

Riverbank City Council
Civil Grand Jury Case No. 09-20C
2008-2009

SUMMARY

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint against the City Manager of Riverbank, the Mayor of Riverbank and two City Council Members. The first issue on the complaint was that one of the City Council members did not reside in the City of Riverbank at the time he took out nomination papers. The second issue on the complaint was that during a City Council vote to appoint a new Mayor, one member of the council should have recused himself because of a personal bias against one of the candidates. The third issue stated that the Mayor of Riverbank, who was currently a City Council Member, voted for his own appointment. The fourth issue, it was alleged that the City Manager was aware of the Mayor's plans to resign in December 2008; however, he did not inform the electorate of that decision.

During the course of this investigation the Civil Grand Jury uncovered many more questionable practices than those initially outlined in the complaint.

After interviews with key individuals and review of documents, the Civil Grand Jury determined that the newly elected official be removed from office. No bias was found. The City of Riverbank is negligent in providing policies and procedures for staff and Council. The City Manager needs to be more visible and diligent in his role.

BACKGROUND

The Civil Grand Jury reviewed documents to verify the Council Member's residency. The City Manager was informed of the Mayor's decision to resign and did not disclose this information to the voters prior to the election. The newly elected Mayor appointed a Vice-Mayor immediately before his own resignation.

METHODS OF INVESTIGATION

- Conducted interviews with the complainant, past and present City Council Members, City of Riverbank City Manager, City Clerk and staff, Stanislaus County Clerk Recorder /Registrar of Voters, three former Mayors and a sitting member of the County Board of Supervisors
- Attended City of Riverbank City Council Public Meetings
- Obtained documents from Riverbank City Hall: City Policies and Procedures, Nomination papers, Guidelines for Prospective Candidates
- Obtained and reviewed documents from the U.S. Selective Service with assistance from a Congressman's office.
- Consulted with the District Attorney's office
- Reviewed the *California Elections Code 2007*

FINDINGS

- It was determined that the most recently *ølectedö* City Council Member was not a registered voter in Riverbank when he took out nomination papers. This is in violation of the *Candidates' Guidelines for Municipal Office*.
- In December, 2008, the City Manager was made aware of the Mayor's intention to resign and chose not to disclose this information to the citizens. In Riverbank, information flows up to the City Manager, but there is a lack of information flowing downward to the City Council and to the level of City Clerk. One city employee stated that he or she was not expected to think, but to do what he/she was told. This has led to much intrigue, misinformation, and lack of vision of all levels of City government. There have been several reports of intimidation by certain City Council Members and concerned citizens to the line staff in the City Government. The City Manager is either unaware of this, or chooses to ignore it.
- There is no law forbidding individuals from voting for themselves.
- It was found that the City Clerk of Riverbank does not validate the accuracy of information on election documents submitted to the City Clerk's office, although the form(s) indicates a signature of verification.
- It was found that written policies and procedures are either non-existent or unavailable to staff and City Council Members. If available, they are not required reading.
- Without the knowledge of the City Council, the Vice Mayor purchased a table at a local fund-raising event with personal funds. The signage on the table indicated sponsorship by the Riverbank City Council.
- There is no uniform method of disseminating information to City Council Members. There is one City Council Member who does not use the Internet, e-mail, or any other computer based programs provided by the City of Riverbank.

RECOMMENDATIONS

- The Riverbank City Council should invalidate the election and remove the most recently *ølectedö* City Council Member.
- The City of Riverbank has a strong City Manager/weak Mayor form of Government. The City Manager shall establish a more efficient manner of disseminating information to the City Council and staff.
- The City Manager needs to be more visible in his leadership role.
- The City Council should evaluate the City Manager on an annual basis.
- The City Manager should evaluate his staff on an annual basis.
- The City Council should direct staff to develop a set of policies and procedures for each department.
- The City Manager should institute a policy that all employees read, and verify by their signature, the policies of the City of Riverbank on an annual basis.
- When verification of documents is required, the City Clerk or Assistant City Clerk should review each document for accuracy and timeline.
- The City Council should publicly reprimand or censure the Vice Mayor for mis-representing the Riverbank City Council at a local fund-raising event.

- The City Manager should contract with a professional consultant experienced in cities with rapidly changing population demographics, aging infrastructure, and organizational changes. The City Council should also develop relationships with cities that have successfully navigated the pitfalls of rapid change.
- One delivery system, paper or e-mail, should be used and computer training for the sole member who professes computer illiteracy, should be provided if the City chooses to use only an electronic mode for communication.
- Several interviewees were unable to recall certain dates, meetings, subjects of meetings, and Court testimonies. It is strongly suggested that all members of the Riverbank City Council, City government, and County Board of Supervisors maintain records of the dates of meetings and the subject of said meetings to enhance their recall.
- Concerned citizens frequently question the actions of the City government and City Council. In the best interest of transparent government, the City Council needs to develop a set of policies and procedures. This would assist the members of the City Council and establish a sense of trust between the Council, City government and all of the citizens of Riverbank.

RESPONSES REQUIRED

The Riverbank City Council
The Riverbank City Manager
The Riverbank City Clerk