

**Turlock City Council Member
Civil Grand Jury Case #09-16-C
2008-2009**

SUMMARY:

The 2008-2009 Stanislaus County Civil Grand Jury received a complaint against a Turlock City Council Member alleging a violation of conflict of interest laws and official misconduct.

Through interviews and document review, the Civil Grand Jury found that no financial nor common law conflicts of interest existed on the part of the Turlock City Council Member.

The Civil Grand Jury recommends that newly elected and appointed officials be given the written guidelines addressing *Financial and Common Law Conflicts of Interest* so they can make appropriate decisions for themselves, their constituents, and colleagues.

BACKGROUND:

The Turlock City Council Member is an elected official for the City of Turlock. This Council Member, who is the subject of a complaint, was elected to this position in December 2008. Her current term will end 2012.

- A citizen complaint was filed with the Civil Grand Jury alleging that the Turlock City Council Member's campaign manager was the attorney of record for the business, which constitutes misconduct and/or conflict of interest.
- The Turlock City Council Member voted on an issue in which she was alleged to have a conflict of interest.

METHODS OF INVESTIGATION:

- Interviews
- Review of printed State doctrines, "*Fair Political Practices Commission*"
- Review of printed materials, confidential memos
- Council Member's completed California Form 410, "*Statement of Organization Recipient Committee*" for elected officials
- The California "*Common Law Conflict of Interest Doctrine*"
- The California "*Financial Conflict of Interest Doctrine*"

FINDINGS:

- The attorney of record for the business in question was found not to be the Turlock Council Member's campaign manager.
- The Turlock City Attorney advised the Council Member that she "may have a potential common law conflict."

- Often the perception of wrongdoing is greater than the offense itself. This appears to be the case here; wherein no actual wrongdoing was found to exist, the perception of wrongdoing does (exist).
- *Financial Law Conflict of Interest* is easy to understand; however, this was never an issue. The *Common Law Conflict of Interest* doctrine is somewhat broader in scope and subject to varied interpretations.
- No evidence exists to support the *Common Law Conflict of Interest* complaint regarding the actions concerning the Turlock Council Member.
- The decision to recuse one's self is of great importance to every elected or appointed official. An elected office holder must act with unquestioned integrity at all times, ensuring the public trust.
- The Council Member's actions at no time compromised the good standing of the Turlock City or the City Council as a whole.
- The Turlock City Council Member should have recused herself to avoid any perception of wrongdoing.

RECOMMENDATIONS:

- The Turlock City Attorney's responsibilities should include the maintaining of revisions and updates of material addressing *Common Law and Financial Conflict of Interest* doctrines.
- The Turlock City Attorney should be responsible for distributing this information to all elected and appointed officials bi-annually.
- The Turlock City Attorney should create and maintain a log which verifies that all elected and appointed officials received materials detailing *Common Law and Financial Conflict of Interest* doctrines. Verification of receipt shall be confirmed by each elected or appointed official's signature.
- The Turlock City Council should provide oversight to the Turlock City Attorney regarding the above recommendations.

RESPONSE:

- Turlock City Council
- Turlock City Attorney