

2023- 2024 San Joaquin County Civil Grand Jury



City of Stockton Crisis in Government Case #0123

Summary

The 2022–2023 Civil Grand Jury initiated an investigation into potential Brown Act violations by members of the Stockton City Council. The 2023–2024 Civil Grand Jury continued this inquiry and investigated complaints of a hostile and ineffective work environment within the Stockton City Government.

This report contains the responses to the 2023-2024 San Joaquin County Civil Grand Jury report #0123: The City of Stockton: Government in Crisis, along with the 2024-2025 Civil Grand Jury follow-up determinations to the compliance of those responses. Agency responses are italicized, followed by the 2024-2025 determinations.

The Civil Grand Jury finds that the Stockton City Council has not complied with California Penal Code Sections 933(c) and 933.05(b).

Section 933 (c) states, “No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury...”

For purposes of 933.05 subdivision (b), each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.*
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.*
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

In addition, the Council’s actions have obstructed the Civil Grand Jury’s efforts to evaluate public agency accountability and transparency, thereby eroding public trust in local government.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Civil Grand Jury website at:

<https://www.sjcourts.org/divisions/civil-grand-jury/>

Method of Follow-up Investigation

Reviewed responses from:

- City of Stockton, Letters dated August 21, 2024, and September 4, 2024
- City of Stockton City Council Meeting Agenda for May 13, 2025
- City of Stockton Email to Civil Grand Jury dated May 20, 2025
- City of Stockton Second Grand Jury Follow-up response to the San Joaquin Grand Jury dated May 14, 2025
- City of Stockton Draft Minutes City Council Meeting dated June 3, 2025

The table below shows a summary of the responses:

Respondent	#	Recommendation	Response	Grand Jury Conclusion
Stockton City Council	1.1	Stop enabling SMP	Not implemented	See 2024-2025 Recommendation 1
	1.2	Rules for handling unlawful threats	Not implemented	See 2024-2025 Recommendation 1.2
	1.3	Adopt ordinance for election transparency	Not implemented	See 2024-2025 Recommendation 1.3
	1.4	Stop agendizing performance reviews	Implemented	No further action
	1.5	Form 700 available online to public	Implemented	No further action
	1.6	Standardize employment rules in Mayor's Office	Not implemented	Next year's Civil Grand Jury will follow up to ensure full compliance
	2.1	Amend closed session policies	Implemented	No further action
	2.2	Develop ordinance regarding Brown Act violators	Implemented	No further action

Respondent	#	Recommendation	Response	Grand Jury Conclusion
	2.3	Policy that Brown Act violations released to Grand Jury within 7 days	Not implemented	See 2024-2025 Recommendation 2.3
	2.4	Amend policy regarding use of City Stationary	Implemented	No further action
	3.1	Investigate City's Ethics Hotline	Not implemented	See 2024-2025 Recommendation 3.1

Threatening Work Environment Recommendations

R1.1: By September 1, 2024, the City Council should stop enabling the SMP from interfering with effective city government through their continued association and/or support of individuals associated with the SMP.

8-21-24 Agency response: *The City Council acknowledges the 2023-2024 Grand Jury recommendation.*

F1.1: The 2024–2025 Civil Grand Jury determined the Stockton City Council did not respond in accordance with California Penal Code 933.05(b).

R1.1: By October 1, 2025, the Stockton City Council should stop allowing outside influences to interfere with city government through their ongoing association with individuals connected to them.

R1.2: By March 31, 2025, the City Council should adopt rules for handling unlawful threatening Communications received by City officials and employees. Unlawful threats, not covered under the First Amendment, should be referred to the District Attorney's office.

8-21-24 Agency response: *The City's Charter Officers (Manager, Attorney, Auditor, and Clerk) plan to work together, in coordination with the City Council's Audit and Legislative Committees, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.*

5-14-24 Agency response: *The City's Charter Officers (Clerk and Attorney) will work together, in coordination with the City Council's Legislation Committee, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than August 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in September 2025.*

F1.2: The 2024-2025 Civil Grand Jury found the Stockton City Council did not comply with California Penal Code Sections 933(c) and 933.05(b).

R1.2: By October 1, 2025, the Stockton City Council should establish a policy for addressing threatening communications directed at City officials and employees. The policy should include forwarding threats to the District Attorney's office.

R1.3: By March 31, 2025, the City should adopt an ordinance similar to the City of San Francisco Campaign and Governmental Conduct Code Section 1500 et seq., to strengthen election transparency. That ordinance requires political consultants and candidates to file reports directly to the City in all municipal elections listing business relationships, financial investments, and who they pay for political help or receive in-kind support from, as well as indicating whom they provide support to in elections.

