

FINAL REPORT – CASE NO. 05-07 CITY OF RIPON

SUMMARY

A citizen complaint was received by the 2007-2008 Grand Jury regarding the manner in which the City of Ripon awarded its 4th of July fireworks contract and expensed monies for a second phase of the city skate park. The Grand Jury conducted an investigation and found no wrongdoing. However, recommendations were made to the city to help alleviate further problems.

REASON FOR INVESTIGATION

The 2007-2008 Civil Grand Jury received a citizen's complaint against the City of Ripon alleging wrongdoing in the awarding of the fireworks contract; also the budgeting of monies for a skate park.

The complaint alleges the city did not formally request bids for the fireworks display and instead awarded the contract to a company with ties to city personnel. The complainant also alleges that the city designated monies for a skate park without properly proposing this expense.

BACKGROUND

The City of Ripon was incorporated in 1945. In October of 1995 the City of Ripon adopted City Ordinance 544 §1, 1995 which outlines the purpose, powers and duties of their Purchasing Officer.

The City of Ripon in March 2007 awarded their fireworks contract to Fireworks America.

In July 2007 the City of Ripon adopted their proposed budget for 2007-2008.

METHOD OF INVESTIGATION

Interviews Conducted

- Fire Chief for the City of Ripon
- City of Ripon City Administrator
- City of Ripon City Clerk/Finance Director

Materials Reviewed

- Complainant's package of materials
- City of Ripon Ordinance 544 §1,1995
- Minutes of City Council Meeting – March 6, 2007
- Minutes of City Council Meeting – July 17, 2007
- Memorandum of Law

FINDINGS

1. City of Ripon Ordinance 544 §1,1995 provides for, and outlines the purpose, powers, and duties of a Purchasing Officer. The position remains vacant at this time, and the duties are being performed by the City Administrator, Finance Director, and the City Council. City Ordinance 544 §1,1995 Section 3.20.070 allows for the bidding process to be by-passed when “the City Council determines that the purchase of supplies, services or equipment using an alternative method would be in the best interests of the city”.

2. The City of Ripon had an established relationship with an employee of Fireworks America. This employee was able to provide the city with fireworks that were superior to those available from other companies.

3. The relationship with this employee of Fireworks America was public knowledge and the City of Ripon had used her previous company for their fireworks display for several years.

4. The City Council approved the contract at their March 6, 2007 meeting by a vote of three to two.

5. The City of Ripon has an established skate park which is highly praised by those knowledgeable in the sport of skateboarding. The second phase of that park has been approved to be built with funds in the 2007-2008 Budget.

6. The monies for the second phase of the skate park were publicly discussed in the City Council meeting of July 17, 2007. The City Council voted to approve their proposed budget for 2007-2008 with a vote of three to two. \$400,000.00 for the second phase of the skate park was included in this budget.

7. After reviewing minutes of City Council meetings, the Grand Jury is concerned with what appears to be a lack of response to citizen questions in the public discussion phase of these meetings.

RECOMMENDATIONS

1. City of Ripon Ordinance 544 §1,1995 should include provisions whenever possible for the use and designation of substitute employees to fill positions outlined by the ordinance.

2. To avoid any perception of wrongdoing when awarding contracts not using the “bidding process”, the City Council should clearly and precisely state the reasons for and procedures followed for awarding these types of contracts.

3. City Council needs to make every effort to address fully the questions and concerns of its citizens in the City Council meetings. If an answer is not readily available, an acknowledgement of the concern should be made and a time for a response given to the citizen.

RESPONSE REQUIRED

Pursuant to Section 933.05 of the Penal Code:

The Ripon City Council shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 60 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of analysis and a time frame not to exceed six (6) months.
- d. The recommendation will not be implemented, with an explanation therefore.