

Mayor
William Siegel
Mayor Pro Tem
Lois Wynne
Council Members
John Gordon
Edward Neal
Willard Rodarmel



**Office of City
Manager**

119 Fox Street
Lemoore, CA 93245
Phone (559) 924-6700
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Staff Report

ITEM NO. 4C

To: Lemoore City Council
From: Jeff Laws, City Manager
Date: February 10, 2014
Subject: Grand Jury Response

A handwritten signature in blue ink, appearing to read "Jeff Laws", is written over the "From:" line of the header.

Discussion:

A copy of the Grand Jury report concerning the Lemoore City Council and the Lemoore Planning Commission is attached for your review. In keeping with Penal Code Section 933 (c), the governing body of the public agency shall comment to the presiding judge of the Superior Court on the findings and recommendations.

Also attached is a draft response to the findings and recommendations respectfully submitted for your approval.

Budget Impact:

Small budget impact associated with the City Attorney to train Planning Commission on conflict of interest issues.

Recommendation:

That the Lemoore City Council, by motion, approve the response to the Grand Jury and authorize the Mayor to sign.

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February 10, 2014

Honorable Thomas DeSantos
Kings County Superior Court
1426 South Drive
Hanford, CA 93230

Dear Judge DeSantos:

The City of Lemoore has received the Grand jury Report titled "Lemoore City Council and Planning Commission." As requested, we are providing the following comments to the recommendations contained in the report.

Finding 1:

The Grand Jury found no merit to the complaint of alleged Brown Act violations regarding the elimination of the Planning Department. The City Manager has the authority to remove departments and most employees of the city government, and is not required to give notice as it is at his or her discretion according to Lemoore City Ordinance Code 1-6A-4-C.

Recommendation 1:

None.

Finding 2:

The Grand Jury found no merit to the complaint of alleged incorrect CEQA application procedures. Every part of a CEQA form is not required, by law, to be filled out completely. Different requirements call for different information.

Recommendation 2:

None

Finding 3:

The Grand Jury found the conflict of interest complaint to be valid.

Recommendation 3:

Public Officials are required to comply with the Political Reform Act and avoid conflicts of interest. Each Official should receive training and familiarize him / herself with these requirements to avoid future conflicts.

City Comments:

The City of Lemoore does not necessarily agree with the findings of the Grand Jury on this issue as the Planning Commissioner in question has no financial interest in said property. The City does realize that conflict of interest issues are serious in nature so the City agrees to provide additional training to our Planning Commissioners in the near future. This training will be done as soon as we are able to schedule the City Attorney to provide such training.

In closing, the City of Lemoore appreciates the contributions that the Kings County Grand Jury provides for the community. Their dedicated public service is an invaluable tool and aid to the governance of Lemoore.

Sincerely,

William M. Siegel, Jr.
Mayor



COUNTY OF KINGS
GRAND JURY
County of Kings Government Center
1400 W. Lacey Blvd.
Hanford, CA 93230

KINGS COUNTY
GRAND JURY FINAL REPORT
2013-2014

I HEREBY ACKNOWLEDGE RECEIPT OF () COPY () COPIES
OF THE 2013- 2014 FINAL REPORT (s).

LEMOORE CITY COUNCIL AND PLANNING COMMISSION

I ACCEPT THAT I AM REQUIRED BY LAW (PC SECTION 933(c))
TO REPLY WITHIN 90 DAYS TO THE PRESIDING JUDGE.

THIS REPORT MAY BE PUBLISHED AFTER TWO WORKING DAYS OF
RECEIPT.

THIS COPY IS DIRECTED TO:

PRINT NAME:

Janie Venegas

SIGNATURE:

Janie Venegas

TITLE / POSITION:

Admin Sec / City Clerk

MONTH/DAY/YEAR:

Feb 5, 2014

TIME: 11:40 am

WITNESS:

James M. Tucker
Thomas F. Lane

LEMOORE CITY COUNCIL AND PLANNING COMMISSION

WHY THE GRAND JURY INVESTIGATED

A citizen's complaint was received regarding actions taken by the Lemoore City Council and Planning Commission alleging Brown Act violations, violations of protocol, and conflict of interest.

AUTHORITY

California Penal Code § 925(a) The Grand Jury may at any time examine the books and records of any incorporated city in the county.

METHOD OF INVESTIGATION

The Grand Jury interviewed the complainant, examined the Lemoore City Charter, read the minutes of the Lemoore City Council and Planning Commission meetings, examined the City of Lemoore Personnel System guidelines, listened to recordings of the Planning Commission meetings, attended Lemoore City Council meetings, and consulted with County Counsel.

BACKGROUND AND FACTS

The complaint received by the Grand Jury regarded the following:

- A Brown Act violation regarding removal of the Planning Department
- Failure to follow procedures in an environmental impact negative declaration form
- Conflict of interest

These were all found to be worthy of investigation.

The Planning Department staff was furloughed by the acting Lemoore City Manager on April 29, 2013. The department was abolished on May 7, 2013 at the City Council meeting on the same date as a part of new budgeting measures. The complaint asserted that the Brown Act was violated due to the lack of public notice regarding these actions.

On May 6, 2013, the Planning Commission was asked to vote on a California Environmental Quality Act (CEQA) Negative-Declaration form which was allegedly not filled out completely.

The Planning Commission voted 4-1 to approve a Chevron Solar Renewable Energy System (CSRES). It was alleged that a member of the commission held a financial interest in the property adjacent to the CSRES project which it was requested to approve. Despite this fact, the Commissioner not only voted on the matter but made the motion to approve it. The California Fair Political Practices Act applies to officials and prohibits any such official from voting on any "real property in which the official has an interest, or any part of that property, is located within 500 feet of the boundaries... of the property which is subject of the governmental decision." (Commission regulation § 18704.2) Additionally, this restriction applies to Commission regulation § 18705.5, a public official's immediate family, including spouse and dependent children. While the Planning Commissioner's CSRES vote itself did not appear to have an impact on the passing of this motion, as it would have passed anyway, it could potentially be more problematic if this behavior is repeated.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Grand Jury found no merit to the complaint of alleged Brown Act violations regarding the elimination of the Planning Department. The City Manager has the authority to remove departments and most employees of the city government, and is not required to give notice as it is at his or her discretion according to Lemoore City Ordinance Code 1-6A-4-C.

Recommendation 1

None

Finding 2

The Grand Jury found no merit to the complaint of alleged incorrect CEQA application procedures. Every part of a CEQA form is not required, by law, to be filled out completely. Different requirements call for different information.

Recommendation 2

None

Finding 3

The Grand Jury found the conflict of interest complaint to be valid.

Recommendation 3

Public officials are required to comply with the Political Reform Act and avoid conflicts of interest. Each official should receive training and familiarize him/herself with these requirements to avoid future conflicts.

RESPONSE REQUIRED

California Penal Code § 933(c). Within 90 days of receipt of a report the public agency shall submit its response to the Presiding Judge.