

Hon. Wynne Carvill, Presiding Judge  
Alameda County Superior Court  
1225 Fallon Street, Department One  
Oakland, CA 94612

Re: City of Alameda Responses to the 2018-19 Alameda County Grand Jury Final Report

Dear Judge Carvill,

Thank you for providing the City of Alameda with the opportunity to respond to the following Findings and Recommendations in the 2018-19 Alameda County Grand Jury Report regarding Alameda City Council Interference.

#### **Responses to Findings 19-1 through 19-4**

*Finding 19-1: The City of Alameda's failure to provide Councilmembers with adequate training upon first being elected to City Council as well as annual training on governance helped contribute to inappropriate interference in the fire chief hiring process.*

*Finding 19-2: The City of Alameda's Charter fails to provide enforcement mechanisms when Councilmembers and staff violate provisions of the Charter, creating uncertainty when such violations occur.*

*Finding 19-3: Councilmembers who were the obvious subjects of the independent investigation were allowed to participate in the editing of the outside investigator's report, damaging the "independence" of the analysis.*

*Finding 19-4: In violation of the City's Charter they had sworn to uphold, two Councilmembers did interfere with the City Manager's ability to conduct an open and transparent recruitment for a new Fire Chief.*

Response: **Agree** to all Findings 19-1 through 19-4

#### **Responses to Recommendations 19-1 through 19-4**

*Recommendation 19-1: The Alameda City Council must establish policies for mandating initial training and orientation and ongoing annual training for elected officials and senior staff related to ethics and governance.*

Response: This recommendation has not yet been implemented, but will be implemented in the future. The City of Alameda will implement strategies and develop a workplan for implementation. City staff will return to Council, at an agenda public meeting, for update and discussion not more than six months from the date of this letter.

*Recommendation 19-2: The Alameda City Council must investigate possible Charter or Municipal Code amendments to clarify and strengthen provisions relating to City governance. The Charter should delineate the specific types of conduct that constitute a violation of section 7-3, as well as outline an enforcement process.*

Response: This recommendation has not yet been implemented, but will be implemented in the future.

In December 2018, Mayor Marilyn Ezzy Ashcraft established a City Charter Subcommittee consisting of Vice Mayor Knox White and Councilmember Daysog. This taskforce was created to review the City Charter, seeking to provide greater guidance and clarity to City officials, staff, and the public.

The subcommittee will return to Council with a proposal delineating the specific types of conduct that constitutes a violation of section 7-3, as well as outlining an enforcement process not more than six months after the date of this letter.

*Recommendation 19-3: The Alameda City Council should adopt a policy stating that Councilmembers who knowingly violate ethical codes of conduct or charter provisions may not seek reimbursement for related legal representation.*

Response: This recommendation has not yet been implemented, but will be implemented in the future. The City Council, at an agenda public meeting, within four months of the date of this letter will provide recommendations for implementation of this policy.

*Recommendation 19-4: The Alameda City Council working with the city attorney, city manager, and city clerk must develop and implement a code of conduct and councilmember handbook.*

Response: This recommendation has not yet been implemented, but will be implemented in the future. City Staff will return to Council, at an agenda public meeting, within six months of the date of this letter to provide recommendations on developing a code of conduct, and within one year from the date of this letter to provide recommendations on developing a Councilmember handbook.

Once again, thank you for providing the City of Alameda with the opportunity to comment on the Alameda County Grand Jury Report Findings and Recommendations. We appreciate the efforts of the Grand Jury to improve the quality of local government

operations in Alameda County and in the City of Alameda and look forward to enhancing trust in government by reviewing and implementing the Grand Jury's recommendations.

Sincerely,

Marilyn Ezzy Ashcraft  
Mayor

cc: Alameda City Council  
Alameda County Board of Supervisors  
Alameda City Manager  
Alameda City Attorney