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September 20, 2012

The Honorable Ricardo Cordova  
Presiding Judge  
Stanislaus County Superior Court  
P.O. Box 3488  
Modesto, California 95353

Dear Judge Cordova,

Below are the City of Oakdale's responses to the findings and recommendations of the Civil Grand Jury's final report relating to a citizen complaint dated September 13, 2011. The City Council reviewed and approved these responses at their September 17, 2012 City Council meeting.

I have included the Civil Grand Jury's original findings and recommendations followed by a specific response.

**F1 – B removed confidential files from City Hall after being specifically instructed not to by the CM and thereby, acted with poor judgment. This is a violation of the Oakdale City Council Handbook of Rules and Procedures for the Oakdale City Council, Chapter 1 (B) Ethical Behavior.**

Respondent agrees with this finding. As the SCCGJ noted in its first recommendation, this issue has already been addressed by the City of Oakdale in their Handbook of Rules and Procedures.

**F2 – B and F interfered in a personnel issue by meeting with D without the prior notice or knowledge of the CM or personnel department. This is a violation of the Oakdale Handbook of Rules and Procedures for the Oakdale City Council, Chapter 1(I) Interference in Staff Functions.**

Respondent agrees with this finding.

**F3 – Normal procedures for abstaining on an issue were violated in the July 18, 2011 Council meeting when B and G both abstained but remained in the room and participated in discussion on adopting Resolution 2011-102. This was a violation of both the City of Oakdale Handbook of Rules and Procedures for the Oakdale City Council Chapter IV (B) (6) Abstention/Recuse: Conflict of Interest and Section 87105 of The California Government Code.**

Respondent agrees in part. Since this was a combined item it was confusing for B and G to know when to step down. This item which routinely recurs every year has now been split into two distinct parts to avoid confusion. The item was recently approved again for 2012-2013 with the proper recusals being timely made.

**F4 - B moved to Grass valley at the start of 2012 and is no longer living in the City; however B is still participating in the City Council meetings. By State election law (California Government Codes – Residency Requirements Section 36502(a), no council member is allowed to serve on Councils/Boards when they do not live within established boundaries of the jurisdiction they are representing.**

Respondent agrees with this finding that no council member is allowed to serve if they do not live in the city. However, in this case, respondent believes B was permissibly commuting between his place of employment and the city until he decided to change his residence.

**R1- Removal of confidential files by Councilmembers has been addressed by the City of Oakdale in their Handbook of Rules and Procedures. A new section was added in September 2011 to Chapter 1 to clarify the requirements for Councilmembers to view personnel files and other documents and reports. The SCCGJ recommends that the Councilmembers review the handbook annually and update as needed.**

Respondent agrees with this recommendation.

**R2 – Councilmembers should not become involved with personnel issues or be an advocate for or against employees. To become involved in these issues not only violates the City of Oakdale rules for Councilmembers but it could increase liability of the City.**

Respondent agrees with this recommendation.

Honorable Ricardo Cordova  
September 20, 2012  
Page Three

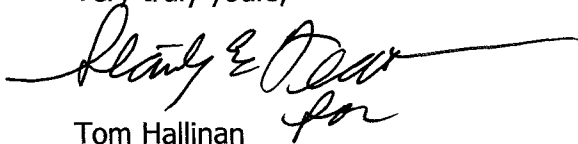
**R3 – The SCCGJ recommends the Council of Oakdale review procedures for Abstention/Recusal as outlined in their Council handbook and insure that the proper procedure is followed at all meetings.**

Respondent agrees with this recommendation.

**R4 – The SCCGJ recommends that the City of Oakdale implement California Government Code section 36502 for the immediate removal of Councilmembers who no longer reside within the City limits.**

Respondent agrees with this recommendation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Hallinan", with a long horizontal flourish extending to the right.

Tom Hallinan  
City Attorney