

**Housing Authority
of the County of Stanislaus**

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Modesto, CA 95358-0033

*Received and
Reviewed 10/1/14
Judge Begen*

Honorable Loretta Murphy Begen, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, California 95353

September 18, 2014

Re: Response to Grand Jury Report, #C14-03C

Dear Honorable Judge Begen:

The Housing Authority of the County of Stanislaus Grand Jury Report#C14-03C relating to the Authority's operations. Pursuant to Penal Code Sections 933(c) and 933.05(f) the Authority submits its response:

Findings:

F5 "Evidence supports that the HA did in fact violate the Brown Act. At a rescheduled meeting this SCCGJ committee witnessed first hand the HA's process for such an event. The HA had posted the notice to reschedule the public meeting on their website and inside the lobby of the HA building. This posting was not visible to those arriving to the meeting, which was scheduled for after business hours".

Response: Respondent does not agree with the finding. Though the Brown Act prescribes notice and posting requirements for agendas of regular and special meetings, it does not appear to specifically address notice and posting requirements under the circumstances presented, namely, notice to re-schedule a public meeting for which there has been no finding that the notice and posting requirements for the meeting as originally scheduled were not met.

No California court opinion appears to have interpreted the Brown Act in a manner which would support the finding of a violation under the circumstances described and there is no finding that the Brown Act was violated by the HA in not timely posting the agenda for the rescheduled meeting. In any event the circumstance described was an isolated event, inadvertent, and not intended in any manner to deprive the public of information to which it is entitled.

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Civil Grand Jury



It is the Authority's practice to post the Board's agenda seven calendar days prior to the Board's regularly scheduled meeting, however, in no event later than seventy two hours before the scheduled meeting. The Agenda is posted in a display case located on the Authority premises located at 1701 Robertson Road, Modesto, in an area which is fully accessible to the public and available for inspection on a twenty four hour basis.

The Authority also posts the agenda on the Authority's internet website. This is done at the same time as the physical posting of the agenda made reference above, that is, one week before the regularly scheduled board meeting and no later than seventy two hours prior to the meeting.

F7 "It was confirmed through several sources and the Director that there was a manager who did bring a pet to work".

Response: The respondent agrees with the finding that there was a manager who brought a pet to work. The manager was approached and the incident was discussed. There have been no occurrences since.

F9 "Although the HA building was secure and employee files were locked each night, the client files were not. Anyone with access into the building could steal personal information found in the files. File storage room also did not have a keyed lock for access".

Response: Respondent agrees with the finding.

Recommendations:

R5 The HA should post all notices required by the Brown Act on the outside window of the HA lobby. This will allow the public to see any changes.

Response: The HA will not implement the recommendation for the reason that it currently uses a locked case wherein all notices required by the Brown Act are posted. The display case is located on the Authority premises in an area which is fully accessible to the public and available for public inspection on a twenty four hour basis. This display case adequately addresses the concern raised by the SCGJ.

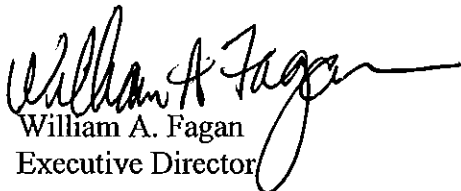
R7 The HA should change its policy not to allow pets in the HA building.

Response: The HA agrees as a matter of practice that pets should not be allowed in the HA building unless authorized by law. The HA has adopted a Visitors Policy which addresses the restriction of pets in all areas of the buildings. It has communicated same to all of its employees.

R9 The HA should change its policy about the handling of clients' personal information to include the requirement that client files be kept in a locked vault or locked filing cabinets at all times.

Response: The Authority agrees with the recommendation and is in the process of ordering custom locking cabinets which will be installed at each employee workstation. At the end of an employees' shift, employees will be required to secure each file in their cabinet until the next work day. The employee and Department Director, or designee, will be the only employees who have access to these secured files.

Thank you for your attention to this matter,


William A. Fagan
Executive Director