

RESOLUTION NO. 16-095 N.C.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO
APPROVING AND AUTHORIZING RESPONSE TO GRAND JURY
REPORT

WHEREAS, pursuant to Penal Code section 933, a public agency that receives a Grand Jury Report addressing aspects of the public agency's operations must comment on the Report's findings and recommendations contained in the Report in writing within ninety days to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury; and

WHEREAS, the City Council of the City of Vallejo has received and reviewed the 2015-2016 Solano County Grand Jury Report released on June 10, 2016, entitled "Vallejo-Sister City to the World" and prepared a response to the report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VALLEJO DOES HEREBY RESOLVE AS FOLLOWS

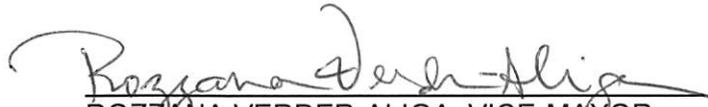
Section 1. The City Council of the City of Vallejo approves and authorizes the response to the 2015-2016 Solano County Grand Jury Report entitled "Vallejo-Sister City to the World" a copy of which is attached hereto as Exhibit A and incorporated herein.

Section 3. The City Council of the City of Vallejo directs the City Clerk to forward the City Council's Grand Jury Report response to the Presiding Judge of the Solano County Superior Court and to the foreperson of the Solano County Grand Jury.

Adopted by the City Council of the City of Vallejo at a regular meeting held on August 23, 2016 with the following vote:

AYES: Mayor Davis, Vice Mayor Verder-Aliga, Councilmembers Dew-Costa, Malgapo, and Miessner
NOES: Councilmembers Mc.Connell and Sampayan
ABSENT: None
ABSTAIN: None

ATTEST:


ROZZANA VERDER-ALIGA, VICE-MAYOR


DAWN G. ABRAHAMSON, CITY CLERK



Office of the City Manager · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4576

August 12, 2016

Honorable Judge Paul Beeman
Presiding Judge of the Superior Court
Solano County Superior Court
600 Union Avenue
Fairfield, CA 94533

Sent Via Email: cdclower@solano.courts.ca.gov

RE: 2015-2016 Grand Jury Report Entitled: Vallejo – Sister City to the World
Report date: June 10, 2016

Dear Judge Beeman,

This letter contains the City of Vallejo's response to the Solano County Grand Jury Report of June 10, 2016, regarding Vallejo's Sister City program.

Finding 1: Failing to recuse themselves, the Mayor and a Council Member opened a controversy by taking advantage of an existing program to fund what many feel was a paid vacation. Currently, there is no ordinance/bylaw in place to require the Mayor and/or a Council Member to recuse themselves from approving a city sponsored trip.

Response: Disagree in part. The Mayor and a council member did not recuse themselves, but this was not an impermissible conflict or failure to perform a duty. There are ordinances and laws that govern reimbursements on city sponsored trips, but none that prohibit the trip that was undertaken.

Recommendation 1A: In the future, to eliminate any appearance of a conflict of interest controversy, it is recommended that any mayor and/or council member that have been selected to participate in a Sister City event requiring travel outside the State of California or to a foreign county recuse themselves from voting to approve such motion.

Response: Disagree. This recommendation will not be implemented because it is not an impermissible conflict of interest for a member of Council to pre-approve travel expenses consistent with the City's travel policy. The vote undertaken by the Council was to pre-approve travel expenses consistent with the City's travel policy.

Recommendation 1B: It is further recommended that appropriate parliamentary language be drafted, reviewed, and approved to address this issue.

Response: Disagree. This recommendation will not implemented because the creation of city legislation is the province of the Vallejo City Council, not the Solano County Grand Jury. The City Council has the authority to amend legislation consistent with existing law.

Finding 2: There was no requirement to present a formal written report to the City Council highlighting the visit accomplishments.

Response: Agree.

Recommendation 2A: If travel is to generate “good will,” then an explanation as to what good will measures are expected to be obtained should be communicated to the City Council prior to and upon return of a Sister City visit.

Response: **This recommendation may be implemented.** Whether a written report is prepared is at the councilmember’s discretion. If the City Council wishes to amend their policy to adopt this as a requirement, they may exercise their legislative prerogative and do so.

Recommendation 2B: If the purpose of the visit is to explore economic opportunities, the economic director should be included on the visit and a report citing any possibilities/outcomes should be presented to the City Council in a written report.

Response: This recommendation will not be implemented because it is not reasonable to require the economic [development] director’s presence on a trip when she may have more pressing projects. Pursuant to the City’s Charter the City Manager directs the economic [development] director. The City requires a case by case evaluation of the desirability of the director’s presence at any particular event. Whether a written report is prepared is at the City Manager’s discretion.

Finding 3: The Mayor voiced the opinion that the visits were a lot of work and not the kind of visit that would imply a relaxing vacation yet he stayed at a sponsored member only country club in Baguio, played golf and was the guest at dining venues. In Japan, he was the household guest of a family during his stay. In both locations he was given extensive tours of the cities where he stayed.

Response: Disagree. It is reasonable that individuals travelling on City business will take part in some recreational activities. In addition, tours are a regular part of Sister City and general economic development trips. Staying with host families reduced the City’s expenditures and is not prohibited by City travel policies.

During his stay, the Mayor of Vallejo was a guest of the Mayor of Baguio, and his stay at the country club was paid for by the Mayor of Baguio, and not the City of Vallejo. The Country Club was a reuse base.

Recommendation 3: All Sister City trips shall be discussed by the Vallejo City Council as to the purpose/nature of the trip to determine whether it is for business development or goodwill, or both. If the intent of the visit is of a formal nature, i.e., a business trip, then business accommodations in lieu of host accommodations should be arranged in advance. If the visits are informal, i.e., a guest of a host, then an explanation as to the type of accommodation the City of Vallejo representative will receive should be noted.

This recommendation is to clarify the purpose of the visit and to establish if the primary reason for the trip is to garner business opportunities or good will.

Response: Disagree in part. Recommendation 3 has been implemented in part and will not be implemented in part because it is not warranted or not reasonable. All Sister City trips are discussed and voted on by Council as required pursuant to the City Council's travel and expense reimbursement policy for Vallejo City Officials, which has been in place since November 18, 2008. The Baguio trip was discussed and acted upon on July 28, 2015. The accommodations for this and any trip are arranged in advance. Whether accommodations are "as a guest of a host" or "business accommodations" does not serve to clarify the purpose of the visit, and may result in additional expense being borne by the City.

Finding 4: The Vallejo City Attorney repudiated a claim that it was a conflict of interest for council members including the Mayor to vote for a Sister City trip.

Response: Agree, in that the City Attorney publicly conveyed when asked by the Mayor, that it was not an impermissible conflict of interest for council members to vote on item 8A entitled "Approval of travel expenditures for Mayor Davis and Councilmember Verder-Aliga to attend sister city events in Baguio, Philippines and Akashi, Japan August 27 through September 14, 2015".

Recommendation 4: The Vallejo City Attorney provide the Mayor and City Council Members written legal documentation that supports a non-conflict of interest opinion.

Response: Agree. This recommendation has already been implemented.

Please let us know if you have any questions or require further information.

Sincerely,

OSBY DAVIS
Mayor

cc: Vallejo City Council
Daniel Keen, City Manager
Claudia Quintana, City Attorney