8-21-24 Agency response: *The Interim City Clerk brought this item to the City Council's Legislative and Environmental Committee for an introductory discussion, on July 17, 2024, as item 3.2 (agenda). The Committee members discussed and provided to staff feedback, including consideration of the above-mentioned code language from the City of San Francisco. This item will continue to be updated under the direction of the Council Committee before being finalized to go to the full Council for approval and adoption. Supporting documents from the July 17th Committee meeting are included as Attachment R1.3.*

F1.3: On July 17, 2024, the Stockton City Council's Legislative and Environmental Committee held an introductory discussion regarding a proposed policy to strengthen election transparency, with input from the Interim City Clerk and staff. While the Committee reviewed sample language from the City of San Francisco and provided feedback, the policy is still under development. It has not yet been finalized or submitted to the full Council for adoption.

R1.3: By October 1, 2025, the Stockton City Council should develop a policy on election transparency.

R1.4: By March 31, 2025, the City should stop the practice of agendizing Chartered Officers performance reviews on an ongoing basis but set them annually or for specific situations which require notice by law.

8-21-24 Agency response: *The City Council provided direction to cease the agendization of Chartered Officers performance reviews on an ongoing basis and instead set them annually and for specific situations which require notice by law.*

The 2024-2025 Civil Grand Jury determined to take no further action.

R1.5: By March 31, 2025, the City should amend its policies and procedures to make all Form 700 filings available to the public online.

8-21-24 Agency response: *The City agrees with this recommendation. As such, the Interim City Clerk notified staff of the updates to the public's ability to access Form 700 information online, via memo on June 24, 2024(Attachment 1.5). Links to the Public Portal are now available on the Clerk's webpage on the city website, under the Fair Political Practices Commission (FPPC) tab.*

The 2024-2025 Civil Grand Jury determined to take no further action.

R1.6: By March 31, 2025, the City shall enact a policy that all employees of the Mayor's office be under the same mandated employment rules and laws as the rest of the City staff.

8-21-24 Agency response: *The City's Charter Officers (Manager, Attorney, Auditor, and Clerk) plan to work together, in coordination with the City Council's Audit and Legislative Committees, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.*

5-14-25 Agency response: *The City Council acknowledges the Grand Jury's recommendation R1.6. However, the recommendation and report do not contain sufficient information to respond other than as follows:*

Under City of Stockton Charter section 1102(n) all the Mayor's appointees "shall serve at the pleasure of the Mayor in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are similar to other unclassified employees." All unclassified, at-will employees of the City must adhere to all applicable employment rules and laws.

F1.6: The Civil Grand Jury finds the Stockton City Council did not comply with California Penal Code Sections 933(c) and 933.05(b).

The 2024-2025 Civil Grand Jury recommends the 2025-2026 Civil Grand Jury follow up to ensure full compliance.

Brown Act Recommendations

R2.1: By March 31, 2025, the City should amend its Closed Session policies and procedures to minimize the risk of revealing confidential information. There should be a requirement that no phone, electronic communication or recording devices be allowed in the room when it is a Closed Session. Additionally, each attendee should sign a pledge of secrecy on entering each meeting as an immediate and continual reminder that the rules of the Brown Act apply.

8-21-24 Agency response: *The City Attorney is scheduled to introduce draft language related to use of cellphone and technology to the Council Legislative Committee meeting on August 28, 2024, for discussion and feedback. This item will continue to be updated under the direction of the Council Committee before being finalized to go to the full Council for approval and adoption before March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April 2025.*

5-14-25 Agency response: *The City Attorney brought this item to the City Council's Legislation Committee for an introductory discussion on August 28, 2024, as item 3.8. The Committee members discussed, provided feedback, and directed staff to bring it back to the Committee for further discussion. The item was brought back on October 23, 2024, as item 3.2 and staff were directed to forward a recommendation for Council consideration. The item was presented to the full council on November 19, 2024, and was adopted under Resolution 2024-11-19-1218 (Attachment R2.2). Additionally, each councilmember (former and current), signed closed session acknowledgement forms. Current council acknowledgments are attached (Attachment R2.1) Former council acknowledgments can be provided if needed.*

The 2024-2025 Civil Grand Jury determined to take no further action.

R2.2: By March 31, 2025, the City shall develop a City Ordinance regarding Brown Act violators that includes an impartial process for determining whether the Brown Act confidentiality requirement related to Closed Session has been violated and appropriate

sanctions for the violator, including but not limited to, mandatory public censure and removal from committees and commissions.

8-21-24 Agency response: *The City Attorney is scheduled to introduce draft language related to censure and discipline to the Council Legislative Committee meeting on August 28, 2024 for discussion and feedback. A separate discussion will be planned related to handling Brown Act violations[sic] or violators. These item[sic] will continue to be updated under the direction of the Council Committee before being finalized to go to the full Council for approval and adoption before March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.*

5-14-25 Agency response: *The City Attorney brought this item to the City Council's Legislation Committee for an introductory discussion on August 28, 2024, as item 3.8. The Committee members discussed, provided feedback, and directed staff to bring it back to the Committee for further discussion. The item was brought back on October 23, 2024, as item 3.2 and staff was directed to forward a recommendation for Council consideration. The item was presented to the full council on November 19, 2024, and was adopted under Resolution 2024-11-19-1218 (Attachment R2.2).*

The 2024-2025 Civil Grand Jury determined to take no further action.

R2.3: By March 31, 2025, the City shall enact a policy that all findings of Brown Act violations investigations must be released to the Civil Grand Jury within seven days of receipt by the Council.

8-21-24 Agency response: *The City's Charter Officers (Manager, Attorney, Auditor, and Clerk) plan to work together, in coordination with the City Council's Audit and Legislative Committees, to discuss and prepare appropriate and relevant draft policies for review and approval by the full Council no later than March 31, 2025. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.*

5-14-25 Agency response: *The City's Charter Officers (Clerk and Attorney) will work together, in coordination with appropriate City Council Committees, to discuss appropriate and relevant policies. A progress update will be provided to the Grand Jury and Presiding Judge in September 2025.*

Finding 2.3: The Civil Grand Jury finds the Stockton City Council did not comply with California Penal Code Sections 933(c) and 933.05(b).

R2.3: By October 1, 2025, the Stockton City Council shall enact a policy requiring all findings from investigations into alleged Brown Act violations to be submitted to the Civil Grand Jury within seven days of receipt by the Council.

R2.4: By March 31, 2025, the City should amend their policies and procedures regarding the use of City stationery.

8-21-24 Agency response: *In April of 2024, The Stockton City Council directed the City Manager and City Attorney to work with the Council Legislative Committee to draft a policy addressing concerns regarding the use of City letterhead. Stockton City Council policy 2.06- Council Communications was revised to add a new section, Policy 2.06.020 – Use of City Letterhead. This Council Policy was approved by the full Stockton City Council at its June 18, 2024 meeting as consent item 12.4, under Resolution 2024-06-18-1204. A copy of the staff report, resolution, and related attachments have been included in **Attachment R2.4**.*

The 2024-2025 Civil Grand Jury reviewed Policy 2.06.020. It states, "City letterhead" and/or "City resources" (i.e., staff support, postage, etc.), may only be used to communicate the official policy, position, or actions of the City or City Council, not individual Councilmember positions or opinions...No Councilmember may use the City letterhead for the purpose of press release, news release, or communications with the media."

The 2024-2025 Civil Grand Jury determined to take no further action.

Grievance Process Recommendations

R3.1: By March 31, 2025, the City shall hire an independent third party to investigate the City's Ethics Hotline process to regain employee and public trust in the system.

8-21-24 Agency response: *The City Attorney, with assistance from the City Auditor and City Manager, will engage an independent third party to assess the ethics hotline process. A progress update will be provided to the Grand Jury and Presiding Judge in April of 2025.*

5-14-25 Agency response: *The City Attorney, with assistance from relevant Charter Officers, will present for Council consideration, the engagement of an independent*

third party to monitor and reply to the City's ethics hotline. A progress update will be provided to the Grand Jury and Presiding Judge in September 2025.

F3.1: The Civil Grand Jury finds the Stockton City Council did not comply with California Penal Code Sections 933(c) and 933.05(b).

R3.1: By October 1, 2025, the Stockton City Council shall hire an independent third party to investigate the City's Ethics Hotline process to regain employee and public trust in the system.

Disclaimers

Civil Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Civil Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Civil Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

One member of the 2024–2025 San Joaquin County Civil Grand Jury was recused from all phases of this report.

Response Requirements

Responding Agency	Finding and Recommendation	Respond By
City of Stockton	F1.1, R1.1	October 1, 2025
	F1.2, R1.2	
	F1.3, R1.3	
	F2.3, R2.3	
	F3.1, R3.1	

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

Note: If the responder is an elected official, the response must be sent within 60 days of receipt.

Mail or hand deliver a hard copy of the response to:

Honorable Gus C. Barrera II, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Irving Jimenez, Staff Secretary to the Civil Grand Jury, at civilgrandjury@sjcourts.org.