

Policy for Investigative Authority Implementation under the Stockton City Charter

Purpose:

This policy provides a framework for the Stockton City Council to exercise its investigative authority, as granted by the City Charter, to promote transparency, accountability, and good governance in all city operations.

1. Policy Objectives

- To establish a standardized process for conducting investigations into city operations and related matters.
- To ensure investigations are conducted fairly, transparently, and in accordance with all applicable laws.
- To foster accountability and trust in city governance by addressing concerns related to inefficiency, misconduct, or violations of public trust.

2. Scope

This policy applies to all investigations authorized by the Stockton City Council into the operations, practices, or conduct of:

- City departments, offices, and personnel.
- External contractors or vendors engaged in city business.
- Other entities or individuals when their actions affect city governance or public resources.

3. Investigative Authority

The Stockton City Council has the authority to:

1. Initiate investigations on matters affecting city operations, public funds, or the welfare of residents.
2. Issue subpoenas to compel the production of documents, records, or testimony.
3. Collaborate with external agencies, auditors, or legal experts as needed to conduct thorough inquiries.

4. Policy Provisions

4.1. Initiating Investigations

1. Grounds for Investigation:

- Allegations of fraud, waste, abuse, or corruption.
- Concerns about inefficiency or mismanagement in city operations.
- Public safety or welfare issues related to city governance.

2. Authorization:

- Investigations may be initiated by a majority vote of the City Council or as recommended by council committees, external auditors, or the City Attorney.

3. Preliminary Assessment:

- The City Council may request a preliminary review from the City Manager or City Attorney to determine the scope and feasibility of an investigation.

4.2. Conducting Investigations

1. Designation of Oversight Body:

- The City Council may oversee investigations directly or delegate oversight to:
 - A council committee.
 - An independent auditor or investigator.
 - External legal counsel or other experts.

2. Engagement of Experts:

- Experts in legal, financial, or operational matters may be engaged to ensure thorough investigations.

3. Confidentiality:

- All investigative proceedings are to be treated as confidential until the Council determines appropriate public disclosure.

4.3. Investigative Procedures

1. Subpoena Power:

- Subpoenas may be issued by the Council or its designated committee to compel testimony, records, or other evidence.

2. Interviews and Testimony:

- Witnesses may be called to testify under oath, with protections afforded under state and federal laws.

3. Document Review:

- Investigators may request access to relevant records, including financial documents, communications, and contracts.

4. Collaboration with Other Agencies:

- The Council may request assistance from local, state, or federal agencies when appropriate.

4.4. Reporting and Recommendations

1. Interim Reporting:

- Investigators must provide regular updates to the Council or oversight body on the progress of the investigation.

2. Final Report:

- A comprehensive report must summarize findings, identify areas of concern, and recommend corrective actions or reforms.

3. Public Disclosure:

- The final report, or an executive summary, will be made available to the public unless confidentiality is required for legal or privacy reasons.

5. Policy Outcomes

Investigations conducted under this policy may result in:

1. Corrective Actions:

- Administrative reforms or disciplinary actions to address identified issues.

2. Policy Recommendations:

- Changes to city policies, ordinances, or procedures to prevent future occurrences.

3. Legal Referrals:

- Referral of findings to law enforcement or regulatory agencies for further action.

4. Transparency Initiatives:

- Recommendations for improved public access to city information and decision-making processes.

6. General Guidelines

1. Fairness and Integrity:

- Investigations must be conducted impartially and free from political influence.

2. Compliance with Laws:

- All actions taken under this policy must comply with local, state, and federal laws, including public records and whistleblower protection statutes.

3. Budget Considerations:

- Funding for investigations may come from the city's general fund or other approved sources.

7. Oversight and Review

1. Ethics Review:

- The City Council Ethics Committee may review investigative practices to ensure fairness and legality.

2. Policy Review:

- This policy will be reviewed annually and updated as needed to reflect best practices and lessons learned.

8. References

- Stockton City Charter.
- California Public Records Act.
- Applicable federal and state laws governing subpoenas, whistleblower protection, and public accountability.

Adopted by the Stockton City Council on: [Insert Date]

Signed by: [Insert Mayor/City Clerk Name]