify the location of available parking areas.

*This map is currently being reproduced, and will be installed in the lobby and in City structured parking lots within 30-days.*

11. Update the parking assignments at least monthly.

*The recommendation will be implemented in 90-days.*

12. Develop a backup system for the computer that tracks the automated garages. Have the IT department develop a disaster recovery procedure in the event of a catastrophic failure.

*The recommendation will be implemented in 90-days.*

13. Insure that all programs are operated on a secure server not accessible by other departments.

*The recommendation has been implemented. All programs are now operated on a secure server and only accessible by Central Parking District staff.*

14. Develop a program that allows online applications, payments, and issuance of parking passes to accommodate anticipated future growth.

*The recommendation requires further analysis. The City's Information Technology Director is now researching software programs to replace the City's existing financial management software. Central Parking District staff will work with the Information Technology Director to investigate available technology to*

*implement an on-line program that will allow for on-line applications, payments, and issuance of parking passes. Staff will work to accomplish this within six months, although the City's procurement process, as well as identifying a funding source, may result in additional time to install the program, train staff to use the new software, etc.*

Respectfully submitted,

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J. GORDON PALMER, JR.  
CITY MANAGER

JGP:PB:TB





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August 20, 2008

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## **CITY OF STOCKTON RESPONSE FINAL REPORT STOCKTON POLICE DEPARTMENT**

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In accordance with Section 933.05 of the California Penal Code, the City Council of the City of Stockton responds to the Grand Jury Report on the above-referenced case as follows:

### FINDING:

Stockton Police Department does not use hand-held voice recorders. The use of this device and procedure will save time and labor. The San Joaquin Sheriff Department currently uses this procedure.

*The respondent agrees with this finding.*

### RECOMMENDATION:

Stockton Police Department investigate hand-held voice recorders for personnel. This device can be used for immediate call detail, dictation, preventing loss of information and later transcription.

*The recommendation has been implemented.*

The Department is investigating the efficiency and economic feasibility of transferring to hand-held voice recorders for call detail and dictation. Research is ongoing and will determine if such a transition will be viable based on budget, staffing, and other considerations.



PRESIDING JUDGE OF THE SUPERIOR COURT

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In 2007, the Police Department's Traffic Unit conducted a temporary pilot program for utilization of hand-held digital voice recorders; the Unit is still analyzing procedures and digital storage issues. Also in 2007, the Investigations Division began dictating report narratives with one designated clerical staff member, and an ongoing empirical study and survey is being conducted. Further, the Department's Technology Steering Committee has been researching the use of dictation and transcription in other law enforcement agencies and will ultimately make a recommendation as to whether such is feasible at the Stockton Police Department.

Please contact me with any questions you may have, at 937-8294.

Respectfully submitted,

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J. GORDON PALMER, JR.  
CITY MANAGER

JGP:TTM:bc