



SAN JOAQUIN
—COUNTY—
Greatness grows here.

Office of the County Administrator

Monica Nino, County Administrator

Jerry Becker, Assistant County Administrator

September 19, 2019

Honorable Judge Linda L. Lofthus, Presiding Judge
Superior Court of California, County of San Joaquin
180 East Weber Avenue, Suite 1306J
Stockton, CA 95202

**Response to the 2018-2019 Civil Grand Jury Report Entitled “Follow-up Report to the
2017-2018 Civil Grand Jury, San Joaquin County Municipality Ethics Policies”,
Case #0917**

Dear Judge Lofthus:

The attached response to the 2018-2019 Civil Grand Jury report entitled “*Follow-up Report to the 2017-2018 Civil Grand Jury, San Joaquin County Municipality Ethics Policies*”, Case #0917, is a Consent Item on the San Joaquin County Board of Supervisors’ September 24, 2019 Meeting Agenda. Once the Board has taken action on this matter, the Board Chairman will sign the document and it will be forwarded to the Court.

An advanced copy of the County’s response to Case #0917 is being provided to the Court in order to comply with the 90-day response requirement.

If you have any questions regarding this response, please contact me at (209) 468-3960.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Becker".

Jerry Becker, Assistant County Administrator
County Administrator’s Office
San Joaquin County

JB09-01

Attachments



SAN JOAQUIN
— COUNTY —
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Board of Supervisors

Miguel Villapudua, *Chair, First District*

Tom Patti, *Vice Chair, Third District*

Katherine Miller, *Second District*

Chuck Winn, *Fourth District*

Bob Elliott, *Fifth District*

Rachél DeBord, *Clerk of the Board of Supervisors*

September 19, 2019

Honorable Linda L. Lofthus, Presiding Judge
Superior Court of California, County of San Joaquin
180 East Weber Avenue, Suite 1306J
Stockton, CA 95202

Dear Judge Lofthus:

**Response to the 2018-2019 Civil Grand Jury Report Entitled, Follow-Up Report to the
2017-2018 Civil Grand Jury, San Joaquin County Municipality Ethics
Policies – Case #0917**

Pursuant to Sections 933 and 933.05 of the California Penal Code, the response to the 2018-2019 Civil Grand Jury Report entitled "*Follow-up Report to the 2017-2018 Civil Grand Jury, San Joaquin County Municipality Ethics Policies Case #0917*" is indicated below.

Finding

2018-2019 Grand Jury Finding F2: *AB 1234 training is not the equivalent of adopting and implementing a written ethics policy.*

Agency Response

F2: Partially disagree. California law establishes a clear standard for ethical behavior that must be followed by government boards and commissions. AB 1234 requires elected and appointed officials to participate in ethics training that covers laws relating to personal financial gain by public officials, gifts and travel, personal and political use of public resources, and prohibitions against the gift of public funds. AB 1234 also requires these elected and appointed officials to participate in training that covers laws relating to government transparency, financial disclosure, the Public Records Act, fair processes, due process, competitive bidding requirements for public contracts, and disqualification from participation in decisions involving family members.

Recommendation

2018-2019 Grand Jury Recommendation R2: *By December 31, 2019, the Board of Supervisors develop and adopt an ethics policy that governs the behavior of dependent board and commission members and County senior staff.*

Agency Response

R2: The recommendation has not yet been implemented. It is the County's position that the actions taken by the Board of Supervisors in 2006 requiring ethics training for the previously provided list of boards, committees, and commissions is appropriate for these semi-autonomous entities.

However, the County is committed to implementing a code of ethics that would apply to County senior staff. San Joaquin County has existing Work Rules (attached) that encompass certain aspects of the County's expectations for ethical behavior. As part of the code of ethics development effort, staff will evaluate whether or not the County Work Rules should be expanded to encompass the code of ethics, or if a separate code of ethics document would be the most effective approach. Staff will begin work on the code of ethics for County senior staff in 2019, anticipating completion and adoption in 2020. The County will provide the Grand Jury a copy of the code of ethics when completed and enacted.

If you have any questions regarding this response, please contact County Administrator Monica Nino at (209) 468-3203.

Sincerely,

Miguel A. Villapudua, Chair
San Joaquin County Board of Supervisors

Attachment – County Work Rules

c: Board of Supervisors
County Administrator
County Counsel
Clerk of the Board

BL09-02

San Joaquin County Work Rules

1. Conduct
County departments are public service agencies, and employees shall provide prompt, courteous service to the clients they serve. Fellow employees shall also be treated with courtesy and consideration. Employee's conduct and language on the job shall be appropriate to the work setting.

2. Standards of Dress and Appearance
Personal appearance has a direct bearing on the impression that clients and the general public have of the County, its departments, and the services they provide. Employees shall dress in a neat and business like manner appropriate to their job classification and duties.

3. Use of Equipment, Materials, and Other County Property
All County property is to be used for County business only. Individual work areas including offices, desks, files, and bookcases are County property and open to the County as employer at all times unless excluded by specific agreement or by the Peace Officers' Bill of Rights. In addition, employees shall exercise care to protect any County property entrusted to them and to use it in the manner for which it was intended.

4. Work Hours
Employees shall begin work on time and devote their assigned work hours to carrying out their jobs. Rest breaks, meals and time off shall be taken at times authorized by the employee's department head (or designee).

5. Confidentiality
Employees shall maintain the confidentiality of files and other information obtained on the job. Release of any information to other persons shall be authorized by the employee's department head (or designee).

6. Personal Business
Employees shall not conduct personal business on County time.

7. Use of Alcoholic Beverages or Controlled Substances
Employees shall not use or have in their possession, opened containers of alcoholic beverages or any controlled substances during work hours or on County premises, unless the substance was specifically prescribed for that employee by a physician or unless specifically sanctioned by the department head. In addition, employees shall not report to work under the influence of such substances.

8. Safety
Employees shall follow all safety rules for the performance of their jobs and operation of equipment. Employees

shall report unsafe conditions to their department heads (or designee).

9. Outside Employment
The County may limit an employee's employment in other jobs if:
a. the outside employment interferes with the performance of the employee's County job, OR
b. there is a conflict of interest as specified in Government Code 1126

Employees have an obligation to inform their department heads (or designee) of outside employment so the above determinations can be made.

10. Political Activity
Employees shall not engage in political activities, which are prohibited by law, on County time or with employees who are on County time.

Rule 14 of the Civil Service Rules and Regulations gives department heads the authority, with input from the Director of Human Resources, to establish specific regulations governing the conduct, appearance, and performance of employees in their departments. Any rules established by a department must be in conformance with existing state and federal laws, Civil Service Rules, and negotiated Memorandum of Understanding